

# The M.P. Compulsory Registration of Marriages Rules, 2008

MADHYA PRADESH

India

## The M.P. Compulsory Registration of Marriages Rules, 2008

### Rule

### THE-M-P-COMPULSORY-REGISTRATION-OF-MARRIAGES-RULES-2008 of 2008

- Published on 23 January 2008
- Commenced on 23 January 2008
- [This is the version of this document from 23 January 2008.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Compulsory Registration of Marriages Rules, 2008Published vide Notification No. F. No. 6-2-2005-21-B (2), M.P. Rajpatra (Asadharan), dated 23-1-2008, at pp. 78 (6)-(11)Whereas, the Supreme Court of India in Transfer Petition (Civil) No. 291 of 2005, Smt. Seema v. Ashwani Kumar in its order dated the 14th February, 2006 and the 25th October, 2007 has directed to frame rules for compulsory registration of marriages of all persons irrespective of religion or caste of either party to the marriage;And, whereas, the State Government has considered it necessary that suitable rules should be framed in view of the said order;And, whereas, a draft of rules for compulsory registration of marriages was previously published by the notification of the Government of Madhya Pradesh, Law and Legislative Affairs Department 1. No. 6-2-2005-XXI-B (2), dated the 29th November, 2007 at pages 1141 to 1142 (11) of the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 30th November, 2007;And whereas, the objections and suggestions were invited till the 29th December, 2007 from all persons likely to be affected thereby;And whereas, the objections and suggestions received from the public with respect to the said draft rules have been duly considered by the State Government.Now, therefore, in exercise of the powers conferred by Section 50 read with Sections 4 to 14 of the Special Marriage Act, 1954 (No. 43 of 1954), the State Government hereby makes the following rules for compulsory registration of marriages, namely :-

### 1. Short title, extent, application and commencement.

(1)These rules may be called the Madhya Pradesh Compulsory Registration of Marriages Rules, 2008(2)They extend to the whole of the State of Madhya Pradesh.(3)These rules shall be applicable for the compulsory registration of marriages and do not override the previous rules or notification issued for registration of special marriages but do override the previous rules made under any other Act pertaining to registration of marriages.(4)They shall come into force from the date of

publication in the Official Gazette.

## **2. Definitions.**

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Special Marriage Act, 1954 (No. 43 of 1954); (b) "Marriage" means all marriages solemnized, performed or contracted between a male and female, irrespective of the religion or caste of either party to the marriage and includes marriages performed as per law, custom, practice or any tradition of either party to the marriage and also includes a re-marriage; (c) "Registrar of Marriages" means a Marriage Officer as specified in Section 3 of the Act and appointed under Rule 5 of these rules; (d) "Section" means a section of the Act. (2) The words and expressions used in these rules but not defined, shall have the same meaning as assigned to them in the Act.

## **3. Compulsory registration of marriages.**

- On the commencement of these rules, every marriage solemnized or contracted between citizens of India within the territory of Madhya Pradesh, under any law or custom governing such marriages shall be compulsorily registered in accordance with these rules.

## **4. Effect of non-registration of marriage.**

- On the commencement of these rules, the marriage solemnized and performed under any law or custom and not registered under the provisions of these Rules shall not be construed to be a conclusive proof of the marriage.

## **5. Registrar of Marriages.**

(1) The State Government may, by notification, appoint such officers as a Registrar of Marriages at Gram Panchayat or Municipality or Municipal Corporation or Cantonment Board areas as it may deem fit, for the purposes of these rules. (2) Until the notification is issued under sub-rule (1), the local authority who is competent to register births and deaths shall be the Registrar of Marriages for local area.

## **6. Office of Registrar of Marriages.**

- Every Registrar of Marriages shall have his office and cause his name, designation and regular working hours to be written in Hindi and displayed in a conspicuous part of the building in which his office is situated.

## **7. Registration of Marriages.**

(1) (a) The parties to a marriage shall submit a memorandum in the Form No. 1 and shall deliver it in person or send by registered post in duplicate to the Registrar of Marriages of the area where

marriage is solemnized or performed within a period of thirty days from the date of marriage.(b)The Registrar of Marriages 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.(c)After examining the memorandum submitted by the parties, the Registrar of Marriages shall enter the entries of the memorandum in the register specified in Form No. 2.(d)Each memorandum entered in the Register shall be treated as separate entry and each entry shall be numbered in a consecutive series which will commence and terminate with each calendar year and a fresh series being commenced with the beginning of each calendar year.(2)Where the Registrar of Marriages, 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 reason 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 witnesses or correctness of the information or documents presented to him; or(ii)if deemed necessary, refer the papers for verification to the local police station within whose jurisdiction the parties reside.(3)Where on further verification as provided in sub-rule (2), the Registrar of Marriages is satisfied that there is no objection to register the marriage, he may register the same, and if in his opinion, the marriage is not fit for registration, he may pass an order of refusal in writing recording the reasons therefor.(4)The registration of marriage or refusal of registration of marriage under sub-rule (3) shall be done within a period of two months from the date of receipt of memorandum of registration of marriage.(5)On dissolution of marriage registered under sub-rule (3), it shall be binding on either party to a marriage to intimate the details of dissolution of marriage to the Registrar of Marriages and on receiving such details the Registrar of Marriages shall enter such details in column (16) of Marriage Register specified in Form No. 2. After the dissolution of marriage, if any person requires a copy of marriage registration certificate, then the fact of dissolution of marriage shall be mentioned in the marriage registration certificate.

