

RULES FRAMED UNDER SPECIAL MARRIAGE ACT, 1954

[G. O. Ms. No. 176, Home (Integration -B), 24th January, 1959.]

RULES

1. (i) These rules may be called the Andhra Pradesh Special Marriage Rules, 1959.
(ii) They shall extend to the whole of the State of Andhra Pradesh.
2. In these rules, unless the context otherwise requires-
 - (1) 'Form' means a form appended to these rules;
 - (ii) "the Act" means the Special Marriage Act, 1954 (Central Act XLIII of 1954); and
 - (iii) 'Section' means a section of the Act.
3. Every Marriage Officer shall cause his name, designation and the regular working hours of his office, to be written in English and in the language or languages of the district and displayed in a conspicuous part of the building in which his office is situated.
4. (1) Notice of any intended marriage under the Act shall be given in writing in the form specified in the second schedule to the Act, to the Marriage Officer, by both the parties intending to enter into the marriage, either in person or by Registered post.

(2) Where the notice is delivered in person the fee specified therefor in the schedule to these rules, shall be paid directly in cash to the Marriage Officer. Where the notice is sent by Registered Post, the fee shall be remitted by money order at the remitter's expense and the receipt issued to the remitter by the Post Office through which the remittance is made shall be attached to the notice.

(3) As soon as the notice has been received by the Marriage Officer, a distinctive serial number shall be entered on it and such number and the date of receipt of the notice shall be attested by the signature of the Marriage Officer. If the notice is in conformity with the requirements of the

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Act, it shall be entered in the Marriage Notice Book, which shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. If the notice is not in conformity with the requirements of the Act, it shall be rectified by the parties if they are present or returned to them by post for rectification and retransmission within a date to be fixed. Every item of rectification shall be attested by both the parties.

5. Publication under section 6 (2) as well as transmission under section 6(3) of a true copy of the notice of intended marriage given under section 5, shall be on the very day on which the said notice is received in office and publication of notice in the office to which a true copy of it is transmitted under section 6(3) shall be on the date of receipt of the copy in that office. Such copy shall bear the signature and seal of the Marriage Officer.

6. (1) Every objection under section 7(1) shall be in writing and presented in person to the Marriage Officer during office hours.

(2) An objection sent by post shall not be accepted or acted upon.

(3) No such objection shall be entertained unless the prescribed fee therefor in the schedule to these rules has been paid to the Marriage Officer.

(4) The recording of the objection in writing under section 7(3) by the Marriage Officer shall be either in English or in the language or languages of the district.

(5) Where an objection to the solemnisation of an intended marriage together with the fee prescribed therefor in the schedule to these rules has been received and recorded by the Marriage Officer, he shall, unless by an order in writing he rejects the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in section 4, enquire into the objection on a day to be fixed by him. The

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day so fixed shall not be later than thirty days from the date of the objection. The date so fixed shall be notified to the objector and to the parties to the marriage and also published on the notice board in the office of the Marriage Officer.

(6) The Marriage Officer shall at the time of recording the objection, ascertain from the objector whether he has any documents on which he relies or whether he desires any witness or witnesses to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for the enquiry. If the objector desires that summons to the witnesses cited on payment of the process fee prescribed therefor in the schedule and the reasonable expenses of travelling and subsistence of the witnesses. The enquiry relating to the objection including production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in section 8. If within the prescribed period the documents are not produced and the witnesses do not appear before the Marriage Officer, the Marriage Officer shall take decision without waiting for the production of such documents or the appearance of such witnesses. If on the date of the enquiry, the objector does not appear, even though the witnesses appear, the Marriage Officer may proceed to solemnize the marriage.

(7) The notice or summons to any party or witnesses under this rule shall be in Form I or Form II, as the case may be, and shall be sent by Registered Post or through process server.

(8) On the day fixed for the enquiry or on the adjourned date, the Marriage Officer shall record in his own hand, the evidence given in the course of the enquiry, his decision on the objection and the reasons therefor.

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(9) All the statements shall be recorded on loose sheets of paper and shall be kept with the records of enquiry.

(10) All orders passed from time to time by the Marriage Officer shall be intimated to the parties to the marriage and to the objector without delay.

