

Himachal Pradesh Registration Of Marriages Act, 1996

(Act No. 21 Of 1997)

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Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Rajpatra, Himachal Pradesh (Extra-ordinary), dated 5th December, 1996 pp. 5462 and 5471.

Received the assent of the President of India on the 22nd September, 1997 and was published both in Hindi and English in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated 18th October, 1997, pp. 4191-4209

An Act to provide for registration of marriages and for certain other matters connected therewith.

Amended, repealed or otherwise effected by.-

H.P. Act No. 13 of 2006 Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see Rajpatra, Himachal Pradesh (Extra-ordinary), dated 2nd March, 2006, pp. 7556 and 7558., assented to by the Governor on the 10th October, 2006, published both in Hindi and English in Rajpatra, Himachal Pradesh (Extra-ordinary), dated 15th July, 2006, pp. 1811-1814.

Himachal Pradesh Registration Of Marriages Act, 1996

(Act No. 21 Of 1997)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-seventh Year of Republic of India, as follows:-

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called the Himachal Pradesh Registration of Marriages Act, 1996.

(2) it extends to the whole of the Himachal Pradesh.

(3) It 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 there is anything repugnant in the subject or context,-

(a) "Chief Registrar Marriages" means the Chief Registrar of Marriages appointed by the 'State Government under section 3 of this Act;

(b) "to contract a marriage" means to solemnize or enter into a marriage in any form or manner;

(c) "District Registrar of Marriages" means the District Registrar of Marriages appointed by the State Government for a District under section 6 of this Act;

Clause (cc) inserted vide Act No. 13 of 2006.(cc) "Magistrate" means the Executive Magistrate appointed by the State Government under section 20 of the Code of Criminal Procedure;]

(d) "marriage " includes re-marriage;

(e) "marriage register" means a register of marriages maintained under this Act;

(f) "Priest" means any person who solemnises a marriage;

(g) "Registrar of Marriages" means a Registrar of Marriages appointed by the State Government under section 5 of this Act;

(h) "Schedule" means the Schedule to this Act.

CHAPTER-II

REGISTRATION ESTABLISHMENT

3. Chief Registrars of Marriages.-

(1) The State Government shall, by notification in the Official Gazette, appoint a Chief Registrar of Marriages for the State.

(2) The State Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging under the superintendence and direction of the Chief Registrar of Marriages, such of his functions as he may, from time to time, authorise them to discharge.

(3) The Chief Registrar of Marriages shall be the Chief Executive authority in the State for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the State Government.

(4) The Chief Registrar of Marriages shall take steps, by the issue of suitable instructions or otherwise, to co-ordinate, unify and supervise the work of

registration in the State for securing an efficient system of registration and shall prepare and submit to the State Government, in such manner and at such intervals as may be prescribed, a report on the working of this Act in the State.

4. District Registrars of Marriages.-

(1) The State Government may appoint a District Registrar of Marriages for each revenue District and such number of Additional District Registrars of Marriages as it thinks fit, who shall, subject to the general control and direction of the District Registrar of Marriages discharge such functions of the District Registrar of Marriages, as the District Registrar of Marriages may from time to time authorise them to discharge.

(2) The District Registrar of Marriages shall superintend, subject to the direction of the Chief Registrar of Marriages, the registration of marriages and shall be responsible for carrying into execution in the District the provisions of this Act and the orders of the Chief Registrar of Marriages issued from time to time for the purposes of this Act.

5. Registrar of Marriages.-

(1) The State Government may appoint a Registrar of Marriages for each local area comprising the area within the jurisdiction of a tehsil or taluka or a municipal corporation, municipality or a cantonment board or any other local authority or a combination of any two or more of them;

Provided that the State Government may appoint in the case of municipal corporation, municipality or other local authority, any officer or other employees thereof as a Registrar of Marriages under this Act.

(2) Every Registrar of Marriages shall, without fee or reward, enter in the Marriage Register maintained under this Act and shall also take steps to inform himself carefully of every marriage, which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.

(3) Every Registrar of Marriages 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 of Marriages may direct and shall cause to be placed in conspicuous place on or near the out door of the office of the Registrar of Marriages a board bearing, in the local language, his name with the addition of Registrar of Marriages for the local area for which he is appointed, and the days and hours of his attendance.

