

THE HIMACHAL PRADESH REGISTRATION OF MARRIAGES Act, 1996

(As ASSENTED BY THE PRESIDENT ON 22ND SEPTEMBER, 1997)

AN

ACT

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

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

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 Himachal Pradesh.

(3) It shall come into force on such date as 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 of Marriage” mean 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;
- d) “marriage” includes re-marriage;
- e) “marriage register” means a register of marriages maintained under this Act;
- f) “ Priest” means any person who solemnizes 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 of this Act;

CHAPTER-II

REGISTRATION ESTABLISHMENT

3. *Chief Registrar 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 there-under 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 Marriage:-* (1) The State Government may appoint a Registrar of Marriages for each local areas comprising the areas 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 outdoor 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 30 days from the date of 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 the guardian shall comply with the provisions of this sub-section.

(2) The memorandum shall also be signed by the priest, if any and where such marriage is solemnised before a Marriage Officer, the memorandum shall be supported by certified copies of the entries made in the Marriages Certificate Book being maintained by 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 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 effected in the office of the Registrar of Marriage 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 therefore is paid and the hour is not unreasonable.

10. *Voluntary registration of marriages contracted in areas in which the 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 desire, 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 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 (33 of 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 Marriage 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 setting 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 exercise jurisdiction.

(2) The chief Registrar of Marriages shall cause to be printed and supplied a sufficient number of register books for making entries of marriage 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 authorized by the State Government 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 purposes of proving the marriage to which it relates.

CHAPTER-V

PENALTIES

16 Penalty for neglecting to comply with the provisions of section 7 of marking any false statement in the memorandum- Any person who-

- (i) Wilfully omits or neglects to deliver or send memorandum as required by section 7;
- (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 officer appointed under 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 power 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.

(2) 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 agree 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 (43 of 1954), the Indian Christian Marriage Act, 1872 (15 of 1872) the Paris Marriage and Divorce Act , 1936 (3 of 1936) and the Foreign Marriage Act, 1969 (33 of 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 un-married/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.

7. (a) Full name of the priest
(b) His age
(c) Usual place of residence
(d) Address
(e) Signatures of the priest, with date

(Authoritative English Text of this Department Notification No. WLF-A (3) -1/97, dated 17-12-2004 as required under clause (3) of Article 348 of the Constitution of India).

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

NOTIFICATION

Shimla-1, the 17th December, 2004

No. WLF-A(3) 1/97- Whereas the draft "Himachal Pradesh Registration of Marriage Rule's 2004" were published in the Rajpatra, Himachal Pradesh (extra Ordinary) dated 14th June, 2004 vide this Department notification of even number dated 28th May, 2004 in pursuance of the provisions of section 22 of the Himachal Pradesh Registration of Marriages Act, 1996 (Act No. 21 of 1997) for inviting objection (s) and suggestion(s) from the general public;

And whereas no objection (s) or suggestion(s) has been received within the stipulated period in this behalf;

Now, therefore, the Governor of Himachal Pradesh, in exercise of the powers conferred by section 22 of the aforesaid Act, is pleased to make the following rules, namely:-

1. Short title- these rules may be called the Himachal Pradesh Registration of Marriages Rules, 2004.
2. Definitions:-2. (1) In these rules, unless to context otherwise requires-
 - (a) "Act" means the Himachal Pradesh Registration of Marriages Act, 1996 (Act No. 21 of 1997);
 - (b) "State Government" means the Government of Himachal Pradesh;
 - (c) "form" means the form appended to these rules ; and
 - (d) " section" means the section of the Act.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in the Act.
3. Duties of Chief Registrar of Marriages /District/Additional Registrar and Registrar of Marriages - The Chief Registrar of Marriages shall have the following duties and powers namely:-
 - (a) He shall have over all control over the District Registrar of Marriages, Additional Registrar of Marriages and Registrar of Marriages;
 - (b) He shall cause to be implemented the directions issued by the State Government or himself through District Registrar , Additional Registrar of Marriages ;
 - (c) He may call for any information from the District Registrar, Additional Registrar and Registrar of Marriages;
 - (d) He may inspect records, registers and accounts lying with District Registrar Additional Registrar and Registrar of Marriages;

- (e) He shall submit annual report to the State Government by 31st March of succeeding year in form –II; and
- (f) He shall supply forms and registers to the Registrar of Marriages.