7. (1) An application for the registration of marriage under section 16 shall be presented in person or sent by Registered Post by either of the parties to the marriage to the Marriage Officer during office hours in Form III appended to the rules.

(2) A true copy of such application shall be entered in a book to be kept for that purpose.

(3) Notice of the application under sub-rule (1) shall be given by the Marriage Officer by exhibiting a true copy thereof under his signature and seal in a conspicuous place in his office and by causing its publication by affixture in a conspicuous place in the village in which the parties reside. The notice shall also state that objections if any to the registration of the marriage should be preferred by the objector in person orally or in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited. The cost of transmission of the copy of application to the Village Officer for affixture in a conspicuous place and other incidental charges if any, shall be collected from the parties to the marriage.

(4) Any objection received within the said period together with the fee prescribed therefor in the schedule to these rules shall be recorded and the enquiry in respect thereto made as early as possible in the manner prescribed in rule 6.

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8. (1) The Marriage Officer may, on application by both the parties to the marriage, solemnize the same at any place outside his office provided the additional fee prescribed therefor in the schedule to these rules is paid and the hour is not unreasonable. A conveyance shall be provided to the Marriage Officer by the parties to the marriage (G.O. Ms No. 2574, Home Gen. and A. Dept. dated 28th December, 1976.)

(2) Dignity and decorum befitting the occasion shall be maintained by the Marriage Officer at the time of solemnization of the marriage.

9. Every Marriage Officer shall keep a register in Form IV of all fees realised under these rules (including moneys received through Money Order). All moneys received by the Marriage Officer except the fee mentioned in entry (9) of the schedule to these rules shall be remitted promptly into the local treasury under the head of account "XXXVI" P. Miscellaneous departments Miscellaneous Births, Deaths and Marriages Registration Fees" and a report sent to the Registrar General of Births, Deaths and Marriages once in every month.

10.(1) A receipt in Form V shall be granted for every fee levied or costs recovered by way of compensation under section 9 (2) by the Marriage Officer.

(2) Receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine numbered consecutively.

11. Copies of entries in the Marriage Certificate Book which the Marriage Officers are required to send under section 48 to the Registrar General of Births, Deaths and Marriages shall be certified in Form VI and shall be sent at intervals of three months on or as early as possible after the 1st January,

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April, July and October in each year.

Should no entries be made in the Book during the preceding three months, a certificate to that effect shall be sent to the Registrar-General as indicated above.

12. The following books and files shall be maintained: -

- (1) File of notices of intended marriages (Section 5, Second Schedule to the Act).
- (2) Marriage Notice Book (Section 6).
- (3) Record of enquiry (Section 8).
- (4) Register of enquiry (Section 8 and Form VII).

- (5) File of declarations by parties and witnesses (Section 11, Third Schedule to the Act).
- (6) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).
- (7) File of applications presented under section 16.
- (8) Register of copies of applications. (Section 16).
- (9) Marriage Certificate Book (Section 16, Fifth Schedule to the Act).
- (10) File of applications for certified copies. [Section 47(2)].
- (11) Register of fees levied (Rule 9).
- (12) Fee receipt book (Rule 10)

13. The following books and files shall be preserved permanently :

- (1) File of notices of intended marriages (Section 5, Second Schedule to the Act).
- (2) Marriage Notice Book (Section 6).
- (3) Record of enquiry (Section 8).
- (4) Register of enquiry (Section 8).
- (5) File of declarations by parties and witnesses (Section 11, Third Schedule to the Act).
- (6) Marriage Certificate Book (Section 13, Fourth Schedule to the Act).

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- (7) File of applications presented under section 16.
- (8) Register of copies of applications (Section 16).
- (9) Marriage Certificate Book (Section 16, Fifth Schedule to the Act).

14. The fees to be charged by the Marriage Officer be as specified for the respective items in the schedule to these rules.

15. The Marriage Officer may, for the purpose of himself that the parties to a marriage have completed the specified in clause (c) of section 4 or clause (d) of section as the case may be, require them to produce proof of the age, birth certificate for any other satisfactory evidence.