

Andhra Pradesh Compulsory Registration of Marriages Act, 2002

ANDHRA PRADESH

India

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Act 15 of 2002

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Andhra Pradesh Compulsory Registration of Marriages Act, 2002(Act No. 15 of 2002)Last Updated 19th March, 2020Statement of Objects and Reasons. - The Chairperson, A.P. Women's Commission has proposed a legislation for compulsory registration of marriages in the State with the local authorities to avoid Bigamy marriages, since it is becoming very difficult to prove, the factum of marriage. In majority cases the women are cheated. The Commission has felt that it is very essential to register the factum of marriage with the local authorities as is being done in the cases of births and deaths. The compulsory registration of marriages with the local authorities gives a legal status to wedlock, and strengthen the institutions of marriages and be the conclusive proof of the evidence of such marriages.The Government, after careful examination of the proposal of the Chairperson, A.P. Women's Commission, have decided to make registration of marriages with the local authorities as compulsory in the State by undertaking a specific legislation.This Bill seeks to give effect to the above decision.Appended to L.A. Bill 5 of 2002.Statement of Objects and Reasons - Act No.28 of 2018. - It is proposed to create a single platform for integrating and streamlining the delivery of incentives of all marriage/inter caste marriage schemes implemented by the Government. The Chandranna Pelli Kanuka-Single Desk also adopts a Community Based Field Verification architecture, utilizing resources from Community7 Based Organizations (CBOs) and their Federations nurtured by the Society for Elimination of Rural Poverty (SERP) and the Mission for Elimination for Poverty in Urban Areas (MEPMA). It is also requires a tight integration with the field level functionaries of the Rural Local Bodies and the Urban Local Bodies designated as Marriage Officers (MO) under the Andhra Pradesh Compulsory Registration of Marriages Rules, 2003.Accordingly, it has been decided to amend the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 (Act No.15 of 2002), suitably.As the Legislature was not then in session, having been prorogued, and it has been decided to give effect to the above decision immediately, the Andhra Pradesh Compulsory Registration of Marriages (Amendment) Ordinance, 2018 (A.P. Ordinance No.2 of 2018) was promulgated by the Governor on the 7th June, 2018.The Bill seeks to

replace the said Ordinance and to give effect to the above decision.[Dated 22.5.2002]An Act to provide for the Compulsory Registration of Marriages in the State and for matters connected therewith and incidental thereto.Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-third Year of the Republic of India as follows:

Chapter I

Preliminary

1. Short title extent and commencement.

- (i) This Act may be called the Andhra Pradesh Compulsory Registration of Marriages Act, 2002.(ii)It extends to the whole of the State of Andhra Pradesh.(iii)It shall come into force on such date as the State Government may, by notification, in the Andhra Pradesh Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires:-(a)"Marriages" include all the marriages performed by persons belonging to any caste or religion and also the marriages performed as per any custom, practices or any traditions including the marriages performed in the tribal areas and the word "Marriages" also includes "remarriages".(b)"Local Authority" means the Gram Panchayat or the Municipality or the Municipal Corporation, as the case may be;(c)"Government" means the State Government of Andhra Pradesh;(d)Any notification published in the Andhra Pradesh Gazette and the word "Notified" shall be construed accordingly;(e)"Prescribed" means prescribed by rules made by the Government under this Act;(f)"Public Servant" means any employee of the Government, a local Gram Panchayat, Mandal Parishad, Zilla Parishad. Municipality or Municipal Corporation owned or controlled by the Government or any Government Agency;(g)"Register" means a register of marriages maintained under this Act;(h)"Memorandum" means a memorandum of marriage mentioned in Section 8;(i)"Registrar" means a Registrar of marriages appointed by the Government under this Act;(j)"Marriage Officer" means an Officer appointed under this Act;(k)"Registrar General" means the Registrar General of Marriages appointed by the Government under this Act;(l)The expression "custom and tradition" signifies any custom or tradition which, having been continuously and uniformly observed for a long time, and prevalent in the force of law in any local area, tribal community etc;(m)"Magistrate" means a Judicial Magistrate of First Class.

3. 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.

4. Registrar General of marriages.

(1)The State Government may, by notification in the official gazette, appoint a person known as Registrar General of Marriages;(2)The State Government may appoint such officers with such designations as it thinks fit for purpose of discharging under the superintendence and directions of the Registrar General of Marriages such functions of the Registrar General under this Act, as he may, think fit from time to time authorise and delegate them to discharge such functions as may be prescribed.

5. District Registrar of Marriages.

(1)The State Government may appoint a District Registrar of Marriages for each District and such number of Additional Deputy Registrars of Marriages as it thinks fit, who shall subject to the general control supervision and directions of the District Registrar, discharge such functions of the District Registrar as the District Registrar may, from time to time, authorise them to discharge;(2)The District Registrar of Marriages shall manage and supervise subject to the directions of the Registrar General of Marriages 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 of Marriages issued from time to time for the purpose of this Act.

6. Marriage Officer.

(1)The [Government or Local Authority] [Substituted 'Local Authority' by Act No. 28 of 2018, dated 25.10.2018.] may appoint a Marriage Officer for each local area comprising the area within the jurisdiction of a Municipal Corporation Municipality, Gram Panchayat or any other area or a combination of any two or more areas;(2)Every Marriage Officer shall, enter in the Registrar of Marriages maintained for the purpose, all information given to him under Section 7 or Section 8 and register the marriage;(3)Every Marriage Officer shall have an office in the local area for which he is appointed.(4)Every Marriage Officer shall attend his office for the purpose of registering the marriages on such days at such hours as the Registrar General of Marriages or District Registrar of Marriages may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Marriage Officer, a Board bearing in the local language, his name with the addition of "Marriage Officer" for the local area for which he is appointed and the days and hours of his attendance.

