

Gujarat Registration of Marriages Act, 2006

16 of 2006

[MARCH 31, 2006]

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Gujarat Registration of Marriages Act, 2006

16 of 2006

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An Act to provide for registration of marriages in the State of Gujarat and for the matters connected therewith or incidental

thereto. It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :

1. Short title, and commencement :-

(1) This Act may be called the Gujarat Registration of Marriages Act, 2006.

(2) It extends to the whole of the State of Gujarat.

(3) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

(a) "to contract a marriage" means to solemnize or enter into a marriage under any law for the time being in force or by custom or usage in any form or manner;

(b) "marriage" includes re-marriage;

(c) "memorandum" means a memorandum of marriage referred to in Sees. 5 and 6;

(d) "priet" means any person who solemnizes a marriage;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "register of marriages" means the register of marriages maintained under this Act.

(g) "Registrar" means the Registrar of Marriages appointed under this Act;

(h) "Registrar-General" means the Registrar-General of Births, Deaths and Marriages appointed for the State of Gujarat under the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).

3. Appointment of Registrar of Marriages :-

(1) The State Government may, by genera] or special order, appoint, either by name or by virtue of their office, such number of persons as it thinks necessary, to be the Registrars of Marriages for such local areas as may be specified in the order, and one or more Registrar may be appointed for one or more such areas for carrying out the purpose ;s of this Act.

(2) The Registrar shall exercise such powers and perform such duties as may be prescribed by or under this Act and shall work under the general supervision and control of the Registrar-General and the State Government.

4. Marriages to be registered. :-

From the date of the coming into force of this Act, every marriage contracted in the State shall be registered in the manner provided in Sec. 5 or, as the case may be, Sec. 6.

5. Memorandum of marriage :-

The parties to a marriage shall prepare a memorandum in the Form specified in the S schedule and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area where marriage is contracted, within a period of thirty days from the date of the marriage.

6. Memorandum of marriage submitted-after thirty days :-

(1) A memorandum of a marriage may be submitted by the parties to the marriage to the Registrar of the area where marriage is contracted after the expiry of the period of thirty days specified in Sec. 5

(2) Nothing in sub-sec. (1) shall affect the liability of any person to any penalty under Sec. 15, who has omitted or neglected to deliver or send the memorandum within the period of thirty days specified in Sec. 5.

7. Signature on memorandum and fees to be paid :-

Every memorandum submitted under Sec.5 or 6 shall be signed by the parties to the marriage and by the priest and the witnesses and shall be accompanied by such fees as may be prescribed.

8. Power to refuse registration of marriage :-

(1) Where the Registrar, before whom the memorandum is presented under Sec. 5 or 6, 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 it not performed in accordance with the personal law of the parties; or

(b) 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

(c) 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 the witnesses or correctness of the information or documents presented to him, or

(ii) if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.

(2) Where on further verification as provided in sub-sec. (1), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons therefor and send the duplicate copy thereof to the Registrar-General.

9. Appellate power of Registrar-General :-

(1) Any person aggrieved by the order of the Registrar refusing to register the marriage under Sec. 8, may, within a period of thirty days from the date of receipt of such order, appeal to the Registrar-General in such manner and accompanied by such fees as may be prescribed.

(2) The Registrar-General, after giving an opportunity of being heard to the party concerned, pass an order, after recording the reasons in writing, directing the Registrar to register the marriage or confirming the order of the Registrar.

10. Appeal from order under Sec. 9 :-

Any person aggrieved by the order of the Registrar-General made under Sec. 9 may, within a period of thirty days from the date of the order, appeal against such order to the District Court within the local limits of whose jurisdiction the Registrar of Marriages has his office and the decision of the District Court on such appeal shall be final and thereupon the Registrar shall act in conformity with such decision.

11. Register of marriages :-

(1) The Registrar shall maintain a register of marriages contracted in the State in such form and in such manner as may be prescribed. On receipt of the memorandum of marriage under Sec. 5 or 6, the Registrar shall file the same in the register and shall send the duplicate copy thereof to the Registrar-General.

(2) On registration of the marriage, the Registrar shall issue a certificate of registration of marriage to the parties in the prescribed form.

12. Register to be open for public inspection :-

The register of marriages shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall, on application, be given by the Registrar to the applicant on payment of such fees as may be prescribed.

13. Non registration not to invalidate marriage :-

No marriage contracted in the State shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum was not delivered or sent to the Registrar or that such memorandum was defective or incorrect.

