

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of '**The Uttarakhand Compulsory Registration of Marriage Bill, 2010**' (Adhiniyam Sankhya 19 of 2010) :--

As Passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 25 March, 2010.

No. 144/XXXVI(3)/2010/08(1)/2010

Dated Dehradun, March 26, 2010

NOTIFICATION

Miscellaneous

THE UTTARAKHAND COMPULSORY REGISTRATION OF MARRIAGE ACT, 2010

(UTTARAKHAND ACT NO. 19 OF 2010)

To provide for the compulsory registration of all marriages solemnized in the State of Uttarakhand so as to prevent child marriages, check bigamy or polygamy, help women to exercise their rights of maintenance from husband and custody of children, enable widows to claim inheritance and to serve as deterrent to husband deserting their wives and for matters connected therewith or incidental thereto

AN

ACT

Be it enacted by by State Legislature in the Sixty-first Year of the Republic of India as follows:--

1. (1) This Act may be called The Uttarakhand Compulsory Registration of Marriage Act, 2010. Short title extent and Commencement
- (2) It shall come into force on such date as the State Government may, by notification in the Uttarakhand Gazette, appoint.
- (3) It extends to the whole of the State of Uttarakhand.
2. In this Act, unless the context otherwise requires-- Definitions
 - (a) **"State Government"** means the Government of Uttarakhand;
 - (b) **"Registrar General"** means the Inspector-General of Registration appointed under section 3 of the The Registration Act, 1908 (Act No. 16 of 1908);
 - (c) **"District Registrar"** 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 that Act;
 - (d) **"Local Registrar"** means a Local Registrar of marriages appointed by the State Government under this Act;
 - (e) **"Marriage"** includes all the marriages contracted by persons belonging to any caste, tribe or religion, and the marriages contracted as per any custom, practices or traditions, and also includes re-marriages;
 - (f) **"To contract a marriage"** means to solemnize or enter into a marriage in any form or manner, in accordance with any customs, practices or traditions in force;
 - (g) **"Memorandum"** means a memorandum of marriage referred to in section 5 or 6;

- (h) **"Priest"** means any person who get the marriage performed in accordance with the custom of the community concerned;
- (i) **"Register"** means a register of marriages maintained under this Act;
- (j) **"Prescribed"** means prescribed by rules made under this Act.
- Compulsory registration of marriage
3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnized in the State after the commencement of this Act shall be registered within ninety days of solemnization of marriage in such manner as may be prescribed.
- (2) Each husband shall be responsible to get the marriage registered:
- Provided that**--Where such husband is under the age of 18 years or is an idiot, or a lunatic or is from sickness or infirm or is serving in any of the Armed Forces and is unable to obtain leave to register his marriage, wife shall be responsible to get the marriage registered:
- Provided Further that**-- Where the wife who is under the age of 18 years or is an idiot, or a lunatic or is sick or infirm or is serving in any of the Armed Forces and is unable to obtain leave or according to local custom and manners ought not to be compelled to appear in public, the father or the mother or the guardian shall be responsible to get the marriage registered.
- Appointment of Local Registrar
4. (1) The State Government shall, by notification, appoint such persons as it considers necessary to be the Local Registrar for such local area, as may be specified in such notification.
- (2) The District Registrar or Local Registrar shall maintain in the prescribed manner a register of marriage and such other registers as may be prescribed.
- Memorandum and Registration of Marriage
5. (1) The parties to a marriage shall, prepare and sign memorandum in the form specified in Schedule "A" and deliver or send by registered post the said memorandum in duplicate to the Registrar of the area in which the marriage was contracted, within a period of ninety days from the date of marriage.
- (2) The memorandum shall be accompanied by the prescribed fee and shall be attested by a prescribed person.
- (3) On receipt of the memorandum, the Registrar shall file the same, enter the particulars thereof in the register within seven days and send the duplicate copy thereof to the District Registrar and issue a marriage certificate in such form and manner as may be prescribed.
- Notice to Parties for Non Registration of Marriage
6. (1) The Registrar may *suo-moto* or otherwise issue notice to the parties to a marriage which has not been registered under this Act, to appear before him and get the memorandum of marriage signed and delivered with the prescribed fee in such manner and within such time as may be specified in the notice.
- (2) On receipt of a memorandum under sub-section (1) the Registrar shall file the same, enter the particulars thereof in the register, send the duplicate copy thereof to the District Registrar and issue the marriage certificate as provided in section 5.

