

Bihar Marriage Registration Rules, 2006

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Rule BIHAR-MARRIAGE-REGISTRATION-RULES-2006 of 2006

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Bihar Marriage Registration Rules, 2006Published vide Notification No. 2-R-2-201/97 (Part) 1647 dated 7.8.2006, Bihar Gazette (Extraordinary) dated 11.8.2006Notification II-R-2-201/97 (Part) 1647 dated 7.8.2006. - Whereas marriage is an important and almost universal ritual in the life of the parties, andWhereas procedure of marriage is guided by various legislations related to the faith and religion of the parties; andWhereas at present there is no compulsion of getting marriage registered; andWhereas lack of registration of marriage deprives the affected individuals in claiming their statutory rights for want of an evidence; andWhereas the Supreme Court of India has, in its order dated 14th February, 2006 in Transfer Petition (C) No. 291 of 2005 has directed all States to frame Rules with respect to the compulsory registration of marriages;The Governor of Bihar in exercise of the powers vested under Article 162 read with Article 154 of the Constitution of India makes following Rules for its application in the State of Bihar:

1. Short Title, Extent and Commencement.

(1)These Rules may be called the 'Bihar Marriage Registration Rules, 2006'.(2)It shall extend to the whole of the State of Bihar and shall be applicable to the Marriages of all citizens of India solemnized in the State.(3)It shall come into force from the date of its notification in the Official Gazette.

2. Definitions.

- In these Rules unless there be something repugnant in the subject or context:-i. "Solemnization of marriage" means solemnization of marriage under provisions of any custom, personal law or under Special Marriage Act, 1954, or any other Act.ii. "Marriage Registrar" means Mukhia of a Gram. Panchayat or Ward Commissioner/ Counsellor of an urban local body for the marriages solemnized in his jurisdiction,iii. "Marriage Register" means the Register maintained under Rule 5(2) of these Rules,iv. "Marriage Deputy Registrar General" means the Sub-Registrar appointed under section 6 of the Registration Act, 1908 of relevant jurisdiction,v. "Marriage Registrar General" means the

Collector of the District,vi. "Inspector General of Registration" means the Inspector General of Registration appointed by the State Government under Registration Act, 1908,vii. "Registration of Marriage" means registration of marriages under Rule 3 of these Rules,viii. "Marriage Records" means Applications filed, Marriage Registration Register and Information maintained in computer of the office of Marriage Deputy Registrar General under Rules 3, 5 & 8 of these Rules,ix. "Community Marriage Place" means those places where generally marriages are solemnized. They may include Community Halls, Clubs, Hotels, Public places, Temples, Churches, Religious places etc,x. "Marriage Reporter" means a Manager of the Community Marriage Place authorized by the Marriage Registrar under Rule 5 (1) of these Rules.

3. Registration of Marriages.

- Every couple shall get their marriage compulsorily registered before the Marriage Registrar within 30 days of solemnization of their marriage, in accordance with the procedure as laid down under Rule 5 of these Rules :Provided that in case of marriage not getting registered within 30 days for some reason it may be got registered thereafter after paying the penalty as laid down in Rule 9(1) of these Rules.

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

- The Registration of marriage under these Rules shall not be an irrebuttable proof of validity of marriage under any law. This registration shall be rebuttable proof of the marriage having taken place.

5. Procedure for registration of marriage.

(1)Every married couple shall furnish information and photograph and sign a declaration as required in prescribed application form in triplicate in Form A of Appendix of these Rules before the Marriage Registrar having jurisdiction over the place of solemnization of marriage. A witness each of both sides shall affix his signature on the application form as a token of affirmation of the said marriage having been solemnized legally. The three copies of the application shall be for the use of Applicants (Form A-1), Marriage Deputy Registrar General (Form A-2) and Marriage Registrar (Form A-3) respectively:Provided that The Marriage Registrar may authorize caretakers in community marriage places of his jurisdiction to receive the applications from the married couples married in his establishment by appointing them as Marriage Reporters.(2)The Marriage Registrar shall enter the information of the application form in Marriage Register maintained in Form B of the Appendix to these Rules. He shall record serial number (hereinafter known as Application Number) of marriages on all copies of the application and return applicants' copy to the couple after signing the certificate mentioned therein :Provided that, the declaration made and signature affixed by the couple and the witnesses before Marriage Reporter in Community Marriage Places, shall be deemed to have been done before the Marriage Registrar himself:Provided further that on the application forms received through Marriage Reporter the serial number shall be recorded by the Marriage Registrar only and if he feels that an inquiry is needed then he may make necessary inquiry.(3)Marriage Registrar shall make available, one copy of the remaining two copies of the