Chapter II

Registration of Marriages

7. Every Marriage in State to be Registered.

(1)After the commencement of the Act, every marriage performed in the State shall be registered [online or otherwise, as the case may be] [Inserted by Act No. 28 of 2018, dated 25.10.2018.] under

this Act in the manner provided in Section 8 notwithstanding the fact that the said marriage had been entered in the Marriage Registers governed by the any other personal laws of the bride or bridegroom or customs and traditions.(2)This Act does not apply to the marriages already registered with the Registrar of Marriages appointed by the Government.

8. Memorandum of marriage.

(1)The parties to a marriage either bride or bridegroom or their parents or guardian shall inform the Marriage Officer about the factum of the marriage to be registered in the Form as prescribed in the schedule duly signed by the said person, within 30 days from the date of the marriage in duplicate.(2)The Memorandum shall be signed by the bride and bridegroom and two witnesses on each side of bride and bridegroom before the Marriage Officer;(3)The Marriage Officer shall maintain the Register of Marriages in the Form as provided in the Schedule and enter in the Register all the information supplied to him in the memorandum and obtain the signatures of the bride and bridegroom and two witnesses on each side;(4)On receipt of the memorandum of the factum of marriage or the proposed marriage and on payment of the such charges, the Marriage Officer may go to the place specified within his jurisdiction and obtain the signatures of the bride and bridegroom and two witnesses on each side.

9. Memorandum of marriage presented after 30 days.

- The memorandum of factum of marriage may be presented to the Marriage Officer after expiry of a period of 30 days as specified in sub-section (1) of Section 8, and thereafter within a period of 60 days with the payment of fee of Rs. 100/- (one hundred only)

Chapter III

Penalties

10. Penalty for neglecting to comply with the provisions of Sections 8 and 9 or for making false statement in memorandum.

- Any person who, -(1)Wilfully omits or neglects to get the marriage registered as required in Sections 8 and 9 shall be punished with fine which may extend to one thousand rupees, or;(2)Any person who makes any statement in the memorandum which is false in any material particulars and which he/she knows or has reason to believe to be false, shall be punished with imprisonment for a term which may extend to one year or fine which may extend to one thousand rupees or with both.

11. Penalty for failing to register the marriage.

- Any Marriage Officer who fails to register a marriage pursuant to Section 8 shall be punished with imprisonment for a term which may extend to three months or fine which may extend to five hundred rupees or with both.

Chapter V

12. Marriage Certificate to be given to the couple.

(1)The Marriage Officer shall, as soon as the registration of marriage has been completed, give free of costs, to the couple a Marriage Certificate [or digitally signed Marriage Certificate, as the case may be] [Inserted by Act No.28 of 2018, dated 25.10.2018.] in the form as provided in the Schedule under his hand and seal;(2)Such certificate issued by the Marriage Officer shall be the conclusive proof of the factum of the said marriage.

13. Marriage Officer to keep registers in the prescribed form.

(1)Every Marriage Officer shall keep in the prescribed form a Register of Marriages for the registration area or any part thereof in relation to which he exercises jurisdiction.(2)The Registrar General shall cause to be printed and supplied sufficient number of registers for making entries of marriages according to such form and instructions as he may, from time to time prescribe, a copy of such forms in the local language shall be pasted in some conspicuous place on or near the other door of office of every Marriage Officer.

14. Search of Marriages Register.

(1)Subject to any Rules made in this behalf by the State including the Rules relating to payment of fee, any person may;(a)Cause a search to be made by the Marriage Officer for any entry in the Register of Marriages: and,(b)Obtain an extract from such Register relating to marriages.(2)All extracts given under this section shall be signed by the Marriage Officer or any other Officer authorised by the State Government to give such extracts and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.

15. Marriage Officers to send periodical returns to the District Registrar for compilation.

- Every Marriage Officer shall send to the District Registrar of Marriages or to any Officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of marriages in the Register kept by such Marriage Officer.

16. Non-registration not to invalidate marriage.

- No marriage performed in this State 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.

17. Offence under this Act triable summarily by a Magistrate.

- An offence under this Act shall be tried summarily by the Judicial Magistrate of First Class, in accordance with the procedure as laid down in the Code of Criminal Procedure, 1973.

18. Sanction for prosecution.

- No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by Registrar (General, by general or special order in this behalf without his prior sanction.

19. Registrars/Marriage Officers to be deemed public servants.

- All Registrars of Marriages or Marriage officers and other officers appointed under this Act, shall while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

20. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government, the Registrar General, any Registrar or Marriage Officer or any person exercising any power of performing any duty under this Act, for anything in good faith done or intended to be done in pursuance of this Act or any rule or orders made thereunder.

21. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules to carry out the purpose 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 the following matters, namely:-(a)the duties and powers of the Registrars of Marriages or Marriage Officers:(b)the forms and the manner in which the registers or records required to be kept by or under this Act shall be maintained:(c)the custody in which the registers and records are to be kept and the preservation of such registers and records: and(d)the fee to be paid under the relevant provisions of the Act.(e)[the automated marriage registration process.] [Inserted by Act No.28 of 2018, dated 25.10.2018.](3)Every rule made under the Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity or anything previously done under that rule.