

Tripura Recording Of Marriage Act, 2003

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Tripura Recording Of Marriage Act, 2003

[10 August 2004]

An Act to provide for the regulation of compulsory recording of marriage and for matters connected therewith and incidental thereto. Be it enacted by the Tripura Legislative Assembly in the Fifty-Fourth year of the Republic of India as follows :-

CHAPTER 1 PRELIMINARY

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Recording of Marriage Act, 2003.
- (2) It extends to the whole of Tripura
- (3) It shall come into force on such date as the State Govt., may by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires :-

- (a) "to contract a marriage" , with its grammatical variation and cognate expressions, means to solemnize or enter into a marriage in any recognized form or manner ;
- (b) "marriage" includes a re-marriage ;
- (c) "Marriage Recorder" means the Chief Marriage Recorder, District Marriage Recorder and Sub-Divisional Marriage Recorder appointed or designated under sub-section (1) of section - 4 and sub-section (1) of section - 5 ;
- (d) "Marriage Reporter" means a Marriage reporter appointed or designated under sub-section (1) of section - 6 ;
- (e) "memorandum" means a memorandum of marriage referred to in section - 7 ;
- (f) "prescribe" means prescribed by rules made under this Act
- (g) "State Government" means the State Government of Tripura.

CHAPTER 2 RECORDING ESTABLISHMENT

3. Section 3 :-

All marriages solemnized on or after the commencement of this Act in the State in any form recognized under the personal law or custom applicable to the parties (husband and wife) or either of them shall be compulsory recorded in accordance with the provisions of this Act.

4. Chief Marriage Recorder :-

(1) The State Government may, by notification in the Official Gazette appoint a Chief Marriage Recorder for the State or designate an officer of the State Government to hold that office

(2) The State Government may also appoint or designate other officers for the purpose of discharging, under the superintendence, direction and control of the Chief Marriage Recorder such functions as he may from time to time authorize them to discharge.

(3) The Chief Marriage Recorder shall be the Chief Executive Authority in the State for carrying into execution the provisions of this Act and the rules or orders made thereunder He shall be responsible to co-ordinate, unify and supervise the works of recording of the marriages and submit in the month of January every year where the annual report of the preceding year on the working of this Act

5. District Marriage Recorder :-

(1) The State Government may appoint a person or designate an officer to be the District Marriage Recorder for each revenue District and such number of Sub-Divisional Marriage Recorders for one or more Sub-Divisions who shall, subject to general control and directions of the District Marriage Recorder, discharge such functions under this Act as the District Marriage Recorder may, from time to time, authorise them to discharge or designate such officer of the State Government as it think fit to hold any such office

(2) The District marriage Recorder shall superintend subject to the direction of the Chief Marriage Recorder, the recording 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 Chief Marriage Recorder issued from time to time for the purpose of this Act.

(3) Every Sub-Divisional Marriage Recorder shall without fee or reward, enter into the register maintained for the purpose all information given to him under section - 7 or section - 8 and shall also take steps to collect information about every marriage which takes place in his local jurisdiction and record the particulars in the Marriage Register.

(4) The office of the Marriage Recorder shall remain open on such dates and at such hours as the Chief Marriage Recorder may direct

The name and designation of the Marriage Recorder along with his local jurisdiction should be displayed on the Board on or near the outer door of his office. The writing on the Board should be in local language.

6. Marriage Reporters :-

(1) The State Government may appoint or designate an Officer to be a Marriage Reporter -

(i) for each Municipality to be known as Municipal Marriage Reporter ;

(ii) for each Panchayat to be known as Panchayat Marriage Reporter ;

(iii) for each Tehsil area in which lay no Municipality or Panchayat, to be known as Tehsil Marriage Reporter

(2) Every Marriage Reporter shall be attached to and work under the supervision, direction and control of the Sub-Divisional Marriage Recorder in charge of the respective Sub-Division

(3) Every Marriage Reporter shall without fee or reward receive and collect all information about marriages which take place in the area of his work and send the same to the Sub-Divisional Marriage Recorder to whom he is attached or if there is no Sub-Divisional Marriage Recorder, to the District Marriage Recorder in whose jurisdiction his area is situated The information shall be incorporated and transmitted in such form as may be prescribed

(4) The office of the Marriage Reporter in his area shall remain open on such dates and at such hours as the Chief Marriage Recorder may direct and every Marriage Reporter shall display on a Board on or near the outer door of the office of the Marriage Reporter in the local language his main designation and area of function as Marriage Reporter

CHAPTER 3 PROCEDURE OF RECORDING

7. Section 7 :-

(1) All marriages solemnized under this Act shall be recorded in the manner provided hereinafter.