applications to Marriage Deputy Registrar General of his area by the 15th day of the next month and maintain the receipt in his record. Marriage Registrar shall maintain his copies of the applications in his record.(4)The Marriage Deputy Registrar General shall maintain the information regarding marriage of his area in his computer. In addition to maintaining this in Form B-2, panchayat/ward wise, he shall maintain a record of the names, tenure and specimen signature of Mukhias/Ward Commissioners in Form B-1 :Provided that the Marriage Deputy Registrar General till the arrangement of computer in his office, may maintain such information in a Register.(5)Where Marriage Registrar finds apparent objection in registering the marriage in any case, he shall record the objections on the application (Form A-2) and solicit guidance of Marriage Deputy Registrar General of his area. Such cases shall also be entered in the Marriage Register and objections shall be recorded in the relevant column. In such cases, Marriage Registration Number shall not be given at that instant. Marriage Registration Certificate shall also be not given at that time. The married couple shall be advised to appear before the Deputy Marriage Registrar General of the area.(6)In such cases the Marriage Deputy Registrar General if satisfied after making necessary inquiry will provide his guidance in writing to the Marriage Registrar who shall enter it in relevant column of the Marriage Register.Marriage Registration Number shall be given in such cases only when permitted by the Marriage Deputy Registrar General, otherwise Registration number shall not be filled up.

6. Disposal of objections related to Registration by Marriage Deputy Registrar General.

- In cases where guidance is solicited by the Marriage Registrar from Marriage Deputy Registrar General under Rule 5(5), he shall examine the objections received, after hearing the couple and their witnesses and making necessary inquiry, in the light of the provisions of marriage law applicable to them and shall record his finding in writing and he will send his finding to the Marriage Registrar, a copy of which shall be provided to the married couple.

7. Appeal against the findings of Marriage Deputy Registrar General.

- The married couple may file appeal against the findings of the Marriage Deputy Registrar General under Rule 6 before the Marriage Registrar General of his area.

8. Marriage Registration Certificate.

- The Marriage Registrar may issue Marriage Registration Certificate to the husband or wife or to both on their request in Form C of the Appendix on the basis of entries in the Marriage Register:Provided that in cases where any objection is received, Marriage Registration Certificate shall not be issued without getting guidance of the Marriage Deputy Registrar General and if the Marriage Deputy Registrar General has concluded that the said marriage cannot be registered, then Marriage Registration Certificate shall not be issued to the couple.

9. Powers of Inquiry.

- Marriage Deputy Registrar General and Marriage Registrar General shall have, all such powers to call for the applicants, objectors and witnesses at such time and place fixed by them for making enquiry to execute their function under these Rules which is conferred by Civil Procedure Code.

10. Disposal of amount of fine.

- The amount of fine received under Rule 3 or 12 shall form part of Panchayat fund or urban body fund.

11. Control and supervision.

- All Marriage Registrar Generals, Marriage Deputy Registrar Generals and Marriage Registrars shall be under the control and supervision of Inspector General of Registration for discharge of their duties under these Rules.

12. Penalty and Fines.

(1) Any person who does not get his/her marriage registered within 30 days of solemnization of marriage shall be liable to pay a fine of Rs. 100/- upto 90 days and thereafter for Rs.50/- for each month delay, upto a maximum of Rs. 1000/- only. In case of couple being guilty, fine amount shall be payable by the husband :Provided that no fine will be imposed in those cases where applications have been submitted in time under the provisions of Rule 5(1) and Rule 9(5). (2) Any person who wilfully furnishes wrong declaration and witness thereto shall be liable for action under Section 192 of Indian Penal Code.

13. Penalty on public servants.

(1) Non acceptance of application for registration of marriage, omission in entering them in Marriage Register and failure to make applications available to the Marriage Deputy Registrar General by 15th day of next month by Marriage Registrar/Marriage Reporter may form a ground for their removal from their elected posts. Marriage Reporter shall be deemed to be a public servant for the purposes of discharging responsibilities under these Rules. (2) Those Marriage Deputy Registrar Generals who show dereliction of duty in maintaining information of marriage registration shall be liable for departmental action under their service rules and on this basis they may be liable for dismissal from service.

14. Maintenance of records.

(1) Panchayats/urban local bodies shall maintain Marriage Registration Register permanently. It will be the personal responsibility of Marriage Registrar to get it received to his successor in office in writing. (2) The hard copy of the information maintained on computer in the office of Marriage

Deputy Registrar General shall be printed each year and shall be got bound which shall be the permanent record of that office and read as public document within the meaning of the Indian Evidence Act, 1872.

15. Power of issuing instructions.

- The Inspector General of Registration may from time to time issue directions to Marriage Registrar Generals, Marriage Deputy Registrar Generals and the Marriage Registrars for proper implementation of these Rules.

