

The Jharkhand Compulsory Registration of Marriages Act, 2017

JHARKHAND

India

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Rule

THE-JHARKHAND-COMPULSORY-REGISTRATION-OF-MARRIAGES-A of 2017

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The Jharkhand Compulsory Registration of Marriages Act, 2017Preface. - Currently there are Acts like Special Marriage Act, 1954, Hindu Marriage Act, 1955, Indian Christian Marriage Act, 1872, Anand Marriage Act, 1909, Kazi Act, 1880 for the registration of marriage of citizen of country. But under none of these Acts, the registration of marriage is compulsory. Compulsory Marriage Registration Act will do away the evils of child marriage and polygamy. Besides, it will strengthen the social condition of women in the society which will be in the interest of State as well as its citizens. Be it enacted by the Legislature of the State of Jharkhand in the Sixty-eight Year of the Republic of India as follows:-

Chapter I Preliminary

1. Short title, extent and commencement.

(a) This Act may be called the Jharkhand Compulsory Registration of Marriages Act, 2017. (b) It shall come into force on such date as the State Government may by notification in the official Gazette, publish. (c) It shall extend to the whole of Jharkhand State.

2. Application of the Act.

- This Act applies to all marriages solemnized, on or after the coming into effect of this Act, wherein both or one of the parties is a citizen of India and resides in Jharkhand.

3. Definitions.

(1) In the Act, unless the context otherwise requires.-(a) "Marriage" means and includes all marriages solemnized between a male and a female, irrespective of the religion or caste of either party to the marriage and also includes a remarriage under any of the following Act, custom or laws, namely:-(i) the Special Marriage Act, 1954; (ii) the Hindu Marriage Act, 1955 (25 of 1955); (iii) the Indian Christian Marriage Act, 1872 (15 of 1872); (iv) the Muslim Personal Law (Shariat) Application Act, 1937 (26 of 1937); (v) the Anand Marriage Act, 1909 (7 of 1909); (vi) the Kazis Act, 1880; (vii) the Foreign Marriage Act, 1969; or (viii) the Parsi Marriage and Divorce Act, 1936; (ix) any other custom or personal law relating to marriage. (b) "Local authority" means Gram Panchayat or Municipality or Municipal Corporation as the case may be; (c) "Government" means Government of Jharkhand; (d) "Foreign national" means any person who is not a citizen of India and shall include Persons of India Origin (PIO) and Overseas Citizens of India (OCI). (e) "Register" means a register of marriages maintained under this Act.

4. Application of other laws not barred.

- Save as otherwise provided, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force, except to the extent the provisions of other laws are inconsistent with any provisions of this Act.

5.

The State Government may by notification in the official Gazette make rules for carrying out the purposes of this Act for all any of the matter mentioned below. (a) The form of submitting online application for Compulsory Marriage Registration. (b) The fee, fine and penalty to be paid under this Act and the manner of its payment. (c) The condition and circumstances in which entries may be corrected or cancelled regarding marriage registration. (d) Any other matter required to be prescribed by or under this Act. Every rule made under this Act shall be laid as soon as may be before the State Legislature for its approval.

Chapter II

Registration authorities

6. Registrar General-Marriages.

(1) The State Government may, by notification in the official Gazette designate an officer as Registrar General of Marriages for the State of Jharkhand to monitor and review the effective implementation of this Act. (2) The State Government shall also appoint such other officers with such designations as it thinks fit for the purpose of discharging duties under the superintendence and direction of the Registrar General and such other functions of the Registrar General under this Act as he may, from time to time, authorize them to discharge. (3) The Registrar General shall be the chief executive

authority in the State for carrying into execution the provisions of this Act and the Rules and Orders made thereunder subject to the directions, if any, given by the State Government.(4)The Registrar General shall take steps, by the issue of suitable instructions or order, to co-ordinate, and supervise the work of registration of marriages in the State and for securing an efficient system for Marriage Registration within the State.

