

Haryana Compusory Registration Of Marriages Act, 2008

6 of 2008

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Haryana Compusory Registration Of Marriages Act, 2008

6 of 2008

An Act to provide for compulsory registration of marriages solemnized in the 1[Union Territory of Chandigarh] irrespective of caste, religion and creed and for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Fifty-ninth Year of the Republic of India as follows

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : - "State of Haryana"

CHAPTER 1
PRELIMINARY

1. Short Title, Extent And Commencement :-

(1) This Act may be called 3[the Haryana Compulsory Registration of Marriages Act, 2008, as extended to the Union Territory of Chandigarh."]

(2) It extends to the whole of the 1[Union Territory of Chandigarh].

(3) It shall come into force on such date, as the 2[Administrator, Union Territory of Chandigarh] may by notification in the Official Gazette, appoint.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State of Haryana"

2. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State Government"

3. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"the Haryana Compulsory Registration of Marriages Act, 2008."

2. Definitions :-

In this Act, unless there is anything repugnant to the subject or context:--

(a) "age of bridegroom and bride" shall mean the age not less than twenty-one years in the case of bridegroom and eighteen years in the case of bride on the date of marriage except for those who are governed by customary or personal law subject to the production of proof thereof;

(b) "Chief Registrar" means the Chief Registrar of marriages appointed by the 1[Administrator, Union Territory of Chandigarh] under section 3 ;

- (c) "District Registrar" means the District Registrar of marriages appointed by the 1[Administrator, Union Territory of Chandigarh] for a district under section 4;
- (d) "marriage" means to solemnize or enter into a marriage in any form or manner and includes remarriage;
- (e) "prescribed " means prescribed by rules made under this Act;
- (f) "priest" means any person who solemnizes a marriage ;
- (g) "register" means a register of marriages maintained under this Act;
- (h) "Registrar" means a registrar of marriages appointed by the 1[Administrator, Union Territory of Chandigarh] under section 5 ;
- (i) "2[Union Territory of Chandigarh]" means the 3[Union Territory of Chandigarh];
- (j) "State Government" means the Government of the State of Haryana.

1. Substituted vide Notification No. GSR795(E)dated 04.11.2009 previous text was : - "State Government"
2. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : - "State"
3. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : - "State of Haryana"

CHAPTER 2

REGISTRATION ESTABLISHMENT

3. Chief Registrar :-

- (1) The 1[Administrator, Union Territory of Chandigarh] shall by notification in the Official Gazette, appoint a Chief Registrar for the whole of the 2[Union Territory of Chandigarh].
- (2) The Chief Registrar may, in consultation with the 1[Administrator, Union Territory of Chandigarh] also appoint such other officers with such designations as he thinks fit for the purpose of discharging, such of his functions, as he may from time to time, authorize them to discharge.
- (3) The Chief Registrar shall be the Chief Executive Authority in the 2[Union Territory of Chandigarh] for carrying into execution the provisions of this Act and the rules made thereunder subject to the directions, if any, given by the 1[Administrator, Union Territory of Chandigarh].
- (4) The Chief Registrar shall take steps, by issuing suitable instructions or otherwise, to co-ordinate, unify and supervise the

work of registration in the 2[Union Territory of Chandigarh] for securing an efficient system of registration and shall prepare and submit to the 1[Administrator, Union Territory of Chandigarh], in such manner and at such intervals, as may be prescribed, a report on the working of this Act in the State.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State Government"

2. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State"

4. District Registrar :-

The 1[Administrator, Union Territory of Chandigarh] shall appoint a District Registrar for each revenue district and such number of Additional District Registrars, as it thinks fit, who shall, subject to the general control and direction of the District Registrar, discharge such of his functions as the District Registrar may, from time to time authorized them to discharge.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State Government"

5. Registrar :-

(1) The 1[Administrator, Union Territory of Chandigarh] shall appoint a Registrar for each local area comprising the area within the jurisdiction of a tahsil or sub-tahsil or a combination of any two or more of them for carrying into execution in such areas the provisions of this Act:

Provided that the 1[Administrator, Union Territory of Chandigarh] may appoint, in the case of Municipal Corporation, Municipality or other local authority or a group of villages, any officer or employee thereof, to be a Registrar under the provisions of this Act.

(2) The Registrar may also suo motu, without fee or reward, enter any marriage which takes place in his jurisdiction in the register, after calling the parties and ascertaining the facts as required to be registered.

(3) Every Registrar shall have an office in the local area for which he is appointed.