(2) (a) The male partner to a marriage (if adult) shall and the female partner may within a period of sixty days from the date of his/her marriage-

(i) either intimate orally about the marriage to the Sub-Divisional Marriage Recorder or the Marriage Reporter having jurisdiction over

the area in which the marriage was contracted or to such person or authority as may be prescribed, or

(ii) prepare and sign a memorandum in Form A, obtain signature/thumb impression of both the spouses (if adult) and signature/thumb impression two witnesses of the Locality with full address thereon and shall deliver in person or by registered post to the Sub-Divisional Marriage Recorder or Marriage Reporter having jurisdiction over the area in which the marriage was contracted

Provided that where the spouses or any of them were minor his or her parent or guardian with whose consent the marriage was solemnized shall be liable to comply with the provision of this sub-section and Form A shall be signed by the parent or the guardian of the male or female partner

(b) In the case of oral intimation of marriage the Marriage Reporter or the Sub-Divisional Marriage Recorder to whom the information is given shall duly fill in Form A and obtain thereon signature or thumb impression of either of the spouses to the marriage and two witnesses.

(c) In case the oral intimation about the marriage or the memorandum of marriage is given directly to the Sub-Divisional Marriage Recorder, he shall make a copy of the memorandum of that marriage and send the same to the appropriate Marriage Reporter within his jurisdiction for verification and report

(d) In the cases covered by Sub-Section (2) (a) above the Sub-Divisional Marriage Recorder shall acknowledge the marriage memorandum in Form B.

(3) The marriage Reporter shall on receipt of the memorandum give to the person who delivers it or sends it by registered post an acknowledgement in Form B.

(4) The marriage Reporter shall after necessary verification send the memorandum along with the report to the Sub-Divisional Marriage Recorder of the area concerned within a period of one month from the date of receipt

(5) No Sub-Divisional Marriage Recorder or Marriage Reporter shall decline to receive any memorandum or decline to fill up the marriage memorandum as prescribed in sub-section (2) (b) of this section on the ground that the marriage was contracted outside his local area.

(6) Where the Sub-Divisional Marriage Recorder or Marriage Reporter receipts a memorandum of marriage contracted outside his local area, he shall note the particulars in a separate register maintained for the purpose in such manner as may be prescribed

and forthwith send the memorandum to the appropriate Sub-Divisional Marriage Recorder of the local area in which the marriage was contracted.

(7) Every Sub-Divisional Marriage Recorder shall maintain a register of marriages occurring in his area. On receipt of a memorandum of marriage solemnized within his jurisdiction he shall after making enquiries and ascertaining correctness of the information enter the particulars of the memorandum of marriage in that register.

(8) Registrar of Marriages appointed under the Indian Christian Marriage Act, 1872, the Parsi Marriage and Divorce Act, 1936, Special Marriage Act, 1954, the Hindu Marriage Act, 1955 shall send periodically the extracts of registers of marriages maintained by them under the respective Acts to the Sub-Divisional Marriage Recorder of the area concerned who shall make necessary entries in the register maintained by him.

8. Memorandum Of Marriage Submitted After Sixty Days :-

(1) Oral intimation or memorandum regarding any marriage as required under sub-section (2) of section 7 may also be submitted to the Sub-Divisional Marriage Recorder or Marriage Reporter any time after the expiry of the period of sixty days on payment of a fine of rupees two hundred.

(2) Provisions of sub-sections (2) to (7) of section 7 shall mutatis mutandis apply to a memorandum submitted under sub-section (1).

9. Correction Or Cancellation Of Entry In The Register Of Marriages :-

(1) If it is proved to the satisfaction of the Sub-Divisional Marriage Recorder that any entry of the marriage in any register kept by him under this Act is erroneous in form or in substance or has been fraudulently or improperly made he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin without any alteration of the original entry and shall sign the marginal entry and add thereto the date of correction or cancellation.