7. Chief Registrar of Marriages.

(1)The State Government shall appoint Deputy Commissioner as Chief Registrar of Marriage for each revenue district who shall, subject to the general control and direction of the Registrar General, discharge such functions as the Registrar General may authorize them to discharge.(2)The Chief Registrar of Marriage shall superintend, subject to the direction of the Registrar General the Registration of marriages in the district and shall be responsible for carrying into execution in the district, the provisions of this Act and the orders of the Registrar General issued from time to time for the purposes of this Act.

8. Registrar Marriages.

(1)In urban area, the task of compulsory marriage registration will be done by those officers of urban local bodies i.e. Municipal Corporation, Municipality, Notified Area Committee, Nagar Parishad etc. who register the birth and death in their jurisdiction or such other officers whom the State Government may notify. While in rural area, this task will be done by those officers who register birth and death in their jurisdiction i.e. Panchayat Sevaks, or such other officer as the State Government may notify.(2)Every Registrar of Marriage shall have an office in the local area for which he is appointed.(3)Every Registrar of Marriage shall attend his office for the purpose of registering marriages on such days and at such hours as the Registrar General may direct and shall cause to be placed in some conspicuous place on or near the outer door of his office, a board bearing in English, Hindi and the local language, if any, his name and designation, namely Registrar of Marriages, for the local area for which he is appointed, and the days and hours of his attendance.

9. Appointment or re-designation of existing authorities.

(1)The State Government as the case may be shall, by suitable notification:-(a)Appoint or re-designate any person or authority, as the Registrar General or Chief Registrar of Marriage or Registrar Marriage.(b)Appoint or re-designate any person or authority competent to register marriages under this Act or under any other of law or by practice, a registrar for a particular local area and/or persons' belonging to any particular community residing in a particular local area.(2)All persons and authorities appointed or re-designated under the provisions of this Act shall discharge their functions relating to registration of marriages in accordance with the provisions contained in this Act.

10. Jurisdiction of Registrars.

- (i) In both rural and urban area, the jurisdiction for registration of compulsory marriage will have the same territorial limit, as is fixed for registration of birth and death. (ii) Every Registrar of Marriage shall be empowered to register a marriage solemnized within the local area of his jurisdiction or a marriage solemnized outside his jurisdiction, between persons at least one of whom is resident within his jurisdiction.

Chapter III

Registration of Marriages

11. Compulsory registration of marriages.

(1) After the commencement of this Act, it shall be compulsory for all citizen residing in Jharkhand, whose marriage has been solemnised in the jurisdiction of a particular Marriage Registrar or if the marriage is solemnised outside the jurisdiction of Marriage Registrar but either of the parties of marriage is a resident of the particular Marriage Registrar jurisdiction, to get their marriage registered before the office of that Marriage Registrar. (2) Provided that in case of any marriage, where one of the parties is Non-Resident Indian or Foreign National, it shall be mandatory for such parties to disclose and mention in writing, his/her passport number, name of country from which it has been issued and its period of validity, besides his/her permanent residential/official address in the country of current overseas abode and his/her valid, present social security number or any such similar other identification proof officially issued by the country of foreign abode, which information shall be entered in the certificate of marriage as also in the marriage register. (3) Provided that a marriage registered under any other enactment relating to registration of marriage for the time being in force, need not be registered under this Act: Provided further that nothing contained in any other Act or law shall preclude the parties to a marriage from registering their marriage under the provisions of this Act. (4) It shall be a duty of both the parties to the marriage to take all necessary steps for compulsory registration of marriage.

12. Conditions relating to registration of marriage.

- For the registration of marriage the following conditions need to be fulfilled: - (i) The bride must have completed 18 years of age and bride groom 21 years. (ii) Neither party should have a spouse living, unless specifically provisioned in the personal law of the party. (iii) Neither of them should be mentally insane or lunatic. (iv) Neither parties should be within degree of prohibited relationship. (v) Neither of them should be incapable of giving a valid consent to it in consequence of unsoundness of mind. (vi) Either of the parties must be a citizen of India and a resident of the jurisdiction of concerned marriage officer or the marriage should have been solemnized in that jurisdiction.