CHAPTER-III

REGISTRATION OF MARRIAGES

6. Every marriage to be registered.-

After the date on which the provisions of this Act have been brought into force in any area under sub- section (3) of section 1, every marriage contracted in Himachal Pradesh shall be registered in the manner provided in section 7 of this

Act.

7. Memorandum of marriage.-

(1) The parties to a marriage or their fathers or guardians when they shall not have completed the age of 21 years, shall prepare and sign a memorandum in the form in the Schedule and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of Marriages of the area, within a period of 30 days from the date of the marriage:

Provided that where the marriage is contracted without the consent of the father or guardian of a party, such party and not the father or guardian shall comply with the provisions of this sub-section.

(2) The memorandum shall also be signed by the officiating priest, if any and where such marriages is solemnised before a Marriage Officer, the memorandum shall be supported by certified copies of the entries made in the Marriage Certificate Book being maintained by the said Marriage Officer under any other enactment for the time being in force.

(3) The Memorandum shall be accompanied by a fee of rupees five.

(4) On receipt of the Memorandum, the Registrar of Marriages shall file the same in the marriage register maintained by him and shall send the duplicate copy thereof to the Chief Registrar of Marriages.

8. Memorandum of marriages submitted after 30 days.-

(1) A memorandum, accompanied by a fee, not exceeding rupees ten as may be prescribed, regarding any particular marriage may be, submitted to the Registrar of Marriages after the expiry of period of 30 days specified under sub-section (1) of section 7 and the Registrar of Marriages shall file the same in the marriage register maintained by him and shall also send the duplicate copy thereof to the Chief Registrar of Marriages as provided 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 under section 16 of this Act.

(3) Any marriage of which delayed information is given to the Registrar of Marriages after ninety days but within one year of its occurrence shall be registered only with the written permission of the prescribed authority and on payment of prescribed fee and production of an affidavit made before a Notary Public or any other officer authorised by the State Government in this behalf.

(4) Any marriage which has not been registered within one year of its occurrence, shall be registered only on an order made by a Magistrate of the First Class after verifying the correctness of marriage and on payment of the prescribed fee:

Provided that nothing contained in this sub-section shall apply to the registration of a foreign marriage under section 11.

9. Places of registration of marriages.-

The registration shall be affected in the office of the Registrar of Marriages within

whose jurisdiction the marriage was solemnised or within whose jurisdiction, either or both parties to the marriage have their permanent place of residence or at any place outside his office provided there is any application in writing in this behalf and signed by either of the parties to the marriage and the additional fee prescribed therefor is paid and the hour is not unreasonable.

10. Voluntary registration of marriages contracted in areas in which this Act is not applicable.-

(1) In any area in which the provisions of this Act are not in force the parties to a marriage contracted in that area, or that their fathers or guardians when they shall not have completed the age of 21 years, may if they so desired, prepare and sign a memorandum in the form in the Schedule and deliver or send by registered post the said Memorandum in duplicate to such Registrar of Marriages, as the State Government may, from time to time by notification in the Official Gazette, specify in this behalf.

(2) The Memorandum shall also be signed by the officiating priest, if any, and where such marriage is solemnised before a Marriage Officer, the memorandum shall be supported by certified copies of entries made in the Marriage Certificate Book being maintained by the said Marriage Officer under any other enactment for the time being in force.

(3) The Memorandum shall be accompanied by a fee of rupees five if it is sent or delivered within a period of 30 days from the date of marriage and a fee, not exceeding rupees ten, as may be prescribed if it is sent or delivered after the expiry of 30 days from the date of marriage.

(4) On receipt of any such memorandum, the Registrar of Marriages shall file the same in the Marriage Register maintained by him and shall send the duplicate copy thereof to the Chief Registrar of Marriages as provided in section 7.

11. Registration of foreign marriages.-

(1) Where -

(a) the Chief registrar of Marriages is satisfied that a marriage has been duly solemnized in a foreign country in accordance with the law of that country between the parties of whom one at least was a citizen of India; and

(b) a party to the marriage submits a Memorandum in the form given in the Schedule, along with a certificate from the Indian Consulate, in the country where marriage has been solemnised, that the marriage is valid and has been duly solemnised, and informs the Chief Registrar of Marriages, that he or she desires the marriage to be registered, the Chief registrar of Marriages may upon payment of prescribed fee, register the marriage.

