

Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976

KARNATAKA

India

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Act 2 of 1984

- Published on 1 January 1984
- Commenced on 1 January 1984
- [This is the version of this document from 1 January 1984.]
- [Note: The original publication document is not available and this content could not be verified.]

Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976[Karnataka Act No. 2 of 1984]Last Updated 28th November, 2019Statement of Objects and Reasons. - At Present all marriage need not be registered. Registration will provide proof of marriage and consequently will limit the scope for avoidable litigation. It is therefore proposed to provide for compulsory registration of all marriages.Dowry and wasteful pageantry have become pernicious incidents of marriages. Inspite of the Dowry Prohibition Act, 1961 (Central Legislation), dowry is still playing havoc. Similarly the pomp and pageantry, involving as they do lavish expenditure. It is necessary to provide for stringent measures to eliminate the said evils. Therefore, it is proposed to make dowry prohibition more rigorous and to tax marriage involving lavish expenditure.In order to achieve the aforesaid provisions are made in the Bill for-(1) compulsory registration of all marriages by a simple procedure of applying for registration by post;(2) expandign the scope of the expression dowry to include various froms of seeking it and penalising the demand and taking of dowry;(3) making contravention of dowry prohibition a cognizable offence;(4) placing in prosecutions for contravention the burden of proof on the accused;(5) imposing disability to hold certain public offices on the culprit; and(6) levying a luxury tax on a slab basis where the expenses of any marriage exceeds Rs. 5,000.The Bill incidentally makes provisions to encourage inter-caste marriages and restricts the serving of food in connection with a marriage.(Received the assent of the President on the Fifteenth day of July, 1983)An Act to provide for uniform law for registration of marriages and certain other matters in the State of Karnataka.Whereas it is expedient to provide for compulsory registration of marriages, to prohibit giving or taking of dowry, to provide for the levy of luxury tax on certain marriages and for certain other matters connected therewith;Be it enacted by the Karnataka State Legislature in the Twenty seventh Year of the Republic of India as follows:-

Chapter I

Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976. (2) It extends to the whole of the State of Karnataka. (3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.

- In this Act unless the context otherwise requires, - (a) "appointed day" means the date notified under sub-section (3) of section 1; (b) "to contract a marriage" means to solemnize or enter into a marriage in any form or manner; (c) "dowry" means any property (including cash) or valuable security given or agreed to be given either directly or indirectly, - (i) by one party to a marriage to the other party to the marriage; or (ii) by the parents of either party to marriage or by any other person, to either party to the marriage or to any other person, at or before or after the marriage as consideration for the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies. Explanation. - (1) For the removal of doubts, it is hereby declared that, - (i) any presents made at, before or after a marriage in the form of cash, ornaments, clothes or other articles, the total value of which does not exceed five hundred rupees shall not be deemed to be dowry within the meaning of this section unless they are made as consideration for the marriage of the said parties; (ii) any person financially assisting a boy, whether related to him or not, either in his education, business or otherwise with the intention of giving his daughter or any other relation in marriage to such boy shall be deemed to give and the boy so receiving such assistance shall be deemed to receive, dowry; (2) The expression "valuable security" has the same meaning as in section 30 of Indian Penal Code; (d) "expenses of marriage" in relation to a marriage means all expenses incurred in connection therewith by the parties to the marriage and the person celebrating it; (e) "marriage" includes remarriage; (f) "marriage tax" means the luxury marriage tax payable under section 12; (g) "marriage tax officer" means the Luxury Marriage Tax Officer appointed under section 13; (h) "memorandum" means a memorandum of marriage mentioned in section 5 and 6; (i) "register" means a register of marriages maintained under this Act; (j) "registrar" means a Registrar of Marriages appointed under section 4; (k) "Registrar General" means the Registrar General of Births, Deaths and Marriages appointed under any law for the time being in force relating to the registration of births, deaths and marriages.

