Jud/12/22
Circular

OF THE DISTRICT & SESSIONS JUDGE ★ ROURKELA ★ RECEIVED 13 JUL 2022

THE HIGH COURT OF ORISSA, CUTTACK

NO.XII-01/2022/ 10893(30) **Dated.** 19.07.22

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From

Shri A.K. Paschimakabat,
Registrar (Vigilance)

To

The District & Sessions Judge, ... (All)

R-2182
14-07-22

Sub: The Odisha Hindu Marriage Registration Rules, 2022- Reg.

Sir/Madam,

I am directed to forward herewith a copy of the Notification No. 7806/L Dated, 11th July, 2022 issued by the Law Department, Govt. of Odisha, for your information with a request to circulate the same among all the Judicial Officers working under your control for their information and necessary action.

Yours faithfully,

19/7/22

REGISTRAR (VIGILANCE)

Encl:- As above

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Government of Odisha
Law Department
****

Notification

The 11th July 2022

No.LAW-MISC-MISC-0001-2020- 7806 /L., In exercise of the powers conferred by sub-section (1) read with sub-sections (2) and (4) of section 8 of the Hindu Marriage Act, 1955 (25 of 1955) and in supersession of the Odisha Hindu Marriage Registration Rules, 1960 as amended, except as respects things done or omitted to be done before such supersession, the State Government do hereby make the following rules, namely:—

1. Short title and commencement. — (1) These rules may be called the Odisha Hindu Marriage Registration Rules, 2022.

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

2. Definition. — (1) In these rules, unless the context otherwise requires, —

(a) 'Act' means the Hindu Marriage Act, 1955 (25 of 1955);

(b) 'Form' means a Form appended to these rules and includes a form of electronic mode, called e-form;

(c) 'marriage' means a Hindu Marriage solemnized in accordance with the provisions of the Act;

(d) 'register' means a register of marriages to be maintained under these rules;

(e) 'Registrar' means the Registrar appointed under rule 3; and

(f) 'section' means a section of the Act.

(2) Words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Act and the

Information Technology Act, 2000 (21 of 2000) and the rules made thereunder.

3. Appointment of Registrar. — The State Government may, by notification, appoint as many officers to be the Registrar for the purpose of registering marriages under the Act with jurisdiction over such local area as may be specified in the said notification.

4. Marriage under the Act to be compulsorily registered. — (1) The parties to the marriage duly solemnized in accordance with the provisions of the Act shall, within 30 days from the date of solemnization of marriage, shall be compulsorily required to register such marriage in accordance with the provisions of these rules.

(2) Any party to the marriage contravening sub-rule (1) shall be punishable with fine which may extend to twenty-five rupees.

5. Application for registration of Marriage. — (1) An application for registration of marriage shall be made in Form-'A' by the parties to the marriage in person or by registered post or in electronic mode to the Registrar within whose jurisdiction, the marriage is solemnized, or the parties or any of the party to the marriage, ordinarily resides accompanied with such fee as prescribed in rule 10.

(2) If the application for registration of marriage is filed after expiry of the period of thirty days specified in sub-rule (1) of rule 4, but within six months from the date of solemnization of marriage, the parties shall pay fine of ten rupees and if such application is filed after expiry of six months from date of such solemnization, the parties shall pay fine of twenty-five rupees, which shall be paid at the time of submission of such application.

(3) An application for registration of marriage to be submitted under sub-rule (1) shall be signed by both parties to the marriage and priest, if any, and supporting documents in respect of the particulars furnished in Form-'A'

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at the time of appearing before the concerned Registrar and in case application has been filed in electronic mode, supporting documents to be furnished in electronic mode. .

(4) Any person who makes any statement in the application form which is false in any material particulars and which he knows or has reason to believe to be false, shall be liable to be punished in accordance with law for the time being in force.

(5) If an application is received by the Registrar not accompanied by a Treasury Challan or e-Challan, as the case may be, referred to in rule 10 or is defective in any respect, the Registrar shall refuse to entertain it unless the parties to the marriage deposit the said fee and produce the Challan or remedy the defect, as the case may be, within such time as may be specified by the Registrar.

(6) Where the application is received either in person or by registered post, the Registrar shall intimate the defects, if any, to any of the parties to the marriage by registered post or through e-mail Id provided by the parties and if such application has been filed in electronic mode, the parties shall be intimated through the user login Id or e-mail Id provided.