2.(a) The District Registrar of Marriages shall have overall control over the offices of Additional Registrar of Marriages and Registrar of Marriages within his jurisdiction;

(b) He shall causes to be implemented the directions issued by the State Government or the Chief Registrar of Marriage or by himself through the Additional Registrar of Marriages and Registrar of Marriages;

(c) He may inspect records, registers and accounts lying with Additional Registrar of Marriages and Registrar of Marriages; and

(d) The Additional Registrar of Marriages shall have overall control over the offices of the Registrars of Marriages within His Jurisdiction;

4. Fee for registration of marriage- (1) Memorandum for marriage under subsection (1) of section 8 shall be accompanied by registration fee of Rs. 5/- if memorandum for registration of marriage is received after the expiry of thirty days but before ninety days a registration fee of Rs. 10/- shall be charged.

(2) The marriage solemnized or contracted and not reported within ninety days but reported before one year shall be registered with the written permission of District Registrar of marriages and a sum of Rs. 50/- shall be charged as registration fee:

Provided that if the marriages which have not been registered within one year of its occurrence, the same shall be registered only on an order made by Magistrate of the 1st Class after verifying the correctness of marriage on payment of fee of Rs. 50/- by the Registrar of marriages.

(3) The Registration fee shall be deposited either in cash or through money order in favour of Registrar of Marriages and on receipt of such fee, the Registrar of Marriages shall issue a receipt in form –IV.

(4)The memorandum for registration of Voluntary Marriage shall be accompanied by a fee of Rs. 10/- if the same is sent or delivered after the expiry of 30 days from the date of marriage.

(5) The memorandum for registration of foreign marriage shall be accompanied by a registration fee of Rs. 100/-

5. Supply of forms of memorandum- Forms memorandum of marriage shall be supplied free of charge to the parties to a marriage by the Registrar of Marriages.

6. Maintenance of Record- (1) The Registrar of Marriages shall maintain a Marriage Registration Register in form-I

(2) No correction or over writing shall be made in the Register of Marriage. However, under unavoidable circumstances, the Registrar of Marriages Shall record in writing the reasons for any correction, overwriting made in the Marriage Register in the remarks column of Register of Marriage, with the permission of the District Registrar of Marriages.

(3) The Registrar of Marriages shall keep the Register of Marriages in a safe custody and the record maintained by him shall be destroyed after the expiry of the period specified in each item under column No. 3 below, namely:-

Sl. No.	Name of the record	Period (in year)
1.	Receipt Book	5 years
2.	Postal acknowledgement receipts in respect of references sent to the Chief Registrar of Marriage	5 years
3.	Application for extracts from the Register	5 years
4.	Cash Book	5 years
5.	Account of forms and registers	3 years
6.	Register of Marriage	60 years

7. Issuance of Marriage Registration Certificate- The Registrar of Marriages on demand shall provide the Marriage Registration Certificate to the concerned person(s) on Form-III under his hand and seal.

8. Inspection of registers and obtaining certified copies thereof- (1) The register shall be open for inspection for all members of public. Any person desirous of inspecting the Register of Marriage may do so, on an application made in this behalf to the Registrar on payment of Rs. 10/-

(2) Any person desirous of obtaining certified copy of an extract of the Register of Marriage shall make an application therefore and pay to the Registrar a fee of Rs. 10/- for each copy.

9. Money how to be deposited- The revenue realized as fee shall be deposited in Government Treasury by the Registrar of Marriages under Receipt Head of Accounts "0235-00-800-03".

Form-I

Marriage Registration Register

[see rule 6(l)]

Register of Marriage for the year.....

Sl.No.	Date of Marriage & Place of Marriage	Name & Address of Husband	His age at the time of Marriage	Religion & caste of Husband
1.	2.	3.	4.	5.
Name & Address of wife	Her age at the time of marriage	Religion & caste of wife	Date of Registration of marriage	Remarks
6.	7.	8.	9.	10.

Signature of Registrar of marriages with stamp.

Form-II

Marriage Registration Register

[see rule 3(l)(e)]

Annual Report under Marriage Registration Act to be sent to Government

Sl.No.	Name of District	Name of Tehsil	No. of marriages registered during the year	No. of registration refused	Reasons for refusal	Remarks
1.	2.	3.	4.	5.	6.	7.

Signature of Chief Registrar of Marriages.

Form-III

Marriage Registration Certificate

[see rule 7]

Certified that Sh.S/o Sh.....
R/o.....has been married to
Smt.....r/o-----on(date).....at Village-----
P.O.....Tehsil.....District..... State.....