(2) No such correction or cancellation as referred to in sub-section (1) shall be made unless the parties to the marriage or their parents or guardians or their legal representative, as the case may be, has been given a reasonable opportunity of showing cause.

against the action proposed to be taken.

10. Marriages Not Validated :-

No marriage required to be recorded under this Act shall be deemed to be invalid by reason of the fact that it was not recorded under this Act or that the memorandum was not delivered or sent to the Sub-Divisional Marriage Recorder or Marriage Reporter or that such memorandum was in-effective irregular and incorrect.

CHAPTER 4 MAINTENANCE OF RECORDS AND STATISTICS

11. Marriage Recorders To Keep Register In The Prescribed Form :-

(1) Every Sub-Divisional Marriage Recorder shall keep in the prescribed form a register of marriages for the local area in relation to which he exercises jurisdiction.

(2) The Chief Marriage Recorder shall cause to be printed and supplied sufficient number of register books for making entries of marriages according to such forms and instruction as may from time to time be prescribed, and a copy of such forms in the local language shall be posted in some conspicuous place on or near the outer door of the office of every Sub-Divisional Marriage Recorder.

12. Inspection Of Recording Offices :-

The office of the Sub-Divisional Marriage Recorder shall be inspected and the register kept therein shall be examined by the Chief Marriage Recorder or the District Marriage Recorder at such intervals as may be prescribed.

13. Marriage Recorders To Send Periodical Returns To Chief Marriage Recorder For Compilation :-

(1) Every Sub-Divisional Marriage Recorder shall send to the District Marriage Recorder, Chief Marriage Recorder 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 Recorder.

(2) The Chief Marriage Recorder shall cause the information in the return furnished by the Sub-Divisional Marriage Recorder to be compiled and shall publish for the information of the public a statistical report on marriages recorded during the year at such

intervals and in such form as may be prescribed

(3) Every marriage recorded under this Act shall be presumed to be valid marriage unless and until the contrary is proved

(4) The Register of Marriages maintained under this Act shall at all reasonable time be open to inspection and a certificate in Form C shall be given to the party concerned or any person authorized by them on payment of such fee as may be prescribed.

CHAPTER 5 MISCELLANEOUS

14. Power Of Marriage Recorder To Obtain Information Regarding Marriages :-

A Marriage Recorder may either orally or in writing require any person to furnish any information within his knowledge in connection with marriages in the locality within which such person resides and that person shall be bound to comply with such requisition

15. Section 15 :-

(1) Any person aggrieved by or dissatisfied with an order decision or action of the Sub-Divisional Marriage Recorder may within a period of sixty days from the date of such order, decision or action file an appeal to the District marriage Recorder on payment of such fee as may be prescribed.

(2) Any person aggrieved by or dissatisfied with an order decision or action of the Sub-Divisional Marriage Recorder may file an appeal to the Chief Marriage Recorder within a period of sixty days from the date of such decision order or action on payment of such fee as may be prescribed.

16. Marriage Recorders And Marriage Reporters To Be Deemed To Be Public Servants :-

The Chief Marriage Recorders, the District Marriage Recorders the Sub-Divisional Marriage Recorders and Marriage Reporters shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

17. Delegation Of Powers :-

The State Government may, by notification in the Official Gazette direct that any power exercisable by it under this Act (except the power to make rules under section 19) or the rules made thereunder shall, subject to such conditions, if any as may be specified in the direction be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction

18. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against the State Government, Chief Marriage Recorder, District Marriage Recorder, and Marriage Recorder or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder

19. Power Of State Government To Make Rule :-

- (1) The State Government may by notification in the official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing provision such rules may provide for :-
 - (a) the preparation and submission of report under sub-section (3) of section 4
 - (b) the person or authority who shall be empowered to receive the memorandum under sub-section (2) of section 7.
 - (c) conditions and circumstances for correction of errors and cancellation of entries in the marriage register under section 9.
 - (d) the form of register of marriages to be kept under sub-section (2) of section 11 ;
 - (e) the forms and instructions for the purposes of sub-section (2) of section 11 ;
 - (f) the intervals within which the Chief Marriage Recorder shall inspect the office of Marriage Recorder and examine registers kept therein under section 12 ;
 - (g) the intervals at which and the form in which the returns and statistical reports under section 13 shall be furnished and for the publication thereof

20. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act in

their application to any area, the State Government may by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty