



**THE ADMINISTRATION OF UNION TERRITORY OF LADAKH
SOCIAL AND TRIBAL WELFARE DEPARTMENT**

DRAFT REGULATIONS

(Compulsory Registration of Marriages) Regulation-2022

NOTIFICATION

Ladakh, the _____ day of September, 2023

The Administration of Union Territory of Ladakh hereby makes the following Regulations. These regulations shall come into effect from the date of publication in Official Gazette after the approval of the Lieutenant Governor, UT of Ladakh, hence hereby published for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft regulation shall be taken into consideration after the expiry of a period of thirty (30) days from the date on which the copy is made available to the public;

Objection and suggestions, if any, may be addressed to Social & Tribal welfare Dept. Old JNV Building, UT Secretariat, UT of Ladakh, or by email at stw-ladakh@ladakh.gov.in.

The objections and suggestions which may be received from any person with respect to the said draft regulation before the expiry of the period specified above, will be considered by the Administration of Union Territory of Ladakh.

(Padma Angmo) IIS/□□□□□ □□□□□,
Commissioner/ Secretary/आयुक्त /सचिव
Social & Tribal Welfare Dept./ समाज एवं आदिवासी कल्याण विभाग

Promulgated by the President in the Seventy-third Year of the Republic of India as follows:

A Regulation to provide for compulsory registration of all marriages and matters connected therewith and incidental thereto.

In exercise of the powers conferred by Article 240 of the constitution, the President is pleased to promulgate the following Regulation made by him;

**CHAPTER-I
PRELIMINARY**

1. Short title, extent and commencement. - (1) These regulations may be called the

Compulsory Registration of Marriages (Ladakh) Regulations, 2022.

(2) These regulations shall extend to the whole of Union territory of Ladakh.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Application. - These regulations shall be applicable to all marriages solemnized in the Union territory of Ladakh, wherein both or one of the parties is a citizen of India.

3. Definitions. - (1) In these regulations, unless the context otherwise requires. –

a) "Administration" means the Administration of Union territory of Ladakh;

b) "Form" means forms appended to these regulations;

c) "Local authority" means Gram Panchayat or Municipality or Municipal Corporation as the case may be.

d) "Marriage" means and includes all marriages solemnized or contracted between a male and a female, irrespective of the religion or caste of either party to the marriage, and also includes marriages performed as per law, custom, practice or any tradition of either party to the marriage and includes a remarriage.

e) "Memorandum" means Memorandum of Marriage mentioned in regulation 11.

f) "Register" means a register of marriages maintained under these regulations.

CHAPTER II REGISTRATION-AUTHORITIES

4. Chief Registrar of Marriages: – (1) The Administration shall by notification in the Official Gazette, appoint a Chief Registrar of Marriages, for the whole of the Union territory of Ladakh.

(2) The Administration 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, such of his functions as he may, from time to time, authorize them to discharge.

(3) The Chief Registrar shall be the Chief Executive Authority in the Union territory for carrying into execution the provisions of these regulations and the rules and orders made thereunder subject to the directions, if any, given by the Administration of Union Territory of Ladakh.

(4) The Chief Registrar shall take steps, by issuing suitable instructions or otherwise, to co-ordinate, unify and supervise the work of registration of marriages in the Union territory of Ladakh and for securing an efficient system for registration within the Union territory of Ladakh.

5.Registration Divisions:-The Administration may, by notification in the Official Gazette, divide the territory within the Union territory into such registration divisions as it may think fit and appoint a separate Chief Registrar for each such division.

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

(2) The District Registrar shall superintend, subject to the direction of the Chief Registrar, the

Registration of marriages in the district and shall be responsible for carrying into execution in the district, the provisions of these regulations and the orders of the Chief Registrar issued from time to time for the purposes of these regulations.

7. Registrar. - (1) The Administration shall appoint a Registrar for each local area comprising the area within the jurisdiction of a Municipality, Panchayat or other local authority or any other area or a combination of any two or more of such areas to register marriages and may also appoint a registrar for a particular community residing in such local area.

(3) Every Registrar 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 may direct and shall cause to be placed in some conspicuous place on or near the outer door of his office, a board bearing in English, Hindi and the local language, if any, his name and designation, namely Registrar of Marriages, for the local area for which he is appointed, and the days and hours of his attendance.

8. Jurisdiction of Registrars: - Every Registrar shall be empowered to register a marriage contracted or solemnized within the local area of his jurisdiction or a marriage contracted or solemnized between persons at least one of whom is a resident within the local area of his jurisdiction.

9. Appointment or re-designation of existing authorities:— (1) the Administration shall, by suitable notification: -

a) Appoint or re-designate any person or authority, as the chief registrar or a district registrar; or

b) Appoint or re-designate any person or authority competent to register marriages under any other provision of law or by practice, a registrar for a particular local area and/or persons belonging to any particular community residing in a particular local area.

(2) All persons and authorities appointed or re-designated under the provisions of these regulations shall discharge their functions relating to registration of marriages in accordance with the provisions contained in these regulations.

CHAPTER III REGISTRATION OF MARRIAGES

10. Compulsory registration of marriages :—(1) After the commencement of these regulations, every marriage solemnized in the Union territory of Ladakh shall be registered in the manner provided in regulation 11:

Provided that a marriage registered under any other enactment relating to registration of marriages for the time being in force, need not be registered under these regulations. Provided further that nothing contained in any other Act or law shall preclude the parties to a marriage from registering their marriage under the provisions of these regulations.

(2) It shall also be a duty of both the parties to the marriage to take all necessary steps for registration of marriage.

11. Memorandum of Marriage: - (1) The parties to a marriage shall prepare and sign a Memorandum of Marriage in the form contained in Schedule A and shall present the said Memorandum in person, in duplicate to the Registrar having jurisdiction to register their marriage, within a period of 30 days from the date of marriage:

Provided that a Memorandum of Marriage may be submitted to the Registrar after the expiry of the period of 30 days specified in sub-regulation (1) along with late fee of Rs. 2.00 for each day of delay:

Provided further that if a Memorandum is accompanied by a satisfactory explanation for the delay in filing the same, the Registrar may waive the late fee payable for the delay.

(2) The Memorandum shall be accompanied by the prescribed fee.

(3) The Memorandum shall also be accompanied by proof of age of both parties.

(4) Every person submitting a Memorandum to the Registrar shall be entitled to receive an acknowledgement of receipt of the same from the office of the Registrar.

11A. Exemption from payment of Fee: - The Administration may by, suitable order or notification, exempt certain categories or classes or persons from the requirement of payment of any fee including late fee under these regulations.

12. Exemption from personal appearance for presenting the Memorandum in certain cases:- The Registrar may, upon receiving a written request in this regard, dispense with the personal presence of either party or both parties to the marriage at the time of receiving the memorandum, if either party or both parties suffer from such physical or any other disability or circumstance as would, in the opinion of the Registrar, constitute sufficient cause for his/her/their non- appearance, and may allow the memorandum to be presented by a person duly authorized by both parties:

Provided that while allowing the request for exemption, the registrar shall record his reasons for doing so along with full particulars of the person presenting the Memorandum, on the reverse of the memorandum:

Provided further that in cases where either one or both parties do not personally appears before the Registrar, the Registrar may, in his discretion, visit the residence of the parties or make such other enquires as he may deem necessary, to ensure that the particulars contained in the memorandum are correct, before proceeding to register the marriage, and shall record the date/or result of his visit/enquiry on the reverse of the memorandum.

13. Procedure to be followed by the Registrar upon receipt of a Memorandum of Marriage:

—

(1) The Registrar shall maintain a register of all marriages for which a Memorandum is submitted to him, and shall on receipt of the Memorandum, register the marriage by recording the Memorandum in the register after confirming from each party to the marriage that the marriage has taken place with his/her consent.

(2) Each memorandum filed in the Register shall be treated as a separate entry and each entry shall be numbered in a consecutive series which will commence and terminate with each calendar year, a fresh series being commenced with the beginning of each year.

(3) The Registrar shall send the records of all marriages registered by him in the form prescribed by the Registrar General of India from time to time, in respect of each of the

marriages registered, to the Chief Registrar of the Union Territory as well as to the Registrar General of India.

14. Marriage Registration Certificate: - The Registrar shall issue to the parties to the marriage, a Certificate of Registration of Marriage in the form contained in Schedule B, within 15 days of receiving the Memorandum of Marriage.

15. Refusal to Register:- (1) The Registrar shall not refuse to register any marriage for which a duly filled up and signed memorandum has been received by him except in the following cases:

(a) When the Memorandum of Marriage does not contain all the information that is required to be furnished therein, or

(b) when the bride has not completed 18 years of age and/or the groom has not completed 21 years of age, or

(c) where either party to the marriage, as per the records available in the office of any Marriage Registrar, is already married and has a spouse living, or

(d) Where either party makes a categorical statement before the Registrar that he or she was forced into the marriage and that the marriage was performed without his/her consent. Provided that clause (c) shall not apply to a person who, by any law in force at the time of his/her marriage, is allowed to have more than one spouse.

(2) In the above cases, the Registrar shall, within one week of receipt of the Memorandum of Marriage, intimate his refusal to register the marriage to the parties and in cases falling under clause (a) or clause (c) of sub-regulation (1) of regulation 15, he shall give the parties an opportunity to remove any defect or infirmity in the Memorandum submitted by them, or provide a proof as to the fact that neither party had a spouse living on the date of their marriage or that the law in force at the time of marriage, permitted such person to have more than one spouse.

(3) Upon receipt of the corrected memorandum or a proof as envisaged in sub-regulation (2) above, as the case may be, the Registrar shall proceed to register the marriage in accordance with the provisions of regulation 11.

(4) In cases falling under sub-regulation (1) (d), the Registrar shall immediately record the statement of the party alleging that the marriage was performed without his/her consent and shall get the party making the statement to sign the same. The registrar shall also inform the local police for registration of a complaint on behalf of the party who makes the said statement for initiation of investigation into the matter.

16. Certificate of Registration of Marriage to be Conclusive Proof of Marriage:-

(1) A Certificate of Registration of Marriage shall be conclusive proof of the Marriage between the parties named in the Certificate.

(2) A Certificate of Registration of Marriage issued under these regulations shall ordinarily be received by any court, public authority as proof of marriage between the persons named therein and the same shall be presumed to be correct, unless the contrary is proved.

17. Effect of Registration: - The validity of a marriage registered under these regulations pursuant to a memorandum having been filed by the parties to the marriage, shall not be called into question solely on the ground that the marriage was performed or not performed

in a particular manner or that the ceremony was defective or was not in accordance with law.

18. Non registration of marriages: No marriage performed to which these regulations apply shall be deemed to be invalid solely by reason of the fact that it was not registered under these regulations.

19. Voluntary registration of Marriages: - Persons married before the coming into force of these regulations and whose marriage is not already registered under any other Act/Law previously in force, may also register their marriage under these regulations by following the procedure under these regulations and the time limit of 30 days shall not apply to such persons.

CHAPTER IV MAINTENANCE OF RECORDS

20. Preparation and Maintenance of Indexes: - The Registrar shall prepare year-wise Indexes of all entries in his Register, in such Form and in such manner as may be prescribed from time to time by the Registrar General of Marriages, India.

21. Register and Indexes to be open for public inspection: - The Register and Indexes maintained under these regulations shall, at all reasonable times, be open to inspection to all persons.

22. Certified Extracts of Records: -

(1) Either party to a marriage who has submitted a Memorandum of his/her marriage in accordance with regulation 11, may make an application in writing, along with prescribed fee, to the Registrar for-

(a) Obtaining a Certificate of Registration of Marriage and the Registrar shall issue the same with 15 days from receiving the application, notwithstanding the fact that a Certificate of Marriage Registration has already been issued to the parties under Regulation 14.

(b) Obtaining a copy of the Memorandum of Marriage and the Registrar shall issue the same after signing and putting his seal on the same.

(2) A Certified copy of the Memorandum issued by the Registrar under sub-regulation (1) (b) shall be deemed to be a public document, admissible for the purpose of proving the contents of the original.

(3) The Registrar may upon receipt of an application along with the prescribed fee, issue a Certificate of Registration of Marriage or a certified copy of the Memorandum of Marriage in respect of a marriage registered with him, to a person who is not a party to the marriage, provided the person applying for the same, discloses in his/her application, his relationship with the parties, if any, and the purpose for which the Certificate/Certified Copy is required by him/her:

Provided that if the Registrar refuses a request made under sub-regulation (3) he shall do so in writing disclosing therein his reason for such refusal, and shall communicate his refusal to the applicant within 15 days of having received the request.

CHAPTER V

OFFENCES and PENALTIES

23. Penalty for destroying or altering Register. - Any person destroying, tampering with or dishonestly or fraudulently altering the register or any part thereof shall be punished with imprisonment for a term which may extend to five years or with fine which may extend to Rs. five Thousand or with both.

24. Penalty for neglecting to comply with provisions of Regulation 11. -Any person who wilfully omits or neglects to submit to the Registrar, the Memorandum as required by regulation 11, shall be punished with a fine of Rs. Five Hundred.

25. Penalty for making false statements in the Memorandum. - Any person who makes or verifies any statement in such memorandum which is false in any material particular and which he or she knows or has reason to believe to be false, shall be punished with simple imprisonment for two months and /or fine which may extend to five thousand rupees.

26. Operation of other penal laws. - Punishment for any offence under these Regulations shall be in addition to the punishment provided for the offence by other Penal laws.

