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TRIPURA SPECIAL MARRIAGE RULES, 1989

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ANNEXURE—'A'.

GOVERNMENT OF TRIPURA
REVENUE DEPARTMENT

No.F.7(4)—REV/85

Dated, Agartala, the 12th July, 1989

NOTIFICATION

In exercise of powers conferred by section 50 of the Special Marriage Act, 1954, the State Government hereby makes the following Rules, namely :—

TRIPURA SPECIAL MARRIAGE RULES, 1989.

1. (1) These rules may be called the Tripura Special Marriage Rules, 1989.
 - (2) They extend to the whole of the State of Tripura.
 - (3) They shall come in to force on the 1st day of January, 1989
2. In these rules—
 - (a) "the Act" means the Special Marriage Act, 1954 (Central Act XLIII of 1954) ;
 - (b) "Form" means a form appended to these rules ;
 - (c) "Section" means a section of the Act.
3. Every Marriage Officer shall cause his name, designation and the regular working hours of his office to be written in English, Bengali and Kakbarak and displayed in a conspicuous part of the building in which his office is situated.
4. (a) Notice of any intended marriage under the Act, shall be given in writing in the form specified in the Second Schedule to the Act, to the Marriage Officer by both the parties intending to enter into the marriage, either in person or by registered post.
 - (b) Where the notice is delivered in person, the fee prescribed therefor in rule 10 shall be paid directly in cash to the Marriage Officer. Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter's expense and the receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.

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(c) As soon as the notice has been received by the Marriage Officer, a distinctive serial number shall be entered on it and such number and the date of receipt of the notice shall be attested by the signature of the Marriage Officer. If the notice is in conformity with the requirements of the Act, it shall be entered in the Marriage Notice Book which shall be a bound volume, the pages of which are machine-numbered consecutively, with a nominal index attached. If the notice is not in conformity with the requirements of the Act, it shall be got rectified by the parties if they are present, or returned to them by post for rectification and retransmission within a date to be fixed. Every item of rectification shall be attested by both the parties.

5. A true copy of the notice under the seal and signature of the Marriage Officer shall be exhibited in a conspicuous place in his office.

6. (a) Where an objection to the solemnization of an intended marriage together with the fee prescribed therefor in rule 10 has been received and recorded by the Marriage Officer, he shall, unless by an order in writing he rejects the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in section 4, enquire into the objection on a day to be fixed by him. The day so fixed shall not be later than thirty days from the date of the objection.

(b) The Marriage Officer shall, at the time of recording the objection ascertain from the objector whether he has any documents on which he relies or whether he desires, any witness or witnesses to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for the enquiry. If the objector desires that summonses shall be issued to the witnesses to appear and give evidence or to produce any document, the Marriage Officer shall issue such summonses to the witnesses cited, on payment of the process fee prescribed therefor in rule 10 and the reasonable expenses of travelling and subsistence of the witnesses. The enquiry relating to the objection including the production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in section 8. If, within the prescribed period, the documents are not produced and the witnesses do not appear before the Marriage Officer, the Marriage Officer shall take a decision without waiting for the production of such documents or the appearance of such witnesses.

(c) The Marriage Officer shall also give notice of the date and time fixed for the inquiry to the parties in the intended marriage,

(d) The notice or summons to any party or witness under this rule shall be in Form I or Form II, as the case may be, and shall be sent by registered post.

(e) On the date fixed for the enquiry or on any adjourned date, the Marriage Officer shall record in his own hand the evidence given in the course of the enquiry, his decision on the objection and the reasons therefor.

7. (a) An application under section 16 of the registration of a marriage celebrated in other forms shall be in Form III.

(b) Such application shall be presented to the Marriage Officer by any one of the parties in person or sent to him by registered post.

(c) Notice of the application under sub-rule (a) shall be given by the Marriage Officer by exhibiting a true copy thereof under his seal and signature in a conspicuous place outside his office. The notice shall also state that objections, if any, to the registration of the marriage should be preferred by the objector in person orally or in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited.

(d) Any objection received within the said period together with the fee prescribed therefor in rule 10 shall be recorded and the enquiry in respect thereto made as nearly as possible in the manner prescribed in rule 6.

8. The Marriage Officer may, on application by both the parties to the marriage solemnise the same at any place outside his office provided the additional fee prescribed therefor in rule 10 is paid and the hour is not unreasonable.

9. The Marriage Certificate Book shall be a bound volume, the pages of which are machine-numbered consecutively with a nominal index attached.

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Every marriage certificate entered therein during each calendar year shall be consecutively numbered and every authenticated copy of a certificate issued to the parties shall bear this number and the date, month and the year in which the certificate was entered.

