

The Chhattisgarh Compulsory Registration of Marriages Rules, 2006

CHHATTISGARH

India

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Rule

THE-CHHATTISGARH-COMPULSORY-REGISTRATION-OF-MARRIAGE of 2006

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The Chhattisgarh Compulsory Registration of Marriages Rules, 2006 Published vide Notification No. 13401/21-Vetting/C.G./2006, C.G. Rajpatra (Asadharan), dated 20-11-2006 at pp. 584 (8)-(16) In exercise of the powers conferred by the Entries 5 and 30 of List III (Concurrent List) of Schedule VII of Constitution of India and the directions given by Hon'ble Supreme Court of India in T.P. No. 291/2005 Seema v. Ashwani and in view to take effective steps to restrain Child Marriage and Proper Custody of Children, to ensure the rights of Children born from the wedlock of the spouses, (Proposed rules having been published vide Department Notification No. 11456/XXI-Vet/C.G./06, dated 14-9-06 inviting objections and suggestions), the State Government hereby makes the following rules, namely :-

1. Short title, extent and commencement.

(1) These Rules may be called the Chhattisgarh Compulsory Registration of Marriages Rules, 2006. (2) It extends to the whole State of Chhattisgarh. (3) It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Chief Registrar" means the Chief Registrar appointed under Rule 3; (b) "Collector" means the Collector of the District; (c) "Government" means State Government of Chhattisgarh; (d) "Local area" means the area comprising of Gram Panchayat or Municipality or Municipal Corporation as the case may

be;(e)"Local Authority" means Gram Panchayat or Municipality or a Municipal Corporation as the case may be;(f)"Marriage" means and includes all marriages solemnized, performed or contracted between a male and a female, irrespective of the religion or caste of either party to the marriage, and also includes marriages performed as per law, custom practice or any tradition of either party to the marriage and includes a re-marriage;(g)"Memorandum" means a memorandum of marriage referred to in Rule 4;(h)"Priest" means any person who solemnizes marriage;(i)"Register" means the Register of marriages maintained under the rules;(j)"Registrar" means Registrar under the provision of sub-rule (2) of Rule 3 of the Rules.

3. Appointment of Chief Registrar and Registrar.

(1)The State Government may, by notification appoint any Officer as Chief Registrar for the State.(2)Local Authority shall be the Registrar for its local area for the purpose of these Rules.

4. Registration of Marriage.

(1)(a)From the date of coming into force of these Rules every marriage solemnized in the State shall be registered.(b)The parties to a marriage shall submit a memorandum in the Form specified in Schedule "A" and shall deliver or send by registered post in duplicate to the Registrar of the area where marriage is solemnized or performed within a period of thirty days from the date of marriage.(c)The Registrar of Marriage may accept memorandum of the marriage beyond the limitation prescribed, if party to the marriage establishes that he was prevented by any cause beyond his control.(d)After examining the memorandum submitted by the parties Registrar shall enter the entries of the memorandum in the register specified in Schedule "C".(e)Each memorandum filled in the Register shall be treated as a separate entry and each entry shall be numbered in a consecuting series which will commence and terminate with each calendar year, a fresh series being commenced with the beginning of each year.(f)The Registrar shall send the records of all marriages in form specified in Schedule "B" to the Chief Registrar.(2)Where the Registrar, before whom the memorandum is submitted on scrutiny of the documents submitted with the memorandum or, on the other facts noticed or brought to his notice is satisfied or has reasons to believe that,-(a)the marriage between the parties is not performed in accordance with any law for the time being in force; or(b)the marriage between the parties is not performed in accordance with the personal law of the parties; or(c)the identity of the parties or the witnesses or the persons testifying the identity of the parties and the solemnization of the marriage is not established beyond reasonable doubt; or(d)the documents tendered before him do not prove the marital status of the parties, he may, after hearing the parties and recording the reasons in writing, refuse to register the marriage and may-(i)call upon the parties to produce such further information or documents as deemed necessary, for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him, or(ii)if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.(3)Where on further verification as provided in sub-rule (2), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons and send the duplicate copy to the Chief Registrar.

5. Appeal against the order of Registrar.

(1) Any person aggrieved by the order of the Registrar refusing to register the marriage under Rule 4 may within a period of thirty days from the date of receipt of such order, appeal to the Collector or an Officer nominated by him accompanied by fees of Rs. 30/-.(2) The Collector or the Officer nominated by him, after giving an opportunity of being heard to the parties pass an order in writing, recording the reasons, directing the Registrar to register the marriage or confirm the order of the Registrar.

6. Appeal to District Judge.

- Any person aggrieved by the order of the Collector or the Officer nominated by him may, within a period of thirty days from the date of the order, appeal to the District Judge within the local limits of whose jurisdiction the Registrar of Marriages has his office and the decision of the District Judge shall be final.

7. Register of Marriages.

(1) The Registrar shall maintain a Register of marriages solemnized/performed in the local area for which he is appointed, in such form as specified in Schedule "C" and enter description given by parties in memorandum and authenticate the same and send a copy of the entry to the Chief Registrar.(2) The Registrar shall issue a certificate of the Registration of the marriage to the parties in the form shown in the Schedule "D".

