

Jharkhand Hindu Marriage Registration Rules, 2002

JHARKHAND HINDU MARRIAGE REGISTRATION RULES, 2002

S.O.-211, dated the 3rd January, 2003/No. 3055.—In exercise of the powers conferred by Section 8 of the Hindu Marriage Act, 1955 (Act No. 25 of 1955), the Government of Jharkhand is pleased to make the following rules :—

1. Short title, extend and commencement.—(1) These rules may be called the Jharkhand Hindu Marriage Registration Rules, 2002.

(2) This shall extend to the whole of Jharkhand.

(3) They shall come into force with immediate effect.

2. Definition.—In these rules, unless the context otherwise requires—

(a) “the Act” means the Hindu Marriage Act, 1955 (Act No. 25 of 1955);

(b) “Registrar-General” means the Inspector-General of Registration appointed under Section 3 of the Registration Act, 1908 (Act No. 16 of 1908);

(c) “Marriage” means a Hindu Marriage to which the Act applies;

(d) “Registrar” means the Registrar of Hindu Marriage having jurisdiction under Rule 3;

(e) “Registration of the District” means the Registrar of the District appointed under Section 6 of the Registration Act, 1908 (Act No. 16 of 1908) and includes the officer performing the duties of a Registrar under Sections 10 and 11 of the Act;

(f) “Sub-Registrar” means a Sub-Registrar appointed by the State Government under the Registration Act, 1908 (Act No. 16 of 1908) and includes a person so appointed under Section 12 of the Act.

3. Jurisdiction to Registrar and Sub-Registrar.—For the purposes of these rules, every Sub-Registrar within the limits of his jurisdiction and every Registrar of the District within the district shall exercise the powers and perform the duties of Registrar of Hindu Marriages.

4. Registration of Marriages.—(1) The parties to any marriage may, on payment of the fee specified in Rule 10, have the particulars relating to the marriage entered in the Hindu Marriage Registrar kept for the purpose in the office of the Registrar or Sub-Registrar.

(2) An application for registration of a marriage shall be made in duplicate to the Registrar or Sub-Registrar within whose jurisdiction the marriage is solemnized or within whose jurisdiction the husband permanently resides and shall be in Form ‘A’ of the Schedule appended to these rules :

Provided that, if the application is made to the Registrar or Sub-Registrar within whose territorial jurisdiction the marriage is solemnized and the husband does not permanently reside within such jurisdiction, it shall be made in triplicate and the third copy of the application shall be forwarded by the Registrar receiving the application to the Registrar within whose jurisdiction the husband permanently resides :

Provided further that an application for registration of marriage shall ordinarily be presented to a Sub-Registrar having jurisdiction but the Registrar of the District may in his discretion can also entertain any such application.

(3) The application mentioned in sub-rule (2) shall be accompanied with a certificate issued by a Gazetted Officer, Mukhia, Up-Mukhia of a Gram Panchayat or Pramukh of a Panchayat Samiti as to the identity of the parties to the marriage and the correctness of other particulars appearing in the application and shall be presented personally to the Registrar concerned. Where the persons presenting the application so desires he shall be given a receipt for the application in the following form :

Received an application for registration of marriage between.....and presented by.....

Dated.....

Signature.....

[Registrar or Sub-Registrar of Hindu Marriages.....]

5. Hindu Marriage Register.—(1) A Hindu Marriage Register shall be bound volume of one hundred leaves the pages having been machine numbered consecutively and shall be maintained by Registrar of the

District and Sub-Registrar.

(2) The Registrar and Sub-Registrar shall certify under his signature on the title page of every blank register issued to him, the number of pages actually contained in such register and shall also note the date on which the register was received by him.

(3) At the close of every calendar year, the Registrar or Sub- Registrar shall certify the number of applications registered during the year and whenever a register is completed the Registrar or Sub-Registrar shall also certify the number of applications registered in that particular register.

(4) The registers used by the Registrar or Sub-Registrar shall be serially numbered.

6. Filing of application.—Each application made to the Registrar or Sub-Registrar under Rule 4 shall be filed by him in the Hindu Marriage Register by pasting it on the first blank leaf available in the register.

7. Endorsement of application.—(1) Each application and its duplicate and also its triplicate wherever required shall be endorsed by the Registrar or Sub-Registrar with the following endorsement duly signed by him on the reverse thereof, namely :

The application was received by me on20.....and it is filed at serial No.....of 20.....on page..... of volume..... of the Hindu Marriage Register, maintained under the Hindu Marriage Registration (Jharkhand) Rules 2002.

