

REGISTRATION OF HINDU MARRIAGES UNDER MARRIAGE ACT, 1955.

[G.O. MS. NO. 654, HOME (GENERAL-A) 2nd MARCH 1965]

In exercise of the powers conferred by section 8 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955) the Governor of Andhra Pradesh hereby makes the following rules, the same having been previously published for general information:-

RULES

1. These rules may be called the Andhra Pradesh Hindu Marriage Registration Rules, 1965,

2. In these rules, unless the context otherwise requires :-

(a) "**Act**" means the Hindu Marriage Act, 1955 [Central Act 25 of 1955].

(b) "**Compulsory registration area**" means the area in which registration of marriages is directed by the Government to be compulsory under sub section (2) of section 8 ;

(c) "**Form**" means a form appended to these rules ;

(d) "**Government**" means the Government of Andhra Pradesh ;

(e) "**Hindu Marriage**" means a marriage including remarriage solemnized in accordance with the provisions of the Act ;

(f) "**Hindu Marriage Register**" means a Hindu Marriage Register kept in Form 'B' ;

(g) "**Inspecting Officer**" means any Officer authorised by the Registrar General to inspect the Marriage records ;

(h) "**Registrar General**" means the Registrar General of Births, Deaths and Marriages appointed by the Government under section 6(1) (b) of the Births, Deaths and Marriages Registration Act 1886, {Central Act 6 of 1886) or section 2(1) (b) of the Andhra Pradesh (T.A.

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Registrar General of Births, Deaths and Marriages Act, 1953 (Act VIII of 1953) ;

(1) "**Registrar**" means a Registrar appointed for registering Hindu Marriages under the Act.

3. The Government may, by notification published in the Andhra Pradesh Gazette appoint as many persons as may be necessary as Registrars for the purpose of registering the Hindu marriages under the Act, with jurisdiction over such area as may be specified in the notification.

(2) Every Registrar shall reside within the local limits of his jurisdiction and shall cause his name, designation and the working hours of his office to be written in English, Telugu and in the regional language of the area and displayed in a conspicuous part of the outer side of the building in which the office is located.

4. (1) A Hindu Marriage which has been solemnized may be registered by the Registrar in the Hindu Marriage Register which shall be maintained by him in Form "B".

(2) The Hindu Marriage Register shall be a bound volume of one hundred leaves the pages having been machine numbered consecutively.

5. (1) An application for the registration of a Hindu Marriage, shall be in Form 'A' and shall be signed by each party to the marriage or by the guardian of such party and shall be presented in person before the Registrar in

whose jurisdiction the marriage is solemnized or before the Registrar in whose jurisdiction either party to the marriage has been residing for at least six months

immediately preceding the date of marriage :

Provided that an application for the registration of marriage, solemnized

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beyond the territories of India excluding the State of Jammu and Kashmir may be presented within one month from the date on which the parties arrive in the State of Andhra Pradesh before any Registrar in the said State of Andhra Pradesh.

(2) It shall be attested by any one of the following persons if any applicant is illiterate:

- (i) a Village Munsif ;
- (ii) a Magistrate of any class including an Honorary Magistrate ;
- (iii) a Government servant whose emoluments are not less than Rs. 50 per month ;
- (iv) a Government pensioner whose pension is not less than Rs. 25 per month ;
- (v) a member of a Zilla Parishad, a Panchayat Samithi ; or a Grama Panchayat ;
- (vi) a member of a Municipal Council or a Municipal Committee ;
- (vii) any person authorised to solemnize a marriage under the Special Marriage Act, 1954 (Central Act 43 of 1954) ;
- (viii) A Medical Officer in Government, Local Fund or Municipal employment or a private medical practitioner holding a University diploma or degree recognised by the Government;
- (ix) a member of the Parliament or of the Andhra Pradesh State Legislature.

(3) It shall be presented within the month from the date of solemnisation of the marriage :

Provided that if owing to urgent necessity or unavoidable accident it is not so presented within the prescribed period, the Registrar may, if satisfied with the reasons adduced for the failure to present it within the prescribed period, condone the delay not exceeding one month.

Provided further that the Registrar General may condone the delay be-

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yond the period of one month.

6. (1) On receipt of the application in Form 'A' the Registrar shall unless both the parties to the marriage and the guardians if any, appear before him personally and are identified to his satisfaction give notice of the application to the other party or parties and make such enquiries of summary character as he thinks fit regarding the marriage.

(2) Evidence if any required by the Registrar shall be taken by him on oath ;

Provided that the examination of paradanashin ladies who do not appear before the Registrar may be conducted through a Hammamnee or Mama.

(3) On being satisfied about the marriage the Registrar shall enter the particulars of the marriage in his own hand in the Hindu Marriage Register. Every entry relating to such particulars shall be signed by both the parties to the marriage.