10. The following fees shall be levied by the Marriage Officer :

- | | |
|--|--------------|
| (i) For every notice of intended marriage or application for the registration of a marriage (to be paid by the parties to the marriage) | Rs. 10/- |
| (ii) For recording an objection (to be paid by the objector) | Rs. 10/- |
| (iii) For every enquiry into an objection (to be paid the objector) | Rs. 200/- |
| (iv) For every notice and for every summons to a witness to appear and give evidence or produce a document (to be paid by the objector) | Rs. 5/- |
| (v) For solemnizing or registering a marriage (to be paid by the parties to the marriage) | Rs. 30/- |
| (vi) For a certified copy of an entry — | |
| (a) in the Marriage Notice Book other than an entry relating to an objection, | Rs. 5/- |
| or, | |
| (b) in the Marriage Certificate Book (to be paid by the applicant) | Rs. 5/- |
| (vii) For a certified copy of an entry in the Marriage Notice Book other than a notice or of any other proceeding not already provided for (to be paid by the applicant) | Rs. 5/- |
| (viii) For solemnizing a marriage — | |
| (a) at any place within a radius of 5 km. from the office of the Marriage Officer, in addition to fee in entry (v) (to be paid by the parties to the marriage) | Rs. 100/- |
| (b) at any place beyond a radius of 5 km. from the office of the Marriage Officer, in addition to fees in entries (v) and (viii a) (to be paid by the parties to the marriage) | Rs. 2/- |
| | for each km. |

A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and the Rules. The receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine-numbered consecutively. All moneys received by the Marriage Officer shall be remitted into the local treasury.

11. Copies of entries in the Marriage Certificate Book which Marriage Officers are required to send under section 48 to the Registrar General of Births, Deaths, and Marriages, shall be certified in Form IV and shall be sent at intervals of three months on, or as nearly as possible after, the 1st of January, April, July and October in each year. Should not entries have been made in the Book during the preceding three months, a certificate to this effect shall be sent to the said Registrar-General.

FORM I

(See Rule 6 (d)

Notice

Before the Marriage Officer.....(place).
In the matter of the Special Marriage Act, 1954.

and

In the matter of the intended marriage between
_____ application to register the marriage between

A B
and (give names and addresses)
C D
E F Objector

To.....

WHEREAS _____ notice of an intended marriage
_____ between
an application for the registration of the marriage

A B and C D was received by the Marriage Officer on.....whereas E F has
preferred certain objections (set out overleaf) to the solemnization of the marriage ;

_____ registration

whereas the Marriage Officer will hold an enquiry into the matter of the said objections on
_____ day of19 at his office, you
are hereby required to the present ata.m./p.m. on the said day together
with all documents on which you rely and any witness or witnesses whom you may desire to be
examined on your behalf.

Take notice that in default of your appearance on the aforesaid day, the inquiry will be made
and decided in your absence.



Should you apprehend that your witness will not attend unless summoned by the Marriage Officer, you should apply to the Marriage Officer for the issue of such summons sufficiently early together with the prescribed process fee and the reasonable expenses of travelling and subsistence of the witness.

Given under my hand and seal.

Station : Signature
Date : SEAL Marriage Officer.
(Set out the objections on the reverse of this notice)

FORM II
(See rule 6 (d))
Summons to witness

Before the Marriage Officer.....(Place).

In the matter of the Special Marriage Act, 1954
and

intended marriage between

In the matter of the _____
application to register the marriage between

A B
and (give names and address).
C D

E F Objector

To.....

WHEREAS your attendance is required to give evidence on behalf of...in the above matter you are hereby required to appear personally before me or to cause to be produced before me the document specified hereunder on the.....day of.....19 at.....a.m./p.m. A sum of Rs.....being your travelling and other expenses for one day is herewith sent.

If you fail to comply with this summons without lawful excuse you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Take notice that, in default of your appearance on the afore said day the inquiry will be made and decided in your absence.

Given under my hand and seal.

Station :
Date : SEAL Marriage Officer

FORM III
(See rule 7(a))

Application for registration of a Marriage under section 16 of the Special Marriage Act, 1954
(Central Act XLIII of 1954)

- 1. Name of parties | A B Husband
| C D (Wife)
- 2. Age or date of birth | Husband
| Wife

- 3. Permanent dwelling-place, if any
- 4. Present dwelling-place
- 5. Relationship, if any, of parties before marriage
- 6. A ceremony of marriage was performed between A B and C D..... atand we declare that we have been living together as husband and wife ever since the date noted above.

We hereby declare that —

- (i) neither of us has more than one spouse living on the date mentioned in this application ;
- (ii) neither of us is an idiot or lunatic ;

Neither,

Our marriage was celebrated before the commencement of the Special Marriage Act, 1954 (XLIII of 1954), and according to the law, custom or usage having the force of law, governing each of us, a marriage between us is permitted, though we are within the degrees of prohibited relationship according to the Act aforesaid

NOTE :—Score out which ever is not applicable.

- (v) We have been residing within the jurisdiction of.....the Marriage Officer at.....for a period of not less than thirty days immediately preceding the date of this application.

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

Signature

Station :

.....

(Husband)

Date :

.....

(Wife)

FORM VI
(See Rule 8 (3))

Notice of application for Registration

Notice is hereby given that an application has been received from A B and C D (here enter the particulars) for the registration of their marriage under Chapter III of the Special Marriage Act, 1954 (XLIII of 1954). Any person having any objection to the marriage may, within thirty days of the publication of this notice, apply in writing to the undersigned specifying the grounds for such objection.

Place :

Marriage Officer.

Date :

By order of the Governor,
(SHASHI PRAKASH)
Secretary to the Government of
Tripura.