Date :

(Signature)

(Registrar or Sub-Registrar of
Hindu Marriages)

(2) The Registrar or Sub-Registrar shall, as soon as may be, inform the applicants in writing that their marriage has been duly registered.

8. Duplicates.—On or before the seventh day of each month the Sub-Registrar shall send to the Registrar of the district all duplicate copies of the application received by him during the preceding month along with a covering letter indicating therein the serial numbers of the duplicate copies of the application sent therewith and if no application was received in the previous months then a letter indicating that no application was received.

9. Filing of the application by Registrar.—On receipt of the duplicate copies of the application sent under Rule 8, the Registrar of the district shall file or cause to be filed such duplicate copies by pasting them in registers maintained for that purpose by the Registrar.

10. Schedule of Fees.—(1) The fee for entertaining an application for registration of a marriage shall be—

(i) Rs. 250.00 if the application for registration of a marriage is made within two months of the date of its solemnization.

(ii) Rs. 500.00 if the application for registration of a marriage is made after two months of the date of its solemnization.

Fee shall be paid to the Registrar or Sub-Registrar in cash.

(2) Certified extract from the Hindu Marriage Register shall, on an application to the Registrar or Sub-Registrar be given by him on payment of a fee of Rs. 250.00.

(3) For making a search the fee shall be—

(i) if the entry relates to the current year, Rs. 75.00;

(ii) if the entry relates to the immediately previous year, Rs. 150.00;

(iii) if the entry relates to the year before that, Rs. 200.00 and so, with an addition of Rs. 50.00 for each earlier year.

(4) Above fees for the Registration of marriage shall necessarily be deposited through Treasure Chalan under “Major Head-0070- Other Administrative Services-Sub-Major Head-60-Other Services, Minor Head-108-Marriage Fees- Sub-Head-Registration Fees under Hindu Marriage Act.”

11. Form of receipt.—A receipt from the receipt book in Form No. B of the Schedule appended to these rules shall be issued for acknowledging the fees paid under these rules. The receipt book shall be bound volume of one hundred leaves each with foils and counter-foils, which shall be machine numbered consecutively.

12. Cash book.—The Registrar or Sub-Registrar shall maintain or cause to be maintained a cash book in Form “C” of the Schedule to these rules. All fees received under the rules shall be brought to account in the cash-book every day and the Registrar or Sub-Registrar shall sign the same in token of his verifying the correctness of the day’s total collection of fees.

13. Power of Registrars.—(1) If an application received by the Registrar or Sub-Registrar under Rule 4 is incomplete or defective in any respect or if an application for a certified extract from the Marriage Register is not accompanied by the fee specified in Rule 10, the Registrar or Sub-Registrar shall require the parties to the marriage to remove the defect or pay the said fee, as the case may be, within such time as may be specified by him failing which the application shall be rejected and filed in the Register as shown in Form-D of the Schedule appended to these rules.

(2) If the Registrar or Sub-Registrar receiving such application has no jurisdiction to receive the same, he shall return it to the applicant for being presented to the proper authority filed in the Register as shown in Form-D of the Schedule appended to these rules.

(3) Where an objection to any application for registration is received by a Sub-Registrar, he shall refer the same to the Registrar of the district, who shall decide the same as also objections received by him after hearing the parties affected thereby and his decision, subject to any decree or order of a competent Court, shall be final in so far as the question of action on the application for registration is concerned.

(4) The particulars of all applications which are returned or of which registration is refused as aforesaid shall be noted in a register in Form-D of the Schedule appended to these rules.

14. Superintendence.—The Registrar shall perform his duties and exercise his power under the general superintendence of the Registrar General and the Sub-Registrar shall perform his duties and exercise his powers under the general superintendence of the Registrar of the District.

15. Forms.—Blank forms of application for registration shall be supplied by the Registrar or Sub-Registrar free of charge to the parties to a marriage. The parties may, however, at their option use legibly typed forms.

16. Preservation of Registers and records.—(1) The Hindu Marriage Register and the indices referred to in Rule 17 shall, after six years of their completion, be consigned to, and preserved permanently in the Central Record Room at the headquarters of the registration district.