Applicant's copy

Appendix

Form No. A-1 Application for Registration of marriage under the Bihar Marriage Registration Rules, 2006 To : The Marriage Registrar, Please register { | our marriage for which particulars are given below:

| }

Sl. No.	Particulars	Bridegroom	Bride
01	Name		
02	Age		
03	Father's Name		
04	Mother's Name		
05	Status on the date of marriage	Unmarried/ widower/ divorcee/ married	Unmarried/ widow/ divorcee
06	Address		

07. Solemnization of Marriage.- Date....., Place.....

08. Declaration : (1) I.....have been married on..... at..... according to.....under the provisions of our Customs/ Personal Law/ Special Marriage Act, 1954 and since then we are living together as husband and wife.

(2) We declare that all the above particulars are true to the best of our knowledge and belief.

Signature of Bride

Signature of Bridegroom

Signature of witness from Bride's side Signature of witness from Bridegroom's side

Application No. / (Panchayat/Block/District) (Ward/town/District) Date.....

Certified that Sh..... S/o and Smt..... D/o..... have applied for registration of their marriage solemnized at (Place)..... on (Date)..... It has been registered under the provisions of Bihar Marriage Registration Rules, 2006 with Regn.

No..... Dt..... in the Marriage Registration Register of this Panchayat/Ward. Or Their case

has been referred to Marriage Deputy Registrar General and they have advised to appear before him.

Marriage Deputy Registrar's General copy

Marriage
Registrar

FormNo. A-2Application for Registration of marriageunder the BiharMarriage
Registration Rules, 2006To : The MarriageRegistrar,.....Please register {
our marriage for which particulars are givenbelow:

|}

Sl. No.	Particulars	Bridegroom	Bride
01	Name		
02	Age		
03	Father's Name		
04	Mother's Name		
05	Status on the date of marriage	Unmarried/ widower/ divorcee/ married	Unmarried/ widow/ divorcee
06	Address		

07. Solemnization of Marriage.-Date....., Place.....

**08. Declaration : (1) I, and have been married
on.....at.....according to under the provisions of
our Customs/ Personal Law/ Special Marriage Act, 1954 and since then we
are living together as husband and wife.**

(2)We declare that all the above particulars are true to the best of our knowledge and belief.

Signature of Bride

Signature of Bridegroom

Signature of witness from Bride's side Siganture of witness from Bridegroom's side

Application No.(Panchayat/Block/District)(Ward/town/District) Date.....

Shri..... and Smt..... have applied for registration of their marriage claiming this to have
been solemnized on..... at.....Guidance of Marriage Deputy Registrar General is
solicited on following objections:-

Marriage Registrar's copy

Marriage
Registrar

FormNo. A-3Application for Registration of marriageunder the BiharMarriage
Registration Rules, 2006To : The MarriageRegistrar,.....Please register {
our marriage for which particulars are givenbelow:

|}

Sl. No.	Particulars	Bridegroom	Bride
01	Name		
02	Age		
03	Father's Name		
04	Mother's Name		
05	Status on the date of marriage	Unmarried/ widower/ divorcee/ married	Unmarried/ widow/ divorcee
06	Address		

07. Solemnization of Marriage.- Date....., Place.....

08. Declaration : (1) I..... andhave been married on.....at.....according to under the provisions of our Customs/ Personal Law/ Special Marriage Act, 1954 and since then we are living together as husband and wife.

(2)We declare that all the above particulars are true to the best of our knowledge and belief.

Signature of Bride

Signature of Bridegroom

Signature of witness from Bride's side Signature of witness from Bridegroom's side

Application No.(Panchayat/Block/District)(Ward/town/District) Date.....

Whether registered ? Yes/NoIf yes, Marriage Registration Number & Date.....If no, (i)

Date of reference to Marriage Deputy Registrar General.....(ii)Date of receipt of

reference.....(iii)Date of entering the guidance.....Marriage RegistrarPage No.....Ward

No. and NameForm B-1Marriage Registration Register(Under the Bihar Marriage Registration Rules, 2006)

Ward No. and Name Gram Panchayat/ Municipal body Black Town District

Name and tenure of Ward memberName from to Specimen signatureForm B-2Marriage Registration Register

Application No.	Marriage Registration No.	Solemnization of Marriage	Bridegroom	Bride	Objection, if any	Sum of fines of Reg
		Date Place	NameAgeStatus*Father's nameAddress	NameAgeStatus**Father's nameAddress		

* Unmarried or widower or divorcee or married** Unmarried or widow or divorcee

Serial No. Date.....

Form-C Marriage Registration Certificate (Under the Bihar Marriage Registration Rules, 2006) Application No...../ (Name of Ward/Panchayat/Block/District)/Bihar Registration No.....Date.....It is hereby certified that the marriage of Sri (bridegroom) S/o Sri on is registered in Marriage Registration Register maintained in this office.* The findings of Marriage Deputy Registrar General in this matter are noted strike out, if not applicable Marriage Registrar (Seal)* Strike out, if not applicable