13. Procedure for registration of marriage.

(a) All application for compulsory registration of marriage may be submitted online or in prescribed format as Form-I in the Annexure before the Registrar of Marriages of that particular jurisdiction. Date and time may be fixed for appointment for the personal appearance of applicant and witnesses. (b) For this purpose, parties of marriage will be required to fill online the application form having details such as name, photographs, age, dwelling place, profession, date of marriage, place of marriage, Aadhar Number, Mobile number or such other details as the department may require of both the parties of marriage. (c) In rural areas, with the application, the parties will attach a certificate from the level of respective Mukhiya or Sarpanch or any Gazetted Officer or such other person as the State Government may notify, mentioning that "I hereby certify that, the marriage of Mr. and Mrs..... has been solemnized on..... Date. While in urban areas, the parties will be required to attach a certificate from the level of Ward Commissioner, any Gazetted Officer or such other person whom the State Government notifies, mentioning that "I hereby certify that the marriage of Mr. and Mrs..... has been solemnized on..... Date. (d) The applicants will be required to upload the abovementioned certificate, wedding photos, wedding card or certificate of marriage from priest, Kazi etc., age proof, Residence proof, Adhaar card or such documents as the department may require at the time of submission of online application. (e) At the time of submission of application for compulsory registration of marriage, a fine/late fee, as prescribed by the State Government shall also be paid online. (f) After the successful submission of application, an ID will be generated and the applicants will be able to track the status of their application, through this ID. (g) The Registrar of Marriage shall examine with his user ID and Password the application online, and if he finds any defect in the application he will communicate to the parties online for its rectification within one month of the submission of application. He will also communicate the parties, about the objection raised by anyone regarding their marriage. (h) After one month, if the parties don't receive any communication regarding the rectification of any mistake or regarding any objection to the registration of marriage, they will appear before the Registrar of Marriage for the registration of their marriage. (i) In the office of Marriage Registrar, all documents, regarding applicant's age, dwelling place, identity Certificate from the level of Mukhiya/Ward Commissioner, etc. will be examined. If the Registrar of Marriages finds everything proper, the photograph of the applicants along with 3 witnesses will be captured and the certificate of marriage will be generated online by the Registrar of Marriages. The applicant will be able to download the certificate of marriage issued by the Registrar of Marriage. (j) Each office of the Registrar would endeavour to provide a prior appointment on a designated date and time for the personal appearance of the applicant along with the witnesses either telephonically, through a text message (sms), email or other alternative means giving no less than one day advance notice to the applicant. (k) The applicant would have the choice of adopting a paper based process wherein the prescribed application and other proofs as mentioned in 12(C)(D) may be submitted to the Registrar in paper form. The payment of all fees shall be made online at the time of submission of application at the treasury or such authorized service outlets. (l) The applicant would be able to submit the application through the Common Service Centers, or other service outlets authorized/notified by the Government. (m) Registrar shall receive and scrutinize application in Form-I for registration of marriages and ensure that all the documents required (as detailed in Form-I) with the application have been received. On being satisfied with the genuineness of the documents submitted, the

Registrar shall register the marriage by making entry in the prescribed register as per Form-II.(n)In case of marriage of any indian citizen solemnized in India with a person of foreign domicile the Registrar shall verify such domiciliary status from the embassy of the country of which he/she claims to be citizen.(o)For offline Marriage the parties to a marriage shall prepare and sign memorandum on prescribed form and deliver the same in duplicate to the Registrar of the area concerned within a period of 1 year from the date of marriage, who will publish it on the notice board of office so that if anyone of has objection, he could lodge it.(p)At the time of personal appearance the following documents are required as proof of marriage:(a)At least two wedding photos, wedding card or certificate from religious institution or priest who solemnized the wedding or Nikah Naama or Certificate from Anand Karaj in Gurudwara's.(b)Three Joint photos of husband and wife (3 inch x 2 inch photographs i.e. two for marriage certificate and one for office record).(c)The documents/certificates mentioned in para 12(c)(d).

14.

Where on scrutiny of the documents, the Registrar concerned is satisfied that there is no objection to registering the marriage, he shall register the same within the period as may be prescribed by making an entry in the register, as at Form-II.(a)Registrar may call upon the parties to produce such further information of 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(b)If deemed necessary, he may also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.

15.