.....and the said marriage has been registered onunder
registration No.....

Issued under my hand and seal on.....

Signature of Chief Registrar of Marriages.

Form-IV

[see rule 4(3)]

Receipt

Received a sum of Rs.....(in figures rupees).....
.....(in words) on account of fee for registration of marriage from Sh./ Smt.---
Son/daughter of Sh. -----resident of.....

Date.....

Signature of Chief Registrar of Marriages.

By order,

Sd-
Pr. Secretary (SJ&E),
to the Govt. of HP.

(Authoritative English Text of this Department Notification No. WLF-A (3) -1/97-III dated 05-01-2012 as required under clause (3) of Article 348 of the Constitution of India).

Government of Himachal Pradesh
Department of Social Justice & Empowerment

No. W.L.F.-A (3)-1/97-III,

Dated: Shimla-2, the 5th January, 2012.

NOTIFICATION

In supersession of this Department's Notification No. W.L.F.- A(3)-1/97-I, dated: 14-10-2004 and in exercise of the powers conferred by Section-3(1) of the Himachal Pradesh Registration of Marriages Act, 1996, the Governor, Himachal Pradesh is pleased to appoint Director of Women and Child Development, Himachal Pradesh as Chief Registrar of Marriages for the State.

In exercise of the powers conferred by Section-4(1) of the aforesaid Act, the Governor, Himachal Pradesh is also pleased to appoint Deputy Commissioner of the concerned District as "District Registrar of Marriages" and Sub Divisional Officer as "Additional Distt. Registrar of Marriages" for each Revenue Sub Division.

Future in exercise of the powers conferred by Section 5(1) of the aforesaid Act, the Governor, Himachal Pradesh is pleased to appoint the following as Registrar of Marriages, within the jurisdiction of Tehsil or Municipal Corporation or Municipal Council or Cantonment Board or Panchayat or a Local Authority:-

1. Joint Commissioner/Assistant Commissioner of Municipal Corporation.
2. Executive Officer, Municipal Council.
3. Secretary, Cantonment Board.
4. Secretary, Nagar Panchayat.
5. Secretary, Gram Panchayat.

The above Distt. Registrars of Marriage/Addl. Distt. Registrars of Marriages/Marriage Registrars will perform the functions as conferred on them by the aforesaid Act.

By. Order

Principal Secretary (SJ&E) to the
Government of Himachal Pradesh.

Dated: Shimla-2, the 5th January, 2012.

Endst. No. As above-

Copy forwarded to :-

1. All the Secretary to the Govt. of Himachal Pradesh.
2. All the Heads of Departments, Himachal Pradesh.
3. All the Deputy Commissioner/Addl. Deputy Commissioner/Sub Divisional Magistrate/Tehsildar/Naib Tehsildar/Assistant Commissioner, Municipal Corporation/Secretary, Municipal Council/ Secretary, Cantonment Board/Secretary, Nagar Panchayat/Secretary, Gram Panchayat.
4. The Controller, Printing & Stationary, Himachal Pradesh, Shimla-5 for publication in Rajpatra.
5. Guard file.

-sd-

Deputy Secretary (SJ&E) to the
Government of Himachal Pradesh.

सामाजिक न्याय एवं अधिकारिता विभाग

अधिसूचना

शिमला-2, 17 दिसम्बर, 2004

संख्या डब्ल्यू0 एल0 एफ0 ए0 (3) 1/97 - हिमाचल प्रदेश विवाह रजिस्ट्रीकरण अधिनियम, 1996 (1997 का 21) की धारा के उपबन्धों के अनुसरण में इस विभाग की समसंख्यक अधिसूचना संख्या तारीख 28 मई, 2004 द्वारा राजपत्र, हिमाचल प्रदेश (असाधारण) तारीख 14 जून 2004 को जन साधारण से आक्षेप और सुझाव आमन्त्रित करने हेतु प्रारूप हिमाचल प्रदेश विवाह रजिस्ट्रीकरण नियम, 2004 प्रकाशित किए गए थे;

और क्योंकि नियत अवधि में कोई भी आपत्तियां/सुझाव इस निमित्त प्राप्त नहीं हुए हैं;

अतः हिमाचल प्रदेश के राज्यपाल उक्त अधिनियम की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाते हैं, अर्थात:-