(2) All other records and papers such as receipt books, cash books, application for extracts from the Register, etc. shall be destroyed by the Registrar or Sub-Registrar after the expiry of a period of six years.

17. Indexing of entries in the register of marriage.—All the entries in the Hindu Marriage Register shall be indexed and the indices shall be in two forms, namely, one in the name of the bridegroom and the other in the name of the bride, and such indices shall be available for inspection to any person on payment of inspection fee of Rs. 50.00 per year of record.

[File No. L.G.-14/2000]

SCHEDULE

Form-A

[See Rule 4(2)]

Application for Registration of Hindu Marriage

To,

The Registrar of Hindu Marriages

Sir,

A Hindu Marriage in accordance with the provisions of the Hindu Marriage Act, 1955 has been

solemnised between us, the undersigned parties, on..... and we request that the following particulars of our marriage be registered in the Hindu Marriage Register.

Particulars of Marriage

1. Date of Marriage
2. Place of Marriage (with sufficient particulars to locate the place)
3. Particulars of the bridegroom :
 - (a) Full name and occupation
 - (b) Domicile
 - (c) Age (which shall not be less than 21 : see Section 5)
 - (d) Usual place of residence
 - (e) Address at the time of application
 - (f) Status at the time of marriage, whether

Unmarried

Widows

Divorcee

Dated.....

(Signature of the Bridegroom)

4. Particulars of the bride
 - (a) Full name and occupation
 - (b) Domicile
 - (c) Age (which shall not be less than 18 : see Section 5)
 - (d) Usual place of residence
 - (e) Address at the time of application
 - (f) Status at the time of marriage, whether

Unmarried

Widows

Divorcee

Dated.....

(Signature of the Bride)

5. Particulars of the bridegroom's father :

- (a) Full name
 - (b) Age
 - (c) Occupation
 - (d) Usual place of residence
 - (e) Address at the time of application
 - (f) Whether alive or dead

Dated.....

(Signature of the father of Bridegroom)

(N.B.—Signature of the bridegroom's father is not obligatory)

6. Particulars of the bride's father or other guardian :

- (a) Full name
 - (b) Age
 - (c) Occupation
 - (d) Usual place of residence
 - (e) Address at the time of application

Dated.....

(Signature of the Father or guardian bride)

(N.B.—Signature of the bride's father or guardian is not obligatory)

7. Particulars of the officiating priest :

(a) Full name

(b) Age

(c) Usual place of residence

(d) Address

(N.B.—It shall not be obligatory to enter particulars of the officiating priest if the marriage took place more than a year before the date of the application. His signature is not obligatory)

Dated.....

Signature of the Officiating Priest)

Declaration.—I solemnly declare that the particulars given in this application in so far as they relate to myself and to the solemnisation of marriage are true to the best of my knowledge and the rest are based on information received and believed to be true.

Signature of Bride.

8. Signature of Bridegroom

Dated.....

Dated.....

9. 1. Witness :

2. Witness.....

(a) Full name

(a) Full name

(b) Address

(b) Address

(Signature).....

(Signature).....

Dated.....

Dated.....

Certified by.....(designation).....(a gazetted officer, Mukhia, Up-Mukhiya of a Gram Panchayat or Pramukh of a Panchayat Samiti as to the identity of the bridegroom and the bride and other particulars of this application is appended hereto.

Note.—Certificate may be by more than one such officer where one cannot certify the identity of both the parties or all other particulars.

Form-B

[See Rule 11]

Fee Receipt

(Duplicate)

1. Serial number :
2. Date of Receipt :
3. From whom received :
4. On what account received :
5. Rule under which chargeable :
6. Amount of fees.

Station.....

Signature of the Marriage Registrar

Dated.....

Form-C

[See Rule 12]

Cash Book

Receipt No. and date, Details of amount of realisation, Amount, Signature of Registrar of Marriages and date, Amount Credited into treasury, Challan No. and date, Signature of Registrar of Marriages and date, Remarks

1, 2, 3, 4, 5, 6, 7, 8
^, ^, Rs. P., ^, Rs. P., ^, ^, ^

, +, +, +, +, +, +, +

Form-D

[See Rule 13]

Register of application returned or rejected

Sl. No., Date of presentation and the name of the person presenting the application, Parties to the marriage and the date of marriage, Whether Refused or returned, Reasons for Refusal or return

1, 2, 3, 4, 5

, +, +, +, +