

Rajasthan Compulsory Registration of Marriages Act, 2009

RAJASTHAN

India

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Act 16 of 2009

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Rajasthan Compulsory Registration of Marriages Act, 2009 (Act No. 16 of 2009) RJ70 Received the assent of the Governor on the 10th day of September, 2009 An Act to provide for compulsory registration of marriage in the State of Rajasthan and matters therewith and incidental thereto. Be it enacted by the Rajasthan State Legislature in the Sixtieth Year of the Republic of India, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Compulsory Registration of Marriages Act, 2009. (2) It shall extend to the whole of the State of Rajasthan. (3) It shall come into force on the date of its publication in the Official Gazette

2. Definitions.

- In this Act, unless the subject or context otherwise requires - (a) "Certificate of marriage" means a certificate of marriage issued under Section 9; (b) "Marriage" includes remarriage; (c) "Memorandum" means the Memorandum for registration of marriage mentioned in Section 7; (d) "Register" means a register of marriage mentioned under Section 13; (e) "Registrar" means the Registrar of Marriages appointed under Section 4; (f) "District Marriage Registration Officer" means the District Marriage Registration Officer appointed under Section 5; (g) "Registrar General" means the Registrar General designated as such under Section 6; (h) "Solemnize" means to enter into a marriage in any form or manner; (i) "To submit." includes send by registered post acknowledgement due.

3. Registration of marriage to be compulsory.

- Registration of every marriage solemnized between the persons who are citizens of India in the State of Rajasthan after the commencement of this Act shall be compulsory.

4. Appointment of Registrar.

- The State Government may, by notification in the Official Gazette, appoint, either by name or by virtue of office, as many persons as it thinks necessary to be the Registrar of Marriages for such local areas as may be prescribed.

5. Appointment of District Marriage Registration Office.

- The State Government may, by notification in the Official Gazette, appoint, either by name or by virtue of office, District Marriage Registration Officer for the district concerned.

6. Registrar General.

- The State Government may, by notification in the Official Gazette, designate a senior officer of the concerned department as Registrar General of Marriages for the State of Rajasthan to monitor and review the effective implementation of this Act.

7. Memorandum for Registration of marriage.

- Memorandum for registration of a marriage shall be in such form, as may be prescribed.

8. Duty to submit the memorandum.

(1)The parties, or in case the parties have not completed the age of twenty one years, the parents or as the case may be, guardian of the parties, shall be responsible to submit the memorandum within a period of thirty days from the date of solemnization of the marriage to the Registrar within whose jurisdiction the marriage is solemnized or both or any of the parties resides.(2)A memorandum, which is not submitted within the time limit specified in sub-section (1), may be submitted at any time on payment of penalty as may be prescribed.

9. Registration of marriage and marriage certificate.

- On receipt of the memorandum completed in all respects, the Registrar shall register the marriage in the prescribed manner and shall issue a certificate of marriage in the prescribed form to the person who has submitted the memorandum.

10. Registration of marriage solemnized prior to the commencement of this Act.

- Notwithstanding anything contained in this Act, any marriage solemnized prior to the commencement of this Act may be registered on submitting a memorandum in the form prescribed under Section 7 and on payment of such fee as may be prescribed.

11. Non-registration not invalidate the marriage.

- No marriage shall be deemed to be invalid solely for the reason that such marriage has not been registered under this Act.

12. Penalty.

(1) Any person -(a) Who, being responsible to submit a memorandum under Section 8, fails to submit such memorandum within the period specified therein; or (b) Who makes any statement or declaration in a memorandum which is false in any material particular and which he knows or has reason to believe to be false, shall, on conviction, be punishable with fine as may be prescribed. (2) No prosecution for any offence punishable under this Act shall be instituted except by an officer authorized by the State Government in this regard.

13. Maintenance of the register and records.

- The Registrar shall keep and maintain a register of marriages in such form and in such a manner as may be prescribed and shall also maintain such other relevant records.

14. Register and record to be open for public inspection and certified copies of extracts to be given.

(1) The Register and the record maintained under this Act, on an application made to the Registrar and on payment of such fee, as may be prescribed, shall, at all reasonable time, be open for public inspection. (2) On an application being made in this behalf and on payment of such fee, as may be prescribed, the Registrar shall furnish to the applicant a copy of any extract of the Registrar or record maintained by him under this Act.

15. Registrar to furnish a copy of the certificate of marriage to the District Marriage Registration Officer.

- When the Registrar registers a marriage under this Act, he shall immediately thereupon send a copy of the certificate of marriage to the District Marriage Registration Officer which will be helpful for him to monitor and review the work of the registration of marriages.

16. Registrar to be the public servant

- Every Registrar and every employee in the office of the Registrar shall, while acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

17. Indemnity.

- No suit, prosecution or other legal. proceeding shall be instituted against any person for anything which is done or intended to be done in good faith under this Act or the rules made thereunder.

18. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government, by notification in the Official Gazette, make such orders, not inconsistent with the provisions of this Act, as appear to it necessary or expedient for removing the difficulty. (2) Every order made under this Section shall, as soon as may be after it is made, be laid before the State Legislature while it is in session.

19. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may be provided for all or any of the following matters, namely:-(a) the form of memorandum; (b) fee to be accompanied with the memorandum; (c) the form of the certificate of the marriage; (d) the form of the Register and the manner in which such register shall be maintained; (e) other record which shall be kept and maintained by the Registrar and the form and manner in which such record shall be maintained. (f) fee for the inspection of the register and other records; (g) the form of the application and the fee for grant of the certified copies of the extracts of the register and other records. (h) any other matter which is to be or may be prescribed by the State Government for carrying out the purposes of this Act. (3) All rules made under this Act shall be laid, as soon as may be, after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following the House of the State Legislature makes any modification in any such rules or resolves that any such rules should not be made, such rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done thereunder.

20. Act not to apply to certain marriages.

- This Act shall not apply to marriages solemnized under the Indian Christian Marriage Act, 1872 (Central Act No. 15 of 1872), the Parsi Marriage and Divorce Act, 1936 (Central Act No. 03 of 1936) or the Special Marriage Act, 1954 (Central Act No. 42 of 1954).

21. Repeal and Savings.

- (1) Guidelines for compulsory registration of marriage issued by the Home Department vide order No. P. 6(19) Home-13/2006 dated 22.05.2006 are hereby repealed. (2) Notwithstanding such repeal

all the marriages registered in accordance with such guidelines shall be deemed for all purposes the marriages registered under the provisions of this Act and all the certificates issued under the said guidelines shall be deemed to have been issued under the provisions of this Act.