(4) Every Registrar shall attend his office for the purpose of registering marriages on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in conspicuous place on or near the out door of the office of the Registrar a board bearing in the local language, his name with the addition of Registrar for the local area for which he is appointed, and the days and hours of his attendance.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State Government"

CHAPTER 3

REGISTRATION OF MARRIAGES

6. Every Marriage To Be Registered :-

After the date of commencement of this Act every marriage solemnized in the 1[Union Territory of Chandigarh] irrespective of cast, religion or creed, shall be registered in the manner as provided in section 7.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State"

7. Memorandum Of Marriages :-

(1) The parties to a marriage shall prepare and sign a memorandum, in such form, as may be prescribed and deliver or send by registered post, the said memorandum in duplicate to the Registrar of the area concerned in which the marriage was solemnized or the ordinary place of residence of the bride/her parents, or the bride groom/his parents, within a period of ninety days from the date of marriage.

(2) The memorandum shall be accompanied by such fee in the form of court fee stamps and shall be attested by such person, as may be prescribed.

(3) Where the Registrar, before whom the memorandum is presented under sub-section (1), 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 is 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.

(4) Where on scrutiny of documents presented to him or on further verification as provided in sub-section (3), the Registrar concerned is satisfied that there is no objection to register the marriage, he shall register the same within the period as may be prescribed. If in the opinion of the Registrar, the marriage is not fit for registration, he shall pass an order of refusal in writing, after recording the reasons therefore and send the duplicate copy thereof to the District Registrar.

(5) Such parties to a marriage who were married prior to the date of commencement of this Act may, also get their marriage registered if they are residents of the 1[Union Territory of Chandigarh] at the time of registration of the marriage, subject to the terms and conditions as mentioned in sub-sections (2), (3) and (4).

(6) Such parties to a marriage who have married outside the 1[Union Territory of Chandigarh] but are residents of the 1[Union Territory of Chandigarh], may also get their marriage registered in the 1[Union Territory of Chandigarh] as per provisions of sub-section (1), subject to the terms and conditions as mentioned in sub-sections (2), (3) and (4).

(7) If the marriage is already registered outside the 1[Union Territory of Chandigarh], it shall not be registered again in the 1[Union Territory of Chandigarh].

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State"

8. Appeal :-

(1) Any person aggrieved by the order of the Registrar refusing to register the marriage under subsection (4) of Section 7 may within a period of ninety days from the date of receipt of such order, appeal to the District Registrar in such manner and accompanied by such fee, as may be prescribed.

(2) The District Registrar, after giving an opportunity of being heard to the party concerned, may pass an order confirming the order of the Registrar or after recording the reasons in writing, direct the Registrar concerned to register the marriage or may pass such order as he may deem fit.

9. Second Appeal :-

(1) Any person aggrieved by the order of the District Registrar refusing to register the marriage under Section 8 may, within a period of ninety days from the date of receipt of such order, appeal to the Chief Registrar in such manner and, accompanied by such fee, as may be prescribed,

(2) The Chief Registrar, after giving an opportunity of being heard to the party concerned, may pass an order confirming the order of the District Registrar or Registrar concerned or after recording the reasons in writing, direct the District Registrar or Registrar concerned, as the case may be, to register the marriage or may pass such order as he may deem fit.

10. Register :-

(1) The Registrar shall maintain a register of marriages solemnized in the 2[Union Territory of Chandigarh] in such form and manner as may be prescribed. On receipt of the memorandum of marriage under section 7, the Registrar shall make a record of the same in the register.

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

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State"

11. Memorandum Of Marriage Submitted After Ninety Days

:-

(1) A memorandum accompanied by such fee along with such fine as may be prescribed regarding any particular marriage, may be submitted in the Registrar after the expiry of the period specified under sub-section (1) of section 7 and the Registrar shall proceed accordingly after following the due procedure enumerated in Section 7.

(2) Nothing in sub-section (1) shall affect the liability of any person who has wilfully omitted or neglected to deliver or send the memorandum within the period specified in sub-section (1) of Section 7 to any penalty that may be imposed under Section 16.

(3) Any marriage of which delayed information is given to the Registrar after the period specified in sub-section (1) of Section 7 but within one year of its solemnization, shall be registered only with the written permission of the District Registrar and on payment of such fee along with such fine as may be prescribed and on production of an affidavit attested by Notary Public or Magistrate justifying the cause of delay.

(4) Any marriage of which delayed information is given to the Registrar after one year of its solemnization shall be registered only with the written permission of the Chief Registrar and on payment of such fee along with such fine as may be prescribed and on production of an affidavit attested by Notary Public or Magistrate justifying the cause of delay.