Chapter II

Registration of Marriage

3. Every marriage to be registered.

- Every marriage contracted in the State on or after the appointed day shall be registered in the manner provided in this Act.

4. Appointment of Registrar of Marriages, etc.

(1) For the purpose of this Act, the State government may, by notification, appoint, as may Registrars of Marriages as it thinks necessary for such area or areas as may be specified in the notification. (2) The Registrar shall maintain in the prescribed manner a register of marriage and such other registers as may be prescribed.

5. Memorandum of marriages.

(1) The parties to a marriage shall, prepare and sign a memorandum in the form specified in Schedule A and deliver or send by registered post the said memorandum in duplicate to the Registrar or the area in which the marriage was contracted, within a period of thirty days from the date of marriage. (2) The memorandum shall be accompanied by the prescribed fee in the form of court fee stamps and shall be attested by a prescribed person. (3) On receipt of the memorandum, the Registrar shall file the same, enter the particulars thereof in the register, send the duplicate copy thereof to the Registrar General and issue a marriage certificate in such form and manner as may be prescribed.

6. Memorandum of marriage submitted after thirty days, etc.

(1) The Registrar may suo-motu or otherwise issue notice to the parties to a marriage which has not been registered under this Act, to appear before him and get the memorandum of marriage signed and delivered with the prescribed fee in such manner and within such time as may be specified in the notice. (2) On receipt of a memorandum under sub-section (1) the Registrar shall file the same, enter the particulars thereof in the register, send the duplicate copy thereof to the Registrar General and issue the marriage certificate as provided in section 5. (3) Nothing contained in sub-section (1) shall affect the liability of any person under the provisions of section 17.

7. Register to be open for public inspection.

- The register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts therefrom shall, on application, be given by the Registrar on payment of the prescribed fee. The entries in the memorandum or the register or the certified extract thereof or the marriage certificate issued under section 5 or section 6 shall be admissible in evidence and be proof of the statement contained therein.

8. Non-registration not to invalidate the marriage.

- No marriage contracted in the State shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum was not delivered or sent to the Registrar or that such memorandum was defective, irregular or incorrect.

Chapter III

Dowry

9. Giving or taking of dowry prohibited.

- No person shall, after the appointed day, demand, give or take or abet the demanding, giving or taking of dowry.

10. Agreement for giving or taking to be void.

- Any agreement whether written or otherwise for giving or taking of dowry shall be void.

11. Dowry to be for the benefit of the wife or her heirs.

(1)Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman,-(a)if the dowry was received before marriage, within one year after the date of the marriage; or(b)if the dowry was received at the time or after the marriage, within one year after the date of its receipt; or(c)if the dowry was received when the woman was a minor, within one year after she has attained the age of eighteen years and pending such transfer shall hold it in trust for the benefit of the woman.(2)Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being.(3)Nothing contained in this section shall affect the liability of any person holding it for the time being.

Chapter IV

Luxury Marriage Tax

12. Levy of luxury marriage tax.

(1)Every marriage including any function connected therewith celebrated after the appointed day, the expenses of which exceed five thousand rupees, shall be considered to be a luxury marriage and there shall be levied and collected by the State Government from the parties to such marriage and the persons celebrating such marriage a tax called luxury marriage tax at the rate specified in Schedule B.(2)For the purpose of this section and clause (d) of section 2, the parents or the guardians of the parties to the marriage shall, unless it is proved otherwise, be deemed to be persons

who celebrated the marriage.