1. संक्षिप्त नाम - इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश विवाह रजिस्ट्रीकरण नियम, 2004 है।
2. परिभाषाएं-(1) इन नियमों में जब तक संदर्भ में अन्यथा अपेक्षित न हो,-
 - (क) "अधिनियम" से हिमाचल प्रदेश विवाह रजिस्ट्रीकरण अधिनियम, 1996 (1997 का अधिनियम 21) अभिप्रेत है;
 - (ख) "राज्य सरकार" से, हिमाचल प्रदेश सरकार अभिप्रेत है;
 - (ग) "प्रारूप" से, इन नियमों से संलग्न प्रारूप अभिप्रेत है; और
 - (घ) "धारा" से, अधिनियम की धारा अभिप्रेत है।

(2) उन शब्दों और पदों के जो इसमें प्रयुक्त हैं किन्तु इन नियमों में परिभाषित नहीं हैं, वही अर्थ होंगे जो उस अधिनियम में हैं।

3. मुख्य विवाह रजिस्ट्रार/जिला/अतिरिक्त विवाह रजिस्ट्रार तथा विवाह रजिस्ट्रार के कर्तव्य -
 - (1) मुख्य विवाह रजिस्ट्रार की निम्नलिखित शक्तियां व कर्तव्य होंगे :-
 - (क) उसका जिला विवाह रजिस्ट्रार, अतिरिक्त विवाह रजिस्ट्रार तथा विवाह रजिस्ट्रारों पर पूर्ण नियन्त्रण होगा;
 - (ख) वह राज्य सरकार या स्वयं द्वारा जारी निर्देशों को विवाह के जिला रजिस्ट्रारों/अतिरिक्त रजिस्ट्रारों द्वारा क्रियान्वित करवाएगा;
 - (ग) वह जिला रजिस्ट्रार तथा विवाह रजिस्ट्रारों से कोई भी सूचना मंगवा सकेगा;
 - (घ) वह जिला रजिस्ट्रार/ अतिरिक्त रजिस्ट्रार तथा विवाह रजिस्ट्रारों के पास रखे अभिलेखों/ रजिस्ट्रारों व लेखों की जांच कर सकेगा;
 - (ङ) वह बीते वर्ष की 31 मार्च को प्रारूप 2 पर वार्षिक रिपोर्ट राज्य सरकार को भेजेगा; और
 - (च) वह विवाह रजिस्ट्रारों को प्रारूप और रजिस्टर उपलब्ध करवाएगा।
 - (2) (क) जिला विवाह रजिस्ट्रार का उसकी अधिकारिता में अतिरिक्त विवाह रजिस्ट्रार के कार्यालयों पर पूर्ण नियन्त्रण होगा;

(ख) वह राज्य सरकार, मुख्य विवाह रजिस्ट्रार या स्वयं द्वारा जारी निर्देशों को अतिरिक्त विवाह रजिस्ट्रार और विवाह रजिस्ट्रारों द्वारा क्रियान्वित करवाएगा;

(ग) वह अतिरिक्त विवाह रजिस्ट्रार और विवाह रजिस्ट्रार के पास रखे अभिलेखों, रजिस्ट्रारों तथा लेखों का निरीक्षण कर सकेगा; और

(घ) अतिरिक्त विवाह रजिस्ट्रार का अपनी अधिकारिता में विवाह रजिस्ट्रारों के कार्यालयों पर पूर्ण नियन्त्रण होगा।

4. विवाह के रजिस्ट्रीकरण हेतु फीस- (1) विवाह का ज्ञापन धारा 8 की उप-धारा (1) के अधीन पांच रुपये की रजिस्ट्रीकरण फीस के साथ किया जाएगा, यदि विवाह के रजिस्ट्रीकरण के लिए,

विवाह के रजिस्ट्रीकरण का ज्ञापन तीस दिन के अवसान के पश्चात् किन्तु नब्बे दिन से पूर्व प्राप्त होता है तो दस रुपये की रजिस्ट्रीकरण फीस प्रभारित की जाएगी।

(2) विधिवत या अनुबन्धक किए और नब्बे दिन के भीतर नहीं किन्तु एक वर्ष से पूर्व सुचित किए गए विवाह को, जिला विवाह रजिस्ट्रार की लिखित अनुज्ञा से रजिस्ट्रीकृत किया जाएगा तथा पचास रुपये की रजिस्ट्रीकरण फीस प्रभारित की जाएगी:

परन्तु कोई विवाह, इसके होने के एक वर्ष के भीतर रजिस्ट्रीकृत नहीं किया गया है, को केवल प्रथम वर्ग मैजिस्ट्रेट द्वारा विवाह की सत्यता का सत्यापन करने के पश्चात् पच्चास रुपये की फीस के संदाय पर किए, गए आदेश पर, विवाह रजिस्ट्रार द्वारा रजिस्ट्रीकृत किया जाएगा।

(3) रजिस्ट्रीकरण फीस, विवाह रजिस्ट्रार के पक्ष में नकद या मनीआर्डर द्वारा जमा करवानी होगी, और ऐसी फीस की प्राप्ति पर, विवाह रजिस्ट्रार प्रारूप 4 में रसीद जारी करेगा।

(4) स्वैच्छिक विवाह के रजिस्ट्रीकरण हेतु ज्ञापन, यदि विवाह के तीस दिन की अवधि के अवसान के पश्चात् भेजा या प्रस्तुत किया जायेगा तो दस रुपये की फीस के साथ प्रस्तुत करना होगा।

(5) विदेशी विवाह के रजिस्ट्रीकरण का ज्ञापन सौ रुपये की रजिस्ट्रीकरण फीस के साथ करना होगा।

5. ज्ञापन के प्रारूपों की आपूर्ति – विवाहों के ज्ञापन के प्रारूप विवाह रजिस्ट्रार द्वारा विवाह के पक्षकारों को बिना प्रभार के दिए जाएंगे।

6. अभिलेख का रख-रखाव— (1) विवाह रजिस्ट्रार प्रारूप-1 में विवाह रजिस्ट्रीकरण रजिस्टर बनाए रखेगा।

(2) विवाह के रजिस्टर में संशोधन या लिप्तलेखन नहीं किया जाएगा। तथापि अपरिवर्जनीय परिस्थितियों में विवाह रजिस्ट्रार, विवाह रजिस्ट्रीकरण रजिस्टर के टिप्पणी स्तम्भ में जिला विवाह, रजिस्ट्रार की अनुज्ञा से विवाह रजिस्टर में किए गए किसी संशोधन, लिप्तलेखन के कारणों को लिखित में अभिलिखित करेगा।

(3) विवाह रजिस्ट्रार, विवाह रजिस्टर, को सुरक्षित अभिरक्षा में रखेगा तथा उसके द्वारा बनाए गए अधोवर्णित अभिलेख व दस्तावेज उनके समक्ष दर्शाई गई विनिर्दिष्ट अवधि के अवसान के पश्चात् नष्ट कर दिए जाएंगे:

क्रम संख्या	अभिलेख का नाम	अवधि (वर्षों में)
1	2	3
1- वर्ष	रसीद पुस्तिका	5
2-	मुख्य विवाह रजिस्ट्रार को भेजे गए निर्देशन के बारे में डाक प्राप्ति की रसीदें।	5 वर्ष
3-	रजिस्टर से उद्धरण हेतु प्रार्थना-पत्र	5 वर्ष
4-	रोकड़ बही	5 वर्ष
5-	प्रारूपों तथा रजिस्ट्रारों के लेखे	3 वर्ष
6-	विवाह का रजिस्टर	60 वर्ष

- 7- विवाह रजिस्ट्रीकरण प्रमाण-पत्र का जारी करना,— मांग करने पर विवाह रजिस्ट्रार सम्बन्धित व्यक्ति (व्यक्तियों) को प्ररूप-3 पर अपने हस्ताक्षर तथा मोहर सहित विवाह रजिस्ट्रीकरण प्रमाण-पत्र जारी करेगा।
- 8- रजिस्टरो का निरीक्षण एवं उसकी प्रमाणित प्रतियां अभिप्राप्त करना,— (1) रजिस्टर, सार्वजनिक जनता के निरीक्षण हेतु खुले रहेंगे। विवाह रजिस्टर का निरीक्षण करने का कोई भी इच्छुक व्यक्ति, रजिस्ट्रार को दस रूपये संदत्त करने पर इस निमित्त आवेदन करने पर निरीक्षण कर सकेगा।
(2) विवाह रजिस्टर के सार की प्रमाणित अभिप्राप्त करने का इच्छुक व्यक्ति, उसके लिए आवेदन करेगा और रजिस्ट्रार को दस रूपये प्रति प्रतिलिपि संदत्त करेगा।
- 9- धन कैसे निक्षिप्त किया जाए,— फीस के रूप में वसूल किया गया राजस्व, प्राप्ति लेखा शीर्ष "0235-00-800-03" के अधीन सरकारी खजाना में विवाह रजिस्ट्रार द्वारा जमा किया जाएगा।