(5) Nothing contained in sub-sections (1), (2), (3) and (4) shall affect the liability of any person under the provisions of Section 16.

12. Register To Be Open For Public Inspection :-

(1) The register maintained under this Act shall at all reasonable times, be open to inspection and certified extracts therefrom shall, on application, be given by the Registrar on payment of such fee as may be prescribed.

(2) All extracts given under sub-section (1) shall be certified by the Registrar or any other officer authorized by the 1[Administrator, Union Territory of Chandigarh] to give such extracts as provided in Section 76 of the Indian Evidence Act, 1872 (1 of 1872) and shall be admissible in evidence for the purpose of proving the marriage to which it relates.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009

previous text was : -
"State Government"

13. Non-Registration Not To Invalidate Marriage :-

No marriage in the 1[Union Territory of Chandigarh] 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, irregular or incorrect.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009

previous text was : -
"State"

CHAPTER 4

MAINTENANCE OF REGISTERS AND RECORDS

14. Maintenance Of Register :-

(1) Every Register shall keep a register of marriages for the concerned area or any part thereof in relation to which he exercises jurisdiction in such form and manner as may be prescribed.

(2) The Chief Registrar shall cause to be printed and supplied a sufficient number of register books for making entries of marriage according to such form as may, from time to time, be prescribed; and a copy of such form in the local language shall be pasted at some conspicuous place or near the outer door of the office of Registrar.

15. Correction Or Cancellation Of Entry In Register :-

If it is found to the satisfaction of the Registrar that any entry of a marriage in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may, subject to such rules as may be made by the 1[Administrator, Union Territory of Chandigarh] with respect to the condition 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 and attest such entry made in the margin and add the date of correction or cancellation.

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009

previous text was : -
"State Government"

16. Penalty :-

any person who--

- (a) wilfully omits or fails to deliver or send memorandum as required by Section 7, shall be punishable with fine which may extend to five hundred rupees; or
- (b) (i) makes any statement in such memorandum which is false in material particulars, and which he knows or has reason to believe to be false ; or
- (ii) secretly destroys or dishonestly or fraudulently alters the marriage register or any part thereof, shall be punishable with fine which may extend to one thousand rupees or imprisonment for one year or both.

17. Registrars To Be Public Servants :-

The Chief Registrar, District Registrars, Additional District Registrars, Registrars and other officers and officials appointed under this Act, while acting or purporting, to act in pursuance or any of the provisions of this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).

18. Indemnity :-

No suit, prosecution or other legal proceedings shall be instituted against any person for, anything which is in good faith done or intended to be done under this Act.

19. Power To Make Rules :-

(1) The 1[Administrator, Union Territory of Chandigarh] may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality or the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the manner and interval at which the report of working of this

Act is to be submitted under sub-section (4) of section 3 ;
(b) the fee of the memorandum and the person who shall attest the same under sub-section (2) of section 7;
(c) the period within which the marriage is to be registered under sub-section (4) of section 7;
(d) the manner and fee for filing an appeal under sub-section (1) of section 8;
(e) the manner and fee for filing of second appeal under sub-section (1) of section 9;
(f) the form and manner in which register is to be maintained under sub-section (1) of section 10;
(g) the form in which certificate of marriage shall be issued under sub-section (2) of section 10;
(h) the fee and fine to be paid under sub-section (1) of section 11;
(i) the fee for obtaining certified copy under sub-section (1) of section 12;
(j) the form and manner in which register of marriages is to be maintained and forms for making entries of marriage under section 14;
(k) the conditions and circumstances in which entries of marriage shall be corrected or cancelled under section 15;
(l) any other matter which is to be or may be prescribed under this Act.

3[***]

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State Government"

2. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"State"

3. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"(3) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the 2[Union Territory of Chandigarh] Legislature, while it is in session."

20. Provisions Not To Be Derogatory To Certain Laws :-

The provisions of this Act shall be in addition to and not in derogation of the provisions of the Special Marriage Act, 1954 (43 of 1954), the Indian Christian Marriage Act, 1872 (15 of 1872), the

Parsi Marriage and Divorce Act, 1936 (3 of 1936) and the Foreign Marriage Act, 1969 (33 of 1969).

21. Repeal And Saving :-

1[***]

1. Substituted vide Notification No. GSR795(E) dated 04.11.2009 previous text was : -

"(1) The Haryana Compulsory Registration of Marriages Ordinance, 2008 (Haryana Ordinance No. 1 of 2008), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act."