14. Responsibility of employer, etc. of verification of marriage registration certificate :-

No employer or a Government or Semi-Government Authority or Company or Public Sector Undertaking or Local Authority shall 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 dealings with any person, customer or cliene unless the employee or, as the case may be, the applicant, applying for carrying out or reccrding of \ such change, submits a certified copy of the certificate of registration of marriage granted under Sec. 11 or granted under any other law for the time being in force.

15. Penalty for neglecting to comply with provisions of Sec. 5 or for making false statement in memorandum :-

Any person who

(a) omits or neglects to deliver or send the memorandum as required by Sec. 5; or

(b) makes any statement in the memorandum which is false in any material particular, and which he knows or has reason to believe to be false, shall, on conviction, be punished with fine which may

extend to one thousand rupees.

16. Penalty for failing to file memorandum :-

The Registrar who wilfully fails to file the memorandum pursuant to Sec. 5 or 6 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

17. Penalty for secreting, destroying or altering register :-

Any person secreting, destroying or dishonestly or fraudulently altering the register of marriage or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

18. Sanction for prosecution :-

No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Registrar-General by general or special order, in this behalf.

19. Registrar to be public servant :-

Every Registrar while acting or purporting to act in pursuance of the provisions of this Act or made thereunder, be deemed to be a public servant within the meaning of Sec. 21 of the Indian Penal Code (XLV of 1860)

20. Indemnity to persons acting under this Act :-

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

21. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, and subject to the previous publication, make rules for carrying out the purposes 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 powers and duties of the Registrar under Sec. 3;

(b) the form and the manner in which register of marriages and records required to be maintained and the form of certificate of

registration of marriage to be issued under Sec. 11;

(c) the custody in which the register and records are to be kept and the preservation of such registers and records;

(d) the fees to be paid under Sec. 7 and 12;

(e) creating awareness for registration of marriages;

(f) any other matter which may be or requires to be prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

22. Provisions of this Act to be in addition to and not in derogation of other laws :-

The provisions of this Act are in addition to and not in derogation of any other law for the time being in force.

23. Power of State Government to give directions :-

The State Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Registrar and to the Registrar-General, as it may think fit in this regard, for the effective and smooth implementation of the provisions of this Act, and the Registrar and the Registrar-General shall comply with such directions.

24. Power to remove difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may be necessary for removing the difficulty:

Provided that no order under sub-section (1) shall be made after the expiry of two years from the date on which this Act comes into force.

(2) Every order made under this section shall be laid, as soon as

may be after it is made, before the State Legislature.

25. Repeal and savings :-

(1) The Bombay Registration of Marriages Act, 1953 (V of 1954) is hereby repealed.

(2) Nothing in this Act shall affect,

(a) \the marriages duly contracted and registered under the repealed Act;

(b) \anything done or any action taken or any extracts of register given under the repealed Act; or

(c) \any rules made or any register of marriages maintained under the repealed Act until they are rescinded or modified.

SCHEDULE

FORM

[See Section 5]

MEMORANDUM OF MARRIAGE

1. Date of Marriage.

2. Place of marriage (with sufficient particulars to locate the place).

3. (a) Full name of the bridegroom.

(b) His age. (Attach true copy of birth registration certificate or affidavit in the prescribed form)

(c) Religion.

(d) Usual place of residence.

(e) Address

(f) Status of the bridegroom at the time of unmarried marriage, whether widower

(Please tick whichever is applicable) divorced married and if, so, how many wives are alive. (g) signature of the bridegroom with date.

4. (a) Full name of the bride.

(b) Her age. (Attach true copy of birth registration certificate or affidavit in the prescribed form)

(c) Religion.

(d) Usual place of residence.

(e) Address.

(f) Status of the bride at the time of marriage unmarried
whether (Please tick whichever is applicable). Widow divorced

(g) Signature of the bride with date.

5. (a) Full name of the father or mother or guardian of the
bridegroom.

(b) Age.

(c) Usual place of residence.

(d) Address.

6. (a) Full name of the father or mother or guardian of the
bride.

(b) Age

(c) Usual place of residence.

(d) Address.

7. (a) Full name of the priest.

(b) Age.

(c) Usual place of residence.

(d) Address.

(e) Signature of the priest with date.

8. (1) (a) Full name of first witness.

(b) Age.

(c) Address.

(d) Signature with date.

(2) (a) Full name of second witness.

(b) Age.

(c) Address.