Whereas the Registrar before whom the memorandum/application form is presented, on scrutiny of the documents submitted with the application or, on the other facts noticed or brought to his notice, has reason to believe that:-(a)The marriage between the parties is not performed in accordance with the Personal law of the parties; or(b)The identity of the parties of the witnesses or the persons testifying the identity of the parties and the solemnization of the marriage is not established beyond reasonable doubt; or(c)The documents tendered before him do not prove the marital status of the parties.

16.

The Registrar, after hearing the parties, refuse to register the marriage if it is not fit for registration and after recording the reasons in writing, in such event, the registrar shall send the duplicate copy thereof to the Chief Registrar of Marriage.

17.

Registrar shall register only those marriages for which the applicants fulfil all the conditions as stated above and the application for registration is presented within the stipulated period of one

year from the date of marriage.

18.

The Registrar shall issue two copies of the marriage registration certificate in Form IV, free of cost to the couple under his hand and seal.

19.

The Registrar shall send an annual report to the Chief Registrar of Marriage, for each calendar year, by the 15th of January of the subsequent year.

20. Maintenance of Records and Certified Copy.

- (i) All records of online application, queries raised by the marriage registrar, all objections regarding marriage, all marriage certificates shall be preserved digitally while the records of offline application will be maintained in hard copy. (ii) At the time of issuing marriage certificate index relating to it having the particulars such as the name of both parties, address date of marriage registration etc. will be generated online. Parties to marriage will be permitted to search & inspect, on payment of cost prescribed in rules these indexes and obtain certified copy of marriage certificate online paying the required fees fixed by the State Government. Every other person will be permitted to view and inspect these index and obtain certificate from registrar of marriage subject to permission granted by registrar of marriage. The marriage registrar shall grant permission on finding that it is being used for genuine and reasonable purposes.

21. Objection to Marriage Registration.

- (i) Any person who wants to lodge an objection regarding the registration of marriage will be required to submit online a written complaint before the Registrar of Marriage along with an affidavit regarding the genuineness of his objection. (ii) This objection can be lodged within 15 days of the submission of marriage application along with the prescribed fee, if any. (iii) The Registrar Marriage will examine the objection and pass order within reasonable time.

22. Registration to be no proof of the validity of marriage.

- The registration of marriage under this Act shall not be a proof of the validity of marriage under any law. It shall only be proof of registration of marriage.

23. Time Limit of Compulsory Registration of Marriage.

- After the commencement of this Act, it shall be compulsory for all people mentioned in Section 10, to get their marriage registered in the office of Marriage Registrar of that particular jurisdiction, within one year of the solemnisation of marriage. But for those couple who have got their marriage

registered under any other Act such as Special Marriage Act, 1954, Hindu Marriage Act, 1955, Anand Vivah Act, 1909, Kazi Act, 1880, Indian Christian Marriage Act, 1872, or any other Act for the time being in force, or marriage solemnized before commencement of this Act, the registration of marriage under this Act will be only optional and not compulsory.

24. Penalty.

- (i) A penalty of Rs 5/- per day, subject to a maximum of Rs 100/- will be levied from the parties at the time of marriage registration, in case of non-registration of marriage within time without reasonable cause. The Marriage Registrar may remit the fine on proper cause being shown.(ii)Any person who makes a false statement regarding his marriage or other details shall be punished which may extend upto Rs. 5,000/-. (iii) Making baseless and false objection about the registration of marriage shall also attract a penalty of Rs. 5,000/-. (iv) All Registrar of Marriages, who fail to register marriage without proper reason will be liable of departmental proceeding under their service rule.

25. Fee for Registration of Marriage.

- (i) All online/offline application for Compulsory Registration of Marriages will be submitted with online payment of Rs. 50/- as registration fee.(ii) No fee or late fine will be charged from the applicants, if either of the two, or both belong to Below Poverty Line category.(iii) A fee of Rs. 50/- to be paid online will be charged for getting the certified copy of a marriage certificate.(iv) For searching the indexes, a fee of Rs. 10/- per year will be charged from the applicant.