CHAPTER VI

FEE FOR REGISTRATION, SEARCHES AND COPIES

27. Fees to be fixed by Administration. -The Administration shall prepare a table for fees payable

- (a) Along with the Memorandum of Marriage;
- (b) Along with an application for a Certified copy of the Memorandum of Marriage;
- (c) For issue of a Marriage Registration Certificate under regulation 22.
- (d) For searching the Register and/or Indexes.
- (e) For such other matters as appear to the Administration, necessary to effect the purposes of these regulations.

28. Publication of Fee. - A table of fees payable under these regulations, along with a complete list of categories or classes of persons exempt from payment of the fee, shall be

published in the Official Gazette and a copy thereof in English, Hindi and the local language of the place shall be prominently displayed in the office of the registrar.

CHAPTER VII MISCELLANEOUS

29. Duty of Registrar to forward complaint in respect of child marriages. - It shall be the duty of every Registrar to forward a complaint to a Judicial Magistrate of the First Class or a Metropolitan Magistrate, if on the basis of a memorandum received by him, he is satisfied that a marriage has taken place in which the bride is less than 18 years of age and/or the groom is less than 21 years of age.

30. Registrars to be public servant. -Every Registrar, including the Chief Registrars and the District Registrars, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 to 1860).

31. Indemnity to persons acting under these Regulations. - 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 these regulations.

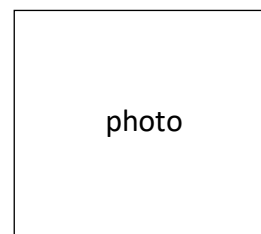
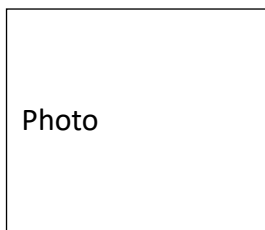
32. Complaints against the Registrar. - (1) Any party aggrieved by the failure of the Registrar to discharge his duties and obligations under these regulations or by any other act or omission on the part of the Registrar may lodge a complaint with the District Registrar.

(2) On receipt of a complaint under sub-regulation (1), the District Registrar shall acknowledge receipt of the complaint and, if the complaint appears to have any merit, shall expeditiously dispose of the same by calling for an explanation from the Registrar and/or issuing appropriate directions to the Registrar or by sending a recommendation to the Chief Registrar of the Union territory of Ladakh for suitable action against the Registrar.

33. Appeals against orders of Refusal. - Any person aggrieved by an order or refusal under Regulation 15 or under sub-regulation (3) of Regulation 22 may prefer an appeal to the District Registrar, within a period of 30 days from the date of refusal, who shall expeditiously decide the appeal and pass an appropriate order.

MEMORANDUM OF MARRIAGE

(Please see Regulation 11 of the Compulsory Registration of Marriages (Ladakh) Regulations, 2022)

1. PARTICULARS OF PARTIES:**GROOM BRIDE**

Sl. No.	Particulars	Groom	Bride
	Name		
	Date of Birth		
	Father's Name		
	Mother's Name		
	Present Address		
	Permanent Address		
	Status on the date of marriage	Unmarried/ widower/ divorcee/ Other	Unmarried/ widow/ divorcee/Other

2. DATE OF MARRIAGE : _____(date) _____(month) _____(year)

3. PLACE OF MARRIAGE : _____
(FULL ADDRESS) _____

4. WITNESSES:

(GROOM'S SIDE)

(BRIDE'S SIDE)

(i) SIGNATURE : _____

(ii) NAME : _____

(iii) ADDRESS: _____

(iv) RELATIONSHIP: _____

_____ (If any)

5. DECLARATION:

I/5872/2022

I hereby declare that the marriage was performed with our consent and that, to our knowledge, our marriage was not barred by any law in force at the time of our marriage. I further declare that all information furnished by me herein is correct.

SIGNATURE: _____
(Groom) (Bride)

6. DATE OF SUBMISSION: _____

Page No. Entry No (To be filled in by the Registrar)

CERTIFICATE No.

MARRIAGE REGISTRATION CERTIFICATE

(Issued under the Provisions of the Compulsory Registration of Marriages (Ladakh)
Regulations, 2022)

I, _____ hereby certify that I have registered under the Compulsory
Registration of Marriages (Ladakh) Regulations, 2022, the marriage of bridegroom _____
with bride _____ performed on the _____ day of _____ 20__ at
_____, in pursuance of the Memorandum of Marriage dated the _____ day
of _____ 200__ received by me and which has been entered as Entry No. _____ at
page _____ of the Register of Marriages maintained in my office for the year _____.

Date: _____

(Seal and Signature)
Registrar of Marriages

Local Area: _____

District: _____

State: _____

(SCHEDULE- C)

Proforma of the Marriage Register

(Please see Regulation 13 Provisions of the Compulsory Registration of Marriages (Ladakh) Regulations, 2022)

[illegible]