Provided that the Registrar may in his discretion require that one or more witnesses shall also sign in the Hindu Marriage Register;

7. (1) When the Registrar is not satisfied about the identity of the parties or about the fact of the marriages, he shall by an order in writing refuse

to register a marriage and shall record the reasons for his decision.

(2) An appeal against such order of the Registrar shall lie to the Registrar-General who may pass suitable orders after giving an opportunity to both the parties and his order shall be final.

8. (1) Every erasure or interlineation occurred in making entries in the Hindu Marriage Register shall be attested by the Registrar and a note of the number of erasures and interlineations in the entries shall be made at the foot of the page containing the entries by the Registrar in his own hand and attested with his initials. He shall then authenticate the entries with his

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signature and date.

(2) No corrections or alterations in material particulars like name, age, date or place, shall be made in the Hindu Marriage Register without obtaining the sanction of the Registrar General.

(3) Every correction made after obtaining the required sanction under sub-rule (2) shall be made by the Registrar by a note in the footnote, without any alteration of the original entry, and shall be signed and dated by him.

9. All applications for registration of Hindu Marriages and for copies of certified extracts from the Hindu Marriage Register shall be serially numbered separately for each calendar year, and preserved as a permanent record.

10. Every Registrar shall cause to be maintained indices in Form 'C' of all entries made in the Hindu Marriage Register. Every entry in an index shall be made alphabetically with reference to the surname of the party wherever it is given and in other cases with reference to the name of the party.

11. The Hindu Marriage Register shall at all reasonable times be open for inspection in the presence of the Registrar by any person applying to inspect it.

12. The Registrar-General may authorise any officer to be an Inspecting Officer for the purpose of inspecting the Hindu Marriage Register and other marriage records.

13. The Inspecting Officer shall inspect the marriage records of Hindu Marriages and submit an inspection report in duplicate to the Registrar-General.

14. The Registrar General shall scrutinise the report and forward a copy thereof to the Registrar with his further remarks if any added on them through the Inspecting Officer concerned.

15. (I) Every application for grant of copies of records or for an extract

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from the Hindu Marriage Register may be made either in person or by post addressed to the Registrar, with the court fee stamp duly affixed and accompanied by such number of stamps as are necessary to prepare the required copy and in the case of a request for grant of extract from the Hindu Marriage Register a sum of Rs. 5 being the fee.

(2) Certified extracts from the Hindu Marriage Register and certified copies of other records shall be granted under the official seal of the Registrar on payment of the fees.

(3) In addition to the fees prescribed in sub-rule (1).

16. All fees realised shall at once be brought on account in 'Form-D' and shall be remitted into the Government Treasury under the head of account "XXXII Miscellaneous Social and Developmental Organisations (d) Miscellaneous, -(iii) B. D, Marriages Registration Fees."

17. A receipt in "Form-K" shall be granted for the fee paid in person under rule 15.

18. (1) The following records shall be maintained by the Registrar:

(a) Applications made for registration of Hindu Marriages or for correction thereof together with concerned records.

(b) Hindu Marriage Register.

(c) File of applications for certified extracts,

(d) Register of fees.

(e) Chalans for the money remitted into the treasury.

(f) Fee Receipt Book.

(g) General correspondence.

(h) File of G.Os. and Circulars.

(i) Indices.

(2) The records referred to in clauses (a), (b), (c), (d), (e), (0, (h) and (i)

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of sub-rule (1) shall be preserved permanently.

19. The Registrar-General may specify any other records to be maintained by the Registrar and determine the period of preservation of such records.

20. (1) Any Registrar, who discovers any error in the form or substance of any entry in the Hindu Marriages Register may, within one month next after the discovery of such error in the presence of the persons married and in case of their death or absence, in the presence of two other credible witnesses and subject to the provisions contained in rule 8 direct the correction of the error.

Provided that, where any such correction was made in the absence of the persons married, the nature of such correction shall be intimated to them by registered post with acknowledgement due at their last known address.

(2) Every correction made under this rule shall be attested by the parties or the witnesses as the case may be, in whose presence it is made.

21. (i) For the registration of a marriage, the Registrar may, upon being provided with a conveyance, attend the Jail situate within his jurisdiction if one of the parties is confined therein under civil or criminal process or the residence of the persons who reside within his jurisdiction and who are exempt by law from personal appearance in Court under Code of Civil Procedure, 1908, namely ;-

(a) women who, according to the customs and manners, of the country, ought not to be compelled to appear in public ; and

(b) persons of rank specially exempted by the Government or persons who by reason of bodily infirmity are unable without risk or serious inconvenience to appear at the office of the Registrar.

(ii) A list of persons exempted under clause (b) above, shall be obtained by the Registrar-General from the High Court and communicated to the Registrars.