## **8. Proof of age.**

- The Registrar of Marriages may, for the purpose of satisfying himself that the parties to the marriage have completed the age specified in clause (c) of Section 4 required them to produce birth certificate or any other satisfactory evidence to prove their age.

## **9. Appeal against the order of Registrar of Marriages.**

(1)Any person aggrieved by the order of the Registrar of Marriages refusing to register the marriage under Rule 7 may within a period of thirty days from the date of receipt of such order appeal to the District Judge.(2)The District Judge, after giving an opportunity of being heard to the parties, pass an order in writing recording the reasons, therefor and direct the Registrar of Marriages to register

the marriage or confirm the order of the Registrar of Marriages.(3)The Order passed by the District Judge under sub-rule (2) shall be final.

## **10. Register of Marriages.**

(1)The Registrar of Marriages shall maintain a register of marriage solemnized or performed in the local area for which he is appointed in the Form No. 2 and enter description given by parties in memorandum and authenticate the same.(2)The Registrar of Marriages shall issue a certificate of the registration of marriage to the parties prescribed in Form No. 3 on payment of fees of rupees thirty in cash at the time of registration of marriage and for duplicate certificate as and when required. The certificate of registration of marriage shall be issued in Form No. 3 in Hindi but if the party to the marriage requires that it be issued in English version, the same shall be provided.(3)Upon being required by either party to the marriage, the certificate of registration of marriage shall be sent by registered post on the address given by the applicant and the postal charges shall be borne by the applicant.

## **11. Register to be open for public inspection.**

- The Register of Marriage shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall on application, be given by the Registrar of Marriages to the applicant on payment of fees of Rupees Twenty in cash.

## **12. Responsibilities of employer etc., for verification of marriage registration certificate.**

- Any employer or a Government or Semi Government authority or company or public sector undertaking or local authority shall not 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 sub-section (2) of Rule 9 or granted under any other law for the time being in force.

## **13. Penalty for making false statement in the memorandum of marriage.**

- Any person who makes or verifies any false statement in the memorandum of marriage, which he or she known or has reason to believe to be false, shall be punished in accordance with the law prevailing for the time being in force.

## **14. Penalty for destroying or altering register.**

- Whoever destroys or temper the register shall be punished in accordance with the law prevailing for the time being in force.

## 15. Registrar of Marriages to be public servant.

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

## 16. Protection to persons acting under these rules.

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

## 17. Power of State Government to give directions.

- The State Government may, from time to time for the effective, and smooth implementation of the provisions of the rules, issue such directions not inconsistent with the provisions of these rules, to the Registrar of Marriages and the Collector, who shall have superintendence on the Registrar of Marriages of the concerned district. Form No. 1 Proforma of Memorandum [See Rule 7 (1) (a)] To,

The Registrar of  
Marriages, .....

Passport size photograph  
of bridegroom and bride with  
self attestation after affixing

### 1. (A) Name of the bridegroom.....

(B) Date of Birth..... (G) Name of father..... (D) Age at the time of  
marriage..... (E) Residential Address..... Village/Mohalla..... Post  
Office..... District..... (F) Status : Bachelor/Widower/Divorcee

### 2. (A) Name of bride.....

(B) Date of birth..... (C) Name of  
father..... (D) Age at the time of  
marriage..... (E) Residential  
Address..... Village/Mohalla..... Post  
Office..... Police  
Station..... District..... (F) Status :  
Spinster/Widow/Divorcee.....

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

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

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

#### 5. Whether marriage has been registered under any Act or performed by

Priest/Kaaji/Minister of Religion of Church/Arya Samaj or any other religious institutions, if yes, attach the attested copy of Certificate of marriage and other details

thereof.....Signature of Bridegroom(Left thumb impression).....Signature of Bride(Left thumb impression).....Signature of the person who performed marriagePlace

:.....Date :.....Witnesses : (Signature, name and complete address)(1)(2)Note. -

Two passport size photographs each of bridegroom and bride are hereby attached for affixing than in the marriage register and marriage registration certificate. Form No. 2[See Rules 7 (1) (c) and 10 (1)]Proforma of the Marriage Register

Sl. No.	Date of receipt of application	Name and address of Bridegroom photo be affixed in this column and Registrar shall attest it by signature and seal	Date of Birth	Age on the date of Marriage
(1)	(2)	(3)	(4)	(5)

Status of the party on the date of marriage bachelor/widower/divorcee	Name & address of Bride, photo be affixed in this column and Registrar shall attest it by signature and seal	Date of Birth	Age on the date of marriage	Status of the party on the date of marriage spinster/widow/divorcee
(6)	(7)	(8)	(9)	(10)

Date of marriage	Place of Marriage Mohalla/Police Station, Tehsil, District	Description of person who performed marriage	Result/Order of the Registrar of Marriages	Order of Appellate Authority	Details of dissolution of marriage to be informed by either party to marriage, if any
(11)	(12)	(13)	(14)	(15)	(16)

Form No. 3[See Rule 10 (2)]Marriage Registration CertificateRegistration No.....It is hereby certified that Shri .....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 :.....Registrar of Marriages(Signature and Seal)Affix photograph of Bridegroom and Bride with attestation of the Registrar of Marriages.