6. Registration of Marriage. – (1) When an application for registration of a Hindu marriage is presented before the Registrar, the Registrar shall, except when both the parties to the marriage and their guardians, if any, appear before him personally and are identified to his satisfaction, give notice in Form-'B' to the parties concerned and to their guardians, if any, by registered post or e-mail, make summary enquiry as he thinks fit regarding solemnization of marriage and while holding such enquiry, the Registrar may require the parties to the marriage to be identified to his satisfaction:

Provided that where the application for registration of marriage is filed in electronic mode, the notice shall be given to the parties through their user login Id or the e-mail Id provided by the parties.

(2) If the notice referred to in sub-rule (1) cannot be served due to any laches on the part of the parties to the marriage or if any objection is filed by any such party or by his or her guardian to whom the notice has been issued or if the Registrar is not satisfied about the identity of the parties or about due solemnization of the marriage in accordance with the provisions of the Act, he shall, by an order in writing, refuse to enter the particulars relating to the marriage in the register.

(3) The order of the Registrar shall be final.

(4) The Registrar on being satisfied about the solemnization of the marriage and regarding the identity of the parties thereto shall enter the particulars relating to marriage in the register called "Hindu Marriage Register" in Form-'C' and on the basis of such entry in the register Certificate of Marriage called "Certificate of Hindu Marriage Registration" Form-'D' shall be issued free of cost to the parties to the marriage at the time of registration:

Provided that nothing in this sub-rule shall prevent the Registrar from issuing the Certificate of Marriage to the parties to the marriage in electronic form with proper authentication consistent with the provisions of the Information and Technology Act, 2000 (21 of 2000) and the rules made thereunder.

7. Issue of Marriage Certificate on Tatkal. – (1) Where the parties to the marriage intend to make their registration of their marriage on priority basis (Tatkal), the applicant shall be required to pay additional fees of Rupees One thousand only and subject to fulfilling the following conditions, namely: –

(a) both the parties to the marriage and their parents/guardians, if any, must be present before the Registrar on the date and time fixed by him along with two witnesses with their proper identification and other requisite documents in support of the particulars furnished in Form-'A';

(b) joint Photograph in proof of marriage of the parties;

(c) joint affidavit of the husband and wife stating that they are married under the provisions of the Hindu Marriage Act, 1955 and are staying together;

(d) documents in proof of their marriage, such as invitation card of marriage;

(e) certificates showing the age proof of both the parties;

(f) identity proof of both the parties such as Aadhar Card, Voter Identity Card or Permanent Account Number (PAN) Card;

(g) proof of residence of the husband and wife, their parents/guardian and all witnesses; and

(h) challan showing the payment of fees.

Explanation: For removal of doubt it is hereby declared that if the parties to the marriage applied for Tatkal Marriage Certificate but without fulfilling the conditions mentioned above shall not be entitled for such certificate and the application shall be considered as per rule 5 and the additional fees deposited for registration of marriage on Tatkal basis shall not be refunded.

(2) The Registrar shall, within twenty four hours of the date of receipt of application or in the event of receipt of application on a public holiday, next immediate working day, intimate the parties through user login or e-mail Id, or registered mobile number provided by the parties to appear on the date and time fixed by him, so however the date and time so fixed shall not exceed two working days.

(3) The Registrar, on being satisfied that the conditions specified in Sub-rule (1) have been fulfilled and the marriage has been duly solemnized in accordance with the provisions of the Act shall enter the particulars in the register relating to marriage as given in the application and issue a marriage Certificate in Form-'D', within three working days from the date of appearance of the parties referred to in sub-rule (2), to the parties to the marriage:

Provided that nothing in this sub-rule shall prevent the Registrar from issuing the Certificate of Marriage to the parties to the marriage in electronic form with proper authentication consistent with the provisions of the Information and Technology Act, 2000 (21 of 2000) and the rules made thereunder:

(4) In case of delay in filing of application, the provisions of sub-rule (2) of rule 5 shall also apply for Tatkal Marriage Certificate.

8. Maintenance of Register. – (1) The Registrar shall maintain a register in Form-'C' and enter particulars relating to marriage furnished by the parties to the marriage in Form-'A' which shall be a bound book, the pages of which shall be machine numbered.