13. Levy and collection of marriage tax.

(1)The State Government may by notification appoint, for the purposes of levying and collecting the marriage tax payable under section 12, as many Luxury Marriage Tax Officers as it may think necessary and the officers so appointed shall have jurisdiction within such area or areas as may be specified in the notification.(2)Every person liable to pay marriage tax in respect of a marriage shall within a period of seven days from the date of such marriage furnish to the Marriage Tax Officer having jurisdiction a return indicating the expenses of the marriage in the prescribed form.(3)(a)If the Marriage Tax Officer is satisfied that the return submitted under sub-section (2) is correct he shall determine the amount of marriage tax payable on the basis thereof.(b)If any person liable to furnish a return under sub-section (2) either fails to furnish a return or furnishes a return which, in the opinion of Marriage Tax Officer, is incorrect or incomplete, such officer may, in such manner as may be prescribed, require any person to furnish such information and particulars, as he may deem necessary to determine the expenses of the marriage, and after giving the person or persons concerned a reasonable opportunity of being heard determine the expenses of the marriage and the amount of marriage tax payable by such person or persons.(4)A copy of the order made under sub-section (3) determining the amount of marriage tax payable shall be served on the person or persons liable to pay it and any person aggrieved thereby may, within thirty days from the date of such service, appeal to the prescribed authority who shall after giving the appellant an opportunity of being heard pass such orders as it thinks fit.(5)The person or persons liable to pay the marriage tax determined under sub-section (3) as modified in appeal, if any, under sub-section (4) shall be jointly and severally liable to the payment thereof and the same shall be recovered as arrears of land revenue.

Chapter V

Inter-Caste Marriage

14. Inter-caste marriage.

- Each party to an inter-caste marriage shall, subject to such rules as may be prescribed, be eligible for grant of one thousand rupees and for such other facilities as may be prescribed.Explanation. - 'Inter-caste marriage' means a marriage between two persons belonging to different religions or different castes of Hindus.

Chapter VI

Certain Restrictions

15. Restriction on preparation and consumption of foodstuffs in connection with marriages.

- No person shall, in connection with a marriage, on any one day, prepare, or serve, distribute or provide for consumption, or cause to be prepared or served, distributed or provided for consumption, any foodstuffs prepared from or containing cereals or pulses or sweet for more than five hundred persons including the members of the family of such person.

16. Presents prohibited.

(1) No person other than a party or parents of a party to a marriage shall give any present to a party or to the parents of a party to a marriage or to the person celebrating the marriage at the time of marriage or any other function or ceremony connected with the marriage of such party. (2) No party to a marriage or the parents of a party to a marriage or a person celebrating a marriage shall accept any presents prohibited by sub-section (1).

Chapter VII

Offences And Penalties

17. Penalty for omission to deliver or send memorandum under section 5 or for making false statement in memorandum.

(1) Any person who, - (a) after the appointed day, wilfully omits or neglects to deliver or send the memorandum as required by section 5; (b) makes any statement in a memorandum delivered or sent to the Registrar under section 5 or under section 6 is false in any material particular and which he knows or has reason to believe to be false, shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both. (2) The Registrar or any officer authorised by the State Government in this behalf may prosecute any person for an offence punishable under sub-section (1).

18. Penalty for failure to file a memorandum.

- Any Registrar who wilfully fails to file a memorandum delivered or sent to him or to make entries in the register as required by section 5 or section 6 shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both.

19. Penalty for secreting, destroying or altering register.

- Any person secreting, destroying or dishonestly or fraudulently altering the memorandum or the register or any part thereof shall, on conviction, be punishable with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

20. Penalty for giving, taking or demanding dowry.

- Any person, who, after the appointed day, -(a)gives or takes or abets the giving or taking of dowry;(b)demands, directly or indirectly, from the parents or guardians of a bride or bride-groom or any other person any dowry,shall, on conviction, be punishable with imprisonment which shall not be less than three months but may extend to one year and with fine which shall not be less than one thousand rupees but may extend to five thousand rupees.

21. Penalty for contravening provisions of section 11.

- Any person who fails to transfer any property as required by sub-section (1) of section 11 within the time specified therein, shall on conviction be punishable with imprisonment which shall not be less than three months but may extend to one year and with fine which shall not be less than one thousand rupees but may extend to five thousand rupees. Any such punishment shall not absolve the person from his obligation to transfer the property as required by sub-section (1) of section 11.

