

The Orissa Special Marriage Rules, 1955

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Rule THE-ORISSA-SPECIAL-MARRIAGE-RULES-1955 of 1955

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The Orissa Special Marriage Rules, 1955 Published vide Notification No. 6407-H., Orissa Gazette Extraordinary No. 298, dated 19.10.1955 Notification No. 6407-H. dated 19th October, 1955 - In exercise of the powers conferred by Section 50 of the Special Marriage Act, 1954 (Central Act XLIII of 1954), the Government of Orissa hereby makes the following rules, namely ;

1.

(1) These rules may be called the Orissa Special Marriage Rules, 1955. (2) They extend to the whole of the State of Orissa. (3) They shall come into force at once.

2.

In these rules - (1) "the Act" means the Special Marriage Act, 1954 (Central Act 43 of 1954). (2) "Section" means a section of the Act; (3) "Marriage Officer" means a Marriage Officer appointed under Sub-section (1) of Section 3 of the Act; (4) "Registrar General" means the Registrar-General appointed under Act VI of 1886; (5) "Marriage Notice Book" means the Marriage Notice Book prescribed under Section 7 of the Act; (6) "Marriage Certificate Book" means the Marriage Certificate Book prescribed under Section 13 of the Act.

3.

(1) Every Marriage Officer shall cause his name, designation and the regular working hours of his office to be written in English and in the language or languages of the district and exhibited in a conspicuous part of the building in which his office is situated. (2) All registrations at the office shall be made on working days during office hours according as the office sits from 10.30 a.m. to 4.30 p.m. or 7 a.m. to 12.30 p.m. or otherwise.

4.

Notice of intended marriage under the Act shall be given to the Marriage Officer by both the parties either in person or by registered post and fees prescribed thereof under Rule 10, shall be paid in the former case in person and in the latter case by postal money order at the expense of the remitter and the postal receipts shall be attached to the notice.

5.

(1) The Marriage Officer on receipt of such notice shall scrutinise if the notice is in conformity with the requirements of the Act and if so shall assign to it distinctive serial number which shall run concurrent with the calendar year and put the date of receipt and his signature and designation under it and shall enter it in the Marriage Notice Book in Form I which shall be a bound book the pages of which are machine numbered consecutively with a nominal index attached to it. If the notice is not in conformity with the requirements of the Act, it shall be got rectified if the parties are present or returned to them by registered post forthwith for rectification and retransmission within a date to be fixed. Any erasure or alteration in a notice shall be attested by the full signatures of both the parties to the notice. (2) A true copy of the notice under the seal and signature of the Marriage Officer shall be displayed in a conspicuous place in his office for thirty days before the registration of the marriage.

6.

(1) Where an objection to the solemnisation of an intended marriage together with the fees prescribed therefor in Rule 16 has been received and recorded by the Marriage Officer he shall, unless by an order in writing recorded in the Marriage Notice Book he rejects the objection summarily on the ground that the objection does not contravene any of the conditions laid down in Section 4, enquire into the objection on a day to be fixed by him, not later than thirty days from the date of receipt of such objection. He shall also send a copy of the objection to the parties to the intended marriage giving them notice of the date and time fixed for the enquiry in Form II. (2) At the time of recording the objection, the Marriage Officer shall ascertain from the objector whether he has any document on which he relies or whether he desires any witness or witnesses to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for the enquiry. If necessary and the objector so desires the Marriage Officer shall issue summons to the witnesses cited by the objector in Form III, on payment of process fees prescribed therefor in Rule 10 and the reasonable expenses of travelling and subsistence allowances to the witnesses. The enquiry relating to the objection including the production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in Section 8. If either the documents are not produced or the witnesses do not turn up in time, the Marriage Officer may take a decision without waiting for them, subject however to the provision of Section 9 of the Act. (3) On the day fixed for enquiry or on any adjourned date, the Marriage Officer shall record in his own hand the evidence given in the course of the enquiry, his decision on the objection and the reasons therefor. (4) If the Marriage Officer is satisfied that the objection is baseless, he shall register

the marriage, otherwise the registration shall be refused and the reasons for such refusal shall be entered in the register of refusals, which shall be maintained by him in Form IV. The order shall be communicated to the parties concerned, including the objector.

7.

(1)An application under Section 16 for the registration of a marriage celebrated in other forms shall be in Form V.(2)Such application shall be presented to the Marriage Officer by any one of the parties in person or sent to him by registered post along with fees prescribed therefor in Rule 10.(3)Notice of the application under Sub-rule (1) be given by the Marriage Officer by exhibiting a true copy thereof under his seal and signature in a conspicuous place outside his office. The notice shall also state that objections, if any, to the registration of the marriage may be preferred by any person in writing the Marriage Officer within thirty days from the date on which the notice is exhibited.(4)Any objection received within the said period together with the fees prescribed therefor in Rule 10 shall be recorded and the enquiry in respect thereto made as nearly as possible in the manner prescribed in Rule 6.

8.

The Marriage Officer may on application by both the parties of the marriage, solemnise the same starry place outside his office, provided the additional fee prescribed therefor in Rule 10 is paid and the hour is not unreasonable.

9.

The Marriage Certificate Book shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. Every marriage certificate entered therein during each calendar year shall be consecutively numbered.

10.