(2) No marriage shall be registered under this section unless at the time of registration it satisfies the conditions laid down in section 4 of the Foreign Marriage Act, 1969.

(3) The Chief Registrar of Marriages may, for reasons to be recorded in writing, refuse to register a marriage under this Act on the ground that in his opinion the marriage is inconsistent with international law or the comity of nations.

(4) Where the Chief Registrar of Marriages accepts the application, he shall, cause the marriage to be registered.

(5) Where a party to a marriage happens to be outside India and he returns to India with a view to settling therein, he may, at any time within 60 days from the date of their arrival in India, get the marriage registered under this Act in the same manner as if the marriage has been solemnised in India and the provisions of section 8 shall apply to such a marriage after the expiry of the said period of 60 days.

12. Non-registration not to invalidate marriages.-

No marriage contracted in the areas 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 or that the memorandum was not delivered or sent to the Registrar of Marriages or that such memorandum was defective, irregular or incorrect.

CHAPTER-IV

MAINTENANCE OF REGISTERS AND RECORDS AND CORRECTIONS THEREOF.

13. Maintenance of registers in the prescribed forms.-

(1) Every Registrar of Marriages 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 Chief Registrar of Marriages shall cause to be printed and supplied a sufficient number of register books for making entries of marriages according to such forms and instructions 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 or near the outer door of the office.

14. Correction or cancellation of entry in the marriage register.-

If it is found to the satisfaction of the Registrar of Marriages 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 State Government 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 the marginal entry and thereto add the date of the correction or cancellation.

15. Search of marriage registers.-

(1) Subject to any rules made in this behalf by the State Government including rules relating to the payment of fees and postal charges, any person may-

(a) cause a search to be made by the Registrar of Marriages for any entry in a register of marriages; and

(b) obtain an extract from such register relating to any marriage.

(2) All extracts given under this section shall be certified by the Registrar or any

other officer authorised by the State Government to give such extracts as provided in section 76 of the Indian Evidence Act, 1872 and shall be admissible in evidence for the purposes of proving the marriage to which it relates.

CHAPTER V

PENALTIES

16. Penalty for neglecting to comply with the provisions of section 7 or making any false statement in the memorandum.-

Any person who-

(i) Wilfully omits or neglects to deliver or send memorandum as required by section 7; or

(ii) makes any statement in such memorandum which is false in 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 two hundred rupees.

17. Penalty for failing to file memorandum.-

Any Registrar of Marriages, who fails to file the memorandum pursuant to section 7 shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

18. Penalty for secreting, destroying or altering marriage register.-

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

CHAPTER-VI

MISCELLANEOUS

19. Registrars to be public servants.-

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

20. Indemnity to persons acting under this Act.-

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

21. Previous sanction of the Government.-

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the State Government.

22. Power of State Government to make rules.-

(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act-

(a) the terms and conditions of appointment; and duties and powers of the Chief Registrar of Marriages, District Registrars of Marriages, Registrars of Marriages, and other officers and staff appointed to assist them;

(b) the forms and manner in which 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;

(d) the fees to be paid under this Act; and

(e) any other matter which is to be, or may be, prescribed by the State Government under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the sessions or the successive sessions aforesaid, the Assembly agrees in making any modification in the rule or agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. 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, the Indian Christian Marriage Act, 1972, the Parsi Marriage and Divorce Act, 1936 and Foreign Marriage Act, 1969.

THE SCHEDULE FORM

(See section 7)

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.

(c) Usual place of residence.

(d) Address.

(e) Status of the bridegroom at the time of marriage (whether unmarried/widower/divorced/married, if so, how many wives are alive.)

(f) Signatures of the bridegroom with date.

4. (a) Full name of the bride.

(b) Her age.

(c) Usual place of residence.

(d) Address.

(e) Status of the bride at the time of marriage (whether unmarried/widow/divorced/ married, if so, husband is alive)

(f) Signatures of the bride, with date.

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

(b) His age.

(c) Usual place of residence.

(d) Address.

(e) Signature of the father or guardian of the bridegroom with date.

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

(b) His age.

(c) Usual place of residence.

(d) Address.

(e) Signature of the father or guardian of the bride, with date.

7. (a) Full name of the officiating priest.

(b) His age.

(c) Usual place of residence.

(d) Address

(e) Signatures of the officiating Priest, with date.