22. Penalty for depriving any party to a marriage of the rights and privileges of the marriage.

- If, after the marriage, for non-payment of dowry, any party to the marriage with or without the assistance of his parents or guardian or any other person, deprives the other party of the rights and privileges of marriage, or tortures or refuses to maintain the other party, he shall, on conviction be punishable with imprisonment which shall not be less than six months but may extend to one year or with fine which shall not be less than two thousand rupees but may extend to five thousand rupees or with both.

23. Penalty for omission to furnish return under sub-section (2) of section 13.

- Any person who being liable to furnish a return under sub-section (2) of section 13, wilfully omits or neglects to furnish a return as required by the said sub-section shall, on conviction, be punishable with imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

24. Penalty for contravening provisions of section 15.

- Any person who prepares, serves, distributes or provides for consumption or causes to be prepared, served, distributed or provided for consumption any sweet or foodstuff in contravention of section 15, shall on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

25. Penalty for contravening provisions of section 16.

- Any person contravening the provisions of section 16 shall on conviction be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

26. Offences to be cognizable and non-bailable.

(1)Every offence punishable under this Act, except those punishable under section 17, 22 and 23 shall be cognizable.(2)Every offence punishable under section 20 shall be non-bailable and non-compoundable.

27. Burden of proof.

- Notwithstanding anything in any other law, in a prosecution for an offence punishable under section 20 the burden of proving that he has not abetted given, taken or demanded dowry or that he has not the giving, taking or demanding dowry shall lie on the accused.

Chapter VIII

Miscellaneous

28. Protection of persons acting under this Act.

- No suit or prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

29. The Registrar to be a public servant.

- Every Registrar acting in pursuance of the provisions of this Act or rules or orders made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

30. Power to make rules.

(1)The State Government, may, by notification and after previous publication, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of following matters, namely:-(a)the duties and the powers of the Registrar;(b)the manner in which the memorandum shall be filed;(c)the registers or records required to be kept under this Act;(d)the custody in which the registers and records are to be kept and the preservation of such records;(e)powers and duties of the Marriage Tax Officers;(f)manner and procedure for the levy and collection of marriage tax;(g)manner of determining the expenses of a marriage;(h)rules subject to which grants may be made under section

14;(i)facilities that may be granted under section 14;(j)such other matter as is required to be prescribed under this Act;(k)any other matter for which there is no provision or no sufficient provision in this Act and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of the Act.(3)Every rule made under this section shall be laid as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modifications in the rule or both Houses agree that the rule should not be made, the rule 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 anything previously done under such rule.

31. Act to override other laws.

- The provisions of this Act and the Rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom usage, contract or decree or order of the Court or other authority.

32. Amendment of Mysore Act 69 of 1949.

- In the City of Bangalore Municipal Corporation Act, 1949 (Mysore Act 69 of 1949)-(1)for sub-section (1) of section 56, the following sub-section shall be substituted, namely:-"(1) A person who has been sentenced by a Criminal Court to,-(i)imprisonment for life or to imprisonment for a period of more than six months for any offence other than an offence of a political character or an offence not involving moral turpitude; or(ii)imprisonment of an offence punishable under section 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976such sentence not having been reversed or the offence pardoned, shall be disqualified for election or appointment as a councillor while undergoing the sentence and for five years from the date of expiration of the sentence";(2)in sub-section (1) of section 69-X, after clause (b), the following clause shall be inserted, namely:-"(c) offence punishable under section 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976."

33. Amendment of Karnataka Act 10 of 1959.

- In the Karnataka Village Pachayats and Local Boards Act, 1959 -(1)in sub-section (1) of section 11, for clause (c), the following clause shall be substituted, namely:-"(c) if he has been sentenced by a Criminal Court to imprisonment-(i)for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months; or(ii)for an offence punishable under section 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976,such sentence not having been subsequently reversed or remitted".(2)in sub-section (1) of section 103, for clause (a), the following clause shall be substituted, namely:-"(a) if he has been sentenced by a Criminal Court to imprisonment,-(i)for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months; or(ii)for an offence punishable under sections 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous

Provisions) Act, 1976, such sentence not having been subsequently reversed or remitted; or".