प्ररूप -1
विवाह रजिस्टर
(नियम 6(1) देखें)

क्र० सं०	विवाह की तारीख और स्थान	पति का नाम और पता	विवाह के समय उस की आयु	पति का धर्म व जाति	पत्नी का नाम व पता	विवाह के समय उस की आयु	पत्नी का धर्म व जाति	विवाह के रजिस्ट्रीकरण की तारीख	टिप्पणी
1	2	3	4	5	6	7	8	10	11

विवाह रजिस्ट्रार के हस्ताक्षर
मोहर के साथ

प्ररूप -2
(नियम-3 (1) (ड.) देखें)

विवाह रजिस्ट्रीकरण अधिनियम के अधीन सरकार को भेजी जाने वाली वार्षिक रिपोर्ट

क्रम संख्या	जिला का नाम	तहसील का नाम	वर्ष के दौरान रजिस्ट्रीकृत किए गये विवाहों की संख्या	नामजूर किए गए रजिस्ट्रीकरणों की संख्या	नामजूर करने के कारण	टिप्पणी

मुख्य विवाह रजिस्ट्रार के हस्ताक्षर

प्ररूप -3

विवाह रजिस्ट्रीकरण प्रमाण-पत्र
(नियम-7 देखें)

प्रमाणित किया जाता है कि श्री/.....पुत्र श्री.....
निवासी.....जिसका विवाह श्रीमती.....पुत्री श्री.....
निवासी.....से.....(तारीख) को ग्राम.....
डा0.....तहसील.....जिला.....राज्य.....
में हुआ और यह विवाह तारीख.....को रजिस्ट्रीकरण संख्या.....के अधीन रजिस्ट्रीकृत किया गया है।

तारीख.....को मेरे हस्ताक्षर/मोहर द्वारा जारी किया गया।
विवाह रजिस्ट्रार के हस्ताक्षर।

.....

प्ररूप -4

(नियम 4 (3) देखें)
रसीद

श्री/.....पुत्र/पुत्री श्री.....निवासी.....से विवाह रजिस्ट्रीकरण हेतु
मु0.....रुपये (अंको में) मु0.....रुपये (शब्दों) में प्राप्त किए।

तारीख.....

विवाह रजिस्ट्रार के हस्ताक्षर।

आदेशानुसार,
हस्ताक्षरित/—

प्रधान सचिव(समाजिक न्याय एवं अधिकारिता),

हिमाचल प्रदेश सरकार।

Published as Act No. 13 of 2006 vide notification no. LLR-D(6) -1/2006-Leg
.dated 14-6-2006 in Himachal Pradesh Rajpatra (Extra ordinary on 14-6-2006.

हिमाचल प्रदेश विवाह रजिस्ट्रीकरण (संशोधन) विधेयक,2006

(विधान सभा में पुरःस्थापित रूप में)

हिमाचल प्रदेश विवाह रजिस्ट्रीकरण (संशोधन) विधेयक ,2006

खण्डों का क्रम

खण्ड:

1. संक्षिप्त नाम।
2. धारा 2 का संशोधन।

2005 विधेयक संख्यांक 3

हिमाचल प्रदेश विवाह रजिस्ट्रीकरण (संशोधन) विधेयक ,2006

(विधान सभा में पुरःस्थापित रूप में)

हिमाचल प्रदेश विवाह रजिस्ट्रीकरण अधिनियम,1996(1997 का 21½ का
और संशोधन करने के लिए विधेयक।

भारत गणराज्य के सत्तावनवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित
रूप में यह अधिनियमित हो:—

1. इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश विवाह रजिस्ट्रीकरण
(संशोधन) अधिनियम,2006 है।
2. हिमाचल प्रदेश विवाह रजिस्ट्रीकरण अधिनियम,1996 की धारा 2 में खण्ड (ग)
के पश्चात् निम्नलिखित खण्ड (गग) अन्तःस्थापित किया जाएगा, अर्थात:— संशोधन।

“(गग)”मजिस्ट्रेट” से राज्य सरकार द्वारा दण्ड प्रक्रिया संहिता, 1973 की धारा 20
के अधीन नियुक्त कार्यपालक मजिस्ट्रेट अभिप्रेत है।”