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NOTIFICATION

No.C.18015/148/2005-LJC/72 : the 22nd September, 2006. The Mizoram special Marriage (Registration) Rules, 2006 framed under the Special Marriage Act, 1954 is hereby publish in the Mizoram Gazette to invite suggestions/objections/views/comments from members of the general public to the proposed draft and to furnish the same to the Under Secretary to Govt. of Mizoram, Law and Judicial Department, Civil Secretariat, Block B, Room 3 within