- (3) Nothing contained in sub-section (1) shall affect the liability of any person under the provisions of section 13.
- (4) Where any party to the marriage or parties to the marriage are minor the Registrar shall inform, to the local Police that the marriage is solemnized in contravention of Child Marriage Restraint Act, 1929.
7. The register maintained under this Act, shall, at all reasonable times, be open to inspection, on working hours by any person, and certified extracts therefrom, shall be on application, be issued by the Registrar or Local Registrar on the payment of prescribed fee. The entries in the memorandum or the register or the certified extract thereof or the marriage certificate issued under section 5 or section 6 shall be admissible in evidence and be proof of the statement contained therein. Register to be open for public inspection
8. No marriage contracted in the State 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. Non-registration not to in invalidate the marriage
9. (1) Every Registrar shall keep in the prescribed form a Register of Marriage-Registration made in the area under his jurisdiction. Registrar to keep registers in prescribed form
 (2) The Registrar-General shall from time to time cause to be printed and supplied to the Registrars sufficient number of Registers in the prescribed form.
10. Subject to any rules made in this behalf by the State Government, including the rules relating to payment of fees, any person may-- Search of register
 (a) Cause a search to be made for any entry in the Register of Marriage-Registration, and
 (b) Obtain an extract from such register.
11. (1) All extract (s) obtained under sub-section (1) shall be signed by the Registrar concerned, and shall be admissible in evidence in any court of law for the purpose of establishing the factum of marriage to which the entry, relates. Admissibility of certificate abstract and evidentiary value
 (2) Certificate of marriage issued under the Act, or any abstract (s) of the register kept under this Act issued by the Registrar or Local Registrar shall be presumed correct unless the contrary is proved.
12. Any person who-- Penalty for neglect or false statement
 (a) omits or neglects to deliver or send the memorandum as required by section 5 or 6;
 (b) makes any statement in the memorandum which is false in any 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 one thousand rupees;
 (c) Shall, also not be entitled to any benefits under the various schemes of the Central or the State Government or their undertakings.
13. The Registrar who willfully fails to file the memorandum pursuant to section 5 or 6, shall on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both. Punishment for non-memorandum

Punishment for concealment of fact	14. Any person secreting, destroying or dishonestly or fraudulently altering the register of marriage or any part thereof, shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.
Cognizance of offences	15. (1) No court shall take cognizance except, the complaint under sub-clause (b) of section 12 made by the aggrieved husband or the wife: Provided that --Where such person is under the age of 18 years, or is an idiot or a lunatic, or is sick or infirm, unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, mother or father or guardian with the leave of the court, make a complaint on his or her behalf. (2) No court shall take cognizance except, the complaint made by District Registrar of the concern of District under sub-clause (a) of section 12, 13 and 14.
Compounding of offence	16. (1) Offence under sub-section (b) of section 12 shall be compoundable. (2) Offence punishable under clause (a) of section 12 may be compounded by the District Registrar on his being satisfied, that the marriage has been registered. (3) On inquiry or showing sufficient cause by the accused, District Registrar may withdraw the complaint under section 13, on being satisfied that the accused has discharged his duties according to Section 5 and 6.
Protection for action taken in good faith	17. No suit or prosecution or other legal proceeding shall be instituted against any person for anything, done in good faith.
Savings	18. Any marriage registered under, the Uttar Pradesh Hindu Marriage (Registration) Rules, 1973 (as applicable to the State of Uttarakhand) or under the Special Marriage Act, 1954 shall be deemed registered under this Act.
Power to make rules	19. (1) The State Government may, by notification in the Official Gazette and subject to the previous publication, in particular and without prejudice to the generality of the foregoing powers, for carrying out the purpose of this Act, provide for all or any of the following matters, namely :-- (a) The powers and duties of the Local Registrar, District Registrar and Registrar General. (b) The form and manner, in which the memorandum shall be filed. (c) The form and manner, in which register of marriage and records required to be maintained and the form of certificate of registration of marriage to be issued under section 5 and 6. (d) The custody, in which the register and records are to be kept and the preservation of such registers and records. (e) The Fee to be paid under the relevant provisions of this Act. (f) Creating awareness for registration of marriages. (g) Any other matter which may be or require to be prescribed. (2) All rules made under this section shall be laid before the State Legislative Assembly as soon as possible after they are made and shall be effective subject to approval or modifications by the State Legislative Assembly.