(2) The register as referred to in sub-rule (1) may also be maintained in electronic form.

(3) The entries relating to each marriage shall be assigned with a Serial Number consecutively beginning with 1st day of January and ending with the last day of December.

(4) The applications for registration of marriage and the register shall be preserved in the Office of the Registrar as permanent record which may also be preserved in electronic form.

9. Register to be open for inspection. – (1) The register shall, at all reasonable times, be open to inspection by any person on filing of an application and on payment of fee prescribed therefor in rule 10.

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(2) Any person may on application obtain certified copies of the entries in the register from the Registrar on payment of the fee specified in rule 10 and on production of the challan showing the deposit of such fees.

10. Fee and mode of payment. – (1) The following fees shall be payable to the Marriage Officer, namely:—

Sl. No.	Description	Rs.
(1)	(2)	(3)

(a) Application for registration of a marriage (to be paid by the parties to the marriage). ... 100.00

(b) For a certified copy of an entry in the Hindu Marriage Register. ... 100.00

(c) For making a search (to be paid by the applicant) –

(a) If the entry is of the current year. ... 50.00

(b) If the entry is related to any previous year or Years, for each year of search. ... 50.00

(2) Where the application is filed in electronic mode, the fees prescribed therefor shall be paid in electronic mode (e-Challan) and in any other case, the fee shall be paid by Treasury Challan under the head of account mentioned in sub-rule (3) or in cash or in any other mode at the office of the concerned Registrar.

(3) All such fees shall be credited to the State revenue under the head "0070-Other Administrative Services-60-Other Services-108-Marriage Fees-

0135-Registration Fees-01050-Fees for Registration of Marriage and for obtaining certified copy of an entry made in the Marriage Register.

(4) Any person may on application obtain certified copies of the entries in the register from the Registrar on payment of the fee specified in sub-rule (1) and on production of the challan showing the deposit of such fees.

(5) A system generated electronic receipt of all fees received by the Registrar shall be provided to the party who has paid the fee.

11. Power of Supervision. – The State Government may, themselves or through specified authorities exercise general supervision over the work of the Registrar and may call for reports or returns from time to time relating to the registration from him.

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FORM 'A'

[*See rule 5*]

(Application form for Registration of Marriage under the Hindu Marriage Act, 1955)

Category of Application: Normal ☐ **Tatkal** ☐ **(tick mark the appropriate box)**

		Space for photograph of Wife	Space for photograph of Husband
1.	Name of the applicants (particulars of I.D. proof attached)	Bride/Wife .... Mobile No. ..... Email Id (if any)	Bridegroom/Husband .... Mobile No. ..... Email Id (if any) .....
2.	Parentage of the applicants	Father's Name .... Mother's Name	Father's Name .... Mother's Name ....
3.	Guardians of the applicants (if any) & their relationship with them	Guardian's Name .... Relationship with Bridegroom/Husband:	Guardian's Name .... Relationship with Bride/Wife:
4.	Age of the applicants as on date of marriage	.....	.....

5.	Date of birth of the applicants (particulars of proof attached)	.....	.....
6.	Marital Status of the applicants before marriage (i.e. whether unmarried/divorced/widow/widower) (attached corresponding proof if any)	.....	.....
7.	Nationality of the applicants	.....	.....
8.	Place of permanent residence of the applicants before marriage (particulars of proof attached)	....	....
9.	Place of present address of the applicants (particulars of proof attached)	....	....
10.	Date and place of solemnization of marriage (particulars of proof attached)	....	....

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11.	Name and address of the officiating priest (if any) and his signature	.... Signature:	.... Signature:
12.	Name and particulars of the two witnesses to the marriage ceremony	Witness No.1	Witness No.2 ....
13.	Mode of payment of application fee	....	....
14.	Signature of Parents/Guardians(if any)	Parents: Guardians:	Parents: Guardians:

VERIFICATION:

We ..... (the husband) and ..... (the wife) do hereby solemnly affirm that the particulars of our marriage given above are true to the best of our knowledge and belief.

Signed and verified this ..... day of ....., 20.....

Witness No.1
(signature)

Applicant No. 1
(signature)

Witness No.2
(signature)

Applicant No. 2
(signature)