34. Amendment of Karnataka Act 22 of 1964.

- In the Karnataka Municipalities Act, 1964, for clause (a) of sub-section (1) of section 16, the following clause shall be substituted, namely: -"(a) if he has been sentenced by a Criminal Court to imprisonment, -(i) for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months; or (ii) for an offence punishable under sections 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976, such sentence not having been reversed or quashed or the offence pardoned, or".

35. Amendment of Karnataka Act 27 of 1966.

- In the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 for clause (b) of sub-section (2) of section 16, the following clause shall be substituted, namely: -(b) if he has been sentenced by a Criminal Court to imprisonment, -(i) for an offence which involves moral turpitude and which is punishable with imprisonment for a term exceeding six months; (ii) for an offence punishable under sections 20, 21 or 22 of the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976, such sentence not having been subsequently reversed or remitted; or".

36. Repeal and savings.

- The Bombay Registration of Marriage Act, 1953 (Bombay Act 5 of 1954) as in force in the Belgaum Area is hereby repealed: Provided that the provisions of section 6 of the Karnataka General Clauses Act, 1899 (Karnataka Act 3 of 1899) shall be applicable in respect of such repeal and sections 8 and 24 of the said Act shall be applicable as if the said enactment had been repealed and re-enacted by this Act.

A

(See section 5) Memberandum of Marriage

1. Date of marriage
2. Place of marriage (with sufficient Particulars to locate the place)
3. (a) Name of the bridegroom
(b) His age
(c) Residential address
(d) Status of the bridegroom at the time of marriage whether unmarried widower/divorced
(e) Signature of the bride- groom with date.

4. (a) Name of the bride
- (b) Her age
- (c) Residential address
- (d) Status of the bride at the time of marriage whether unmarried / widow / divorced
- (e) Signature of the bride with date.

5. (a) Full name of the father or guardian of the bride- groom.

- (b) His age
- (c) Residential address
- (d) Signature of the father or guardian of the bride- groom, with date if he is a consenting party.

6. (a) Full name of the father or guardian of the bride.

- (b) His age
- (c) Residential address
- (d) Signature of the father or guardian of the bride, with date if he is a consenting party

7. (a) Name of the witnesses (1) (2)

(b) Addresses of the witnesses with the name of the father (1) (2)

(c) Signature of the witnesses with date. (1) (2)

Attested
(Prescribed
Person)

Signature Designation
name Address

Date

Place

Received by Post / in person on

.....

Date

Seal Registrar

B

(See Section 12)

- (1) Where the expenses of marriage exceed Rs.5,000.00 but does not exceed Rs. 10,000.00. 10 percent of the amount by which the expenses exceed Rs.5,000.00
- (2) Where the expenses of marriage exceed Rs. 500.00 plus 25 percent of the amount by

Rs.10,000.00 but does not exceed Rs. 20,000.00. which the expenses exceed Rs. 10,000.00

(3) Where the expenses of marriage exceed Rs. 3,000.00 plus 40 percent of the amount by
Rs.20,000.00 but does not exceed Rs. 50,000.00. which the expenses exceed Rs. 20,000.00

(4) Where the expenses of marriage exceed Rs. 15,000.00 plus 60 percent of the amount by
Rs.50,000.00. which the expenses exceed Rs. 50,000.00

Notification Department of Women & Child Development hereby notifies that, section 3,4,5,6,7,8 of
chapter II, section 17,18,19 of chapter VII, and section 29,30 & 31 of chapter VIII of Karnataka
Marriage (Registration and Miscellaneous Provisions) Act, 1976 will come into force with effect from
1.1.2004.