20. Save as otherwise provided, the provisions of this Act shall be in additions to and not in derogation of any other law for the time being in force.

Application of other laws not barred

21. (1) If any difficulty arises in giving effect to the provisions of this Act, Governor may, by order, give such directions, not inconsistent with the provisions of this Act, as appear to be necessary or expedient for the purposes of removing the difficulty:

Power to remove difficulty

Provided that no order under sub-section (1), shall be made after the expiry of two years from the date on which this Act comes into force.

- (2) Every order made under this section shall be put before the State Legislative Assembly.

By Order,

RAM DATT PALIWAL,

Secretary.

SCHEDULE "A"**MEMORANDUM OF MARRIAGE**

(Section 5 and 6)

of

The Uttarakhand Compulsory Registration of Marriage Act, 2010Self Attested
Photo of
bridegroomSelf Attested
Photo of bride

To,

The Registrar,
Compulsory Registration of Marriage,
----- District
Uttarakhand.

Sir,

A marriage in accordance with the provisions applicable to us (As per Religion,Custom or Practice applicable to the parties be mentioned) has been solemnized between us, the undersigned parties, on.....and we request that the following particulars of our marriage be registered in the Uttarakhand Compulsory Registration of 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 (Only the particulars to be filled up)
 - (c) Age
 - (d) Usual place of residence
 - (e) Permanent address
 - (f) Address at the time of application
 - (g) Status at the time of marriage

Whether	Unmarried
	Widower
	Divorced

Dated.....

Signature of the Bridegroom

4. Particulars of the bride:

- (a) Full name
- (b) Domicile (Only the particulars to be filled up)
- (c) Age
- (d) Usual place of residence
- (e) Permanent address
- (f) Address at the time of application
- (g) Status at the time of marriage
- Whether Unmarried
- Widow
- Divorcee

Dated.....

Signature of the Bride

5. Full particulars of 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 the 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
- (f) Relationship of guardian with bride

Dated.....

Signature of the father or guardian of the Bride

(N.B. Signature of the bride's father or guardian is not obligatory where the bride's age is not less than 18, on the date of application but signature of her father or guardian is necessary where on the date of application she is below 18 and the marriage was performed in accordance with the law in force on the date of marriage.)

7. Particulars of the 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 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 Priest

DECLARATION

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

8. Signature of Bridegroom.....

Signature of Bride

Dated.....

Dated.....

9. 1--Witness :

(a) Full name

(b) Address

Signature.....

Dated.....

2--Witness :

(a) Full name

(b) Address

Signature.....

Dated.....

Signature.....

Dated.....

Certificate by.....(Designation).....

(The identification of the bridegroom and the bride and other particulars of this application by the Member of Parliament/Member of the State Legislature/Gazetted Officer/Pradhan/Sarpanch/Pramukh/President of a local body/Counsel/Vice-Counsel. as are appended with the application.)

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