26. Certificate of Registration of Marriage to be Conclusive Proof of Marriage Registration.

(1) A Certificate of Registration of Marriage shall be conclusive proof of the marriage registration of the parties named in the certificate.(2) A Certificate of Registration of Marriage issued under this Act shall ordinarily be received by any court, Government office or public authority as proof of marriage between the persons named therein and the same shall be presumed De correct, unless the contrary is proved.

27. Appeal against the order of refusal of marriage registration.

- (i) All appeals against the order of refusal of Marriage registration by the Marriage Registrar shall be made before the Chief Registrar of Marriage within one month of the order of refusal.(ii) Appeals against the order of Chief Registrar of Marriage will be made before the Registrar General of Marriage, within one month of order.

28. Non registration of marriages.

- No marriage performed to which this act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.

29. Voluntary registration of Marriages.

- Persons married before the coming into force of this Act and whose marriage is not already registered under any other Act previously in force, may also register their marriage under this Act by following the procedure under the Act.

30.

The provision of this Act shall be in addition to and not in derogation of the provisions of Indian Christian Marriage Act, 1872, Anand Marriage Act, 1909, Hindu Marriage Act, 1955, Special Marriage Act, 1954, Kazi Act, 1880, Foreign Marriage Act, 1969, the Parsi Marriage and Divorce Act, 1936 or any other custom or personal law relating to marriage.

31. 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.

32. 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 to appear to it necessary or expedient for removing the difficulty.(2)Every order made under this section, as soon as may be after it is made be laid before the State Legislative while it is in session.

33. Power to make rules.

(1)The State Government may, by notification in the official Gazette, make rules for carrying and the purposes of this Act. Annexure-1 Application-cum- Verification Form

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Application-cum-Verification Form(for Marriage
Registration)>kj[k.M ljdkj/Government of Jharkhand

Joint Photograph
Husband and Wife

We hereby apply to the Government of Jharkhand, for registration of Marriage as per the particulars below{|-| Bridegroomoj| Brideo/kq|-| Name of applicantUID No. (*)|||-| Father's NameUID No. (optional)|||-| Mother's NameUID No. (optional)|||-| Nationality (Indian/foreign National/NRI) Yes/No|-| If yes give the passport No. (*)|-| Religion (*)|-| Full Address (*)|-| Mobile No./E-mail ID (optional)|-| Date of Birth (*)|-| Age at the time of Marriage (*)|-| civil condition at the time of|-| marriage (Marital status) (*)|-| Date of Marriage (*)|-| Place of Marriage (*)|-| Name of Witness (*)|-| Address of Witness (*)|}

We hereby declare that one of us has Indian Nationality andthat all the above details are complete and true to the best ofour knowledge and that we bear the liability of any

false information provided by us.

Date:-.....

Signature of Witnesses (i)

Signature

(ii).....

(iii).....

For Office use

Remarks: Full Name of

Place

Marriage Registrar..... Designation..... Date..... of Registrar

[] Note: - If any additional fields is/are required, the Annexure may be modified

accordingly. Form-II Certificate of Marriage issued under Compulsory

Marriage Registration Act, 2017 I (Name of Marriage Registrar) (office of Marriage Registrar) hereby

certify that Mr. (Name of Husband with address) and Mrs. (Name of wife with address), appeared

before me on this day of 20 and that each of them in my presence and in the presence of

three witnesses who have signed hereunder, have declared that a ceremony of marriage has been

performed between them on..... at..... and they have been living together as

husband and wife since the time of their marriage and in accordance with their desire to have their

marriage registered under this act, the said marriage has this day

of..... 20 is registered under Compulsory Marriage Registration Act,

2017, having effect from the date of marriage..... Name and Address of witnesses Sd/-

1.

.....

2.

.....

3.

..... Sd/- Marriage

officer Sd/- Husband Sd/- Wife Form-III Marriage Register

1. Name of Husband-..... Address-..... Adhaar no.-

Mobile No.- . Date of Birth-..... Religion-..... Citizenship-

Date of..... Marriage-..... Place of Marriage-..... Date of

Marriage Registration.....

**2. Name of Wife-..... Address- Adhaar no.- Mobile
No.-.....Date of Birth-.....:.....Religion-.....Citizenship- Date of
Marriage-.....Place of Marriage- Date of Marriage Registration.**