8. Register to be open for public inspection.

- The Registrar of marriages shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall, on application, be given by the Registrar to the applicant on payment of fees of Rs. 20/-.

9. Non-Registration of marriages.

- No marriage performed to which these Rules apply shall be deemed to be invalid solely by reason of the fact that it was not registered under the Rules.

10. Procedure to be followed by the Registrar upon receipt of memorandum of marriage.

- The Registrar shall maintain a register of all marriages for which memorandum is submitted to him, and shall on receipt of the memorandum make an entry of the memorandum in the register, registering the marriage.

11. Responsibilities of employer etc. verification of marriage registration certificate.

- No employer or a Government or Semi-Government Authority or Company or Public Sector Undertaking or Local Authority shall carry out any change in their office record or in any office documents, such as change in the marital status or change of nomination, of its employee or in their dealing with any person, customer or client unless the employee or, as the case may be, the applicant, applying for carrying out or recording of such change, submits a certified copy of the certificate of registration of marriage granted under Rule 7 or granted under any other law for the time being in force.

12. Penalty for failing to submit memorandum.

- Whoever wilfully fails to submit the memorandum under Rule 4 shall be punished with fine which may extend to five hundred rupees.

13. Penalty for destroying or altering register.

- Whoever destroys, tampers the register or dishonestly submits false information, shall be punished with fine of Rupees two thousand, in addition to punishment awardable under any other law for the time being in force.

14. Registrar to be public servant.

- Every Registrar including the Chief Registrar shall be deemed to be a public servant within the meaning of Section 21 of Indian Penal Code (45 of 1860).

15. Indemnity to persons acting under these Rules.

- No suit, prosecution or other legal proceeding shall lie against the Registrar/Chief Registrar or any employee subordinate to him for anything which is in good faith done or purporting to be done under the rules.

16. Provision of these Rules to be in addition to and not in derogation of other laws.

- The provisions of these Rules are in addition to and not in derogation of any other law for the time being in force.

17. Power of State Government to give direction.

- The State Government may, from time to time, issue such directions not inconsistent with the

provisions of these rules, to the Chief Registrar, as it may deem fit in this regard, for the effective and smooth implementation of the provisions of the rules.

18. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of these rules, the State Government may, by order published in the official gazette, make such provisions not inconsistent with the provisions of these rules, as may be necessary for removing the difficulty.

"A"

Proforma of Memorandum[See Rule 4(b)]

1. (A) Name and address of the Male/Bridegroom.....

(B)Date of Birth.....(C)Name of
Father.....(D)Age at the time of
marriage.....(E)Whether marriage has been registered under any Rules, Act or
Priest, Kaaji or Church, Arya Samaj or any other Institution, if yes the registration No./date and
other details thereof.....(F)Residential
address.....Village/Mohalla.....Post
Office.....Police
Station.....District.....(G)Status:
Unmarried/Widower/Divorcee.....

2. (A) Name and address of the female/Bridcgroom.....

(B)Date of Birth.....(C)Name of
Father.....(D)Age at the time of
marriage.....(E)Whether marriage has been registered under any Rules, Act or
Priest, Kaaji or Church, Arya Samaj or any other Institution, if yes the registration No./date and
other details thereof.....(F)Residential
address.....Village/Mohalla.....Post
office.....PoliceStation District.....(G)Status :
Unmarried/Widower/Divorcee.....

3. (A) Date of marriage.....

(B)Place of marriage.....(C)Village/Mohalla.....Post
Office.....Police
Station.....District.....

4. Kind of marriage (Hindu/Muslim/Christian/Arya Samaj/ Gandharv etc.)

Place.....Date.....()Signature of Male/Bridegroom()Signature of Female/Bride.

"B"

[See Rule 4 (f)](1)Name of the parties.....(2)Date of filing of application.....(3)Registration No.....(4)If not registered the reasons thereon.....(5)Remarks.....RegistrarMarriage

"C"

[See Rule 7(1)]Proforma of the Marriage Register

S.No.	Date of receipt of application	Name & Address of Bridegroom	Date of birth	Age on the date of marriage
(1)	(2)	(3)	(4)	(5)
Status of the party on the date of marriageunmarried/widower/divorcee		Name & Address of Bride	Date of Birth	Age on the date of marriage
(6)		(7)	(8)	(9)
				Status of the party on the date of marriageunmarried/widower/divorcee
				(10)
Date of Marriage	Place of Marriage	Mohalla/Police Station, Tehsil, District	Result/Order of the Registering Authority	Order of Appellate Authority
(11)	(12)	(13)	(14)	(15)

"D"

[See Rule 7 (2)]Marriage Registration CertificateRegistration No.....It is hereby certified that Shree.....S/o..... aged..... resident of.....district..... and Smt..... d/o aged..... resident of.....district.....are tied in the knot of marriage on date.....Date.....Place.....Marriage Registering Authority(Seal)