The following fees shall be levied by the Marriage Officers-

	Rs.
(i) For every notice of intended marriage or application for theregistration of marriage (to be paid by the parties to themarriage)	3
(ii) For recording an objection (to be paid by the objector)	
(iii) For every enquiry into an objection (to be paid by theobjector)	50
(iv) For every notice and for every summons to a witness to appearand give evidence or to produce a document (to be paid by theobjector)	8
(v) For solemnising or registering a marriage (to be paid by theparties to the marriage)	10
(vi) For a certified copy of an entry-	

(a) in the Marriage Notice Book other than an entry relating to an objection, or	
(b) in the Marriage Certificate Book (to be paid by the applicant)	2
(vii) For a certified copy of an entry in the Marriage Notice Book other than a notice or of any other proceedings not already provided for (to be paid by the applicant)	2
(viii) For solemnising a marriage at any place outside the office of the Marriage Officer in addition to the fee in entry (v) to be paid by the parties to the marriage)	10
Note - This fee may be appropriated by the Marriage Officer. No Travelling or other allowances shall, however be claimed in addition.	
(ix) For making a search (to be paid by the applicant-	

	Rs. a. p.
(a) if the entry is of the current year	0 8 0
(b) if the entry is related to any previous year or years for each year of search	1 0 0
The fees prescribed above shall be paid either in person or remitted by money-order to the Marriage Officer.	

11.

A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and rules. The receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine numbered consecutively.

12.

All fees received by the Marriage Officer except the fees mentioned In entry (viii) above shall be rommitted into the local Treasury being credited to Government under the head 'XI-Registration-Miscellaneous-Fees under the Special Marriage Act'.

13.

Copies of entries in the Marriage Certificate Book which Marriage Officers are required to send under Section 48 of the Act to the Registrar-General of Births, Deaths and Marriage shall be certified in Form VI and shall be sent once in every quarter of the year during the first week of January, April, July and October for entries relating to the proceeding quarter. Should no entries have been recorded In the Book during the preceding three months, a certificate to this effect shall be sent to the said Registrar-General.

14.

An annual alphabetical Index of all marriages registered under this Act shall be prepared and maintained in the offices of the Marriage Officer and the Registrar-General in Form VII.

15.

Forms and books shall be supplied free of cost to the Marriage Officers by the Registrar-General.

16.

The Books and forms shall be prescribed as given below :

- | | |
|---------------------------------------|-----------|
| (i) Marriage Notice Book | Permanent |
| (ii) Declaration | Permanent |
| (iii) Marriage Certificate Book | Permanent |
| (iv) Index | Permanent |
| (v) Refusal register | 12 years |
| (vi) Notice of Registration | 12 years |
| (vii) Notice of objection and enquiry | 12 years |
| (viii) Receipt Book | 3 years |

Form I[See Rule 5]Marriage Notice BookMale Female(1)Names of

parties(2)Whether-UnmarriedDivorcedWidower, or widow(3)Age(4)Occupation(5)Present address(6)Permanent address(7)Length of residence(8)Date of notice(9)Nature of objection(10)Remarks(11)Signature of Marriage Officer with dateForm II[See Rule 6

(1)]NoticeBefore the Marriage officer.....(Place)In the matter of the Special Marriage Act, 1954, and in the matter of the intended marriage/application to register the marriage between-
ABandCDEF (Give namesand address)Objector

ToWhereas notice of an intended marriage/an application for the registration of the marriage between AB and CD was received by the Marriage Officer on.....Whereas EF has preferred certain objections (set out overleaf) to the solemnisation/registration of the marriage; andWhereas the Marriage Officer will hold an enquiry into the matter of the said objections on.....day of.....20.....at his office;You are hereby required to be present ata.m./p.m. on the said day together with all documents on which you rely and any witness or witnesses whom you may desire to be examined on your behalf.Take notice that in default of your appearance on the aforesaid day, the inquiry will be made and decided in your absence.Should you apprehend that your witness will not attend unless summoned by the Marriage Officer, you should apply to the Marriage Officer for the issue of such summons sufficiently early together with the prescribed process fee and the resonable expenses of travelling and subsistence of the witness.Given under my hand and seal.Station :Date :Signature Marriage OfficerSeal(Set out the objection on the reverse of this notice)Form III[See Rule 6 (2)]Summons to witnessBefore the Marriage Officer.....(Place)In the matter of the Special Marriage Act, 1954, andIn the matter of the intended marriage/application to register the marriage between-

ABandCDEF Give namesand addressObjector

Whereas your attendance is required to give evidence on behalf of.....in the above matter, you are hereby required to appear personally before me or to cause to be produced before me the document specified hereunder, on the day of 20.at a.m./p.m. A sum of Rs.....being your travelling and other

expenses for one day is herewith sent.If you fail to comply with this summons without lawful cause you will be subject to the consequences of non-attendance laid down in Rule 12 of Order XVI of the Code of Civil Procedure, 1908.Take notice that in default of your appearance on the aforesaid day, the inquiry will be made and decided in your absence.Given under my hand and seal.

Station

Date : Marriage Officer

Seal :

Form IV[See Rule 6 (f)]

Serial No.	Names of parties	Reasons for refusal	Date of communication of order	Date of filing appeal if any, and the result of such appeal
1	2	3	4	5

PlaceDateSignature of Marriage OfficerForm V[See Rule 7 (1)]Application for registration of a marriage under Section 15 of the Special Marriage Act, 1954 (Act 43 of 1954)

1. Name of parties

AB (Husband)CD (Wife)

2. Age or date of birth

HusbandWife

3. Permanent dwelling place, if any

4. Present dwelling place

5. Relationship, if any, of parties before marriage

6. A ceremony of marriage was performed between AB and CD on..... at..... and we declare that we have been living together as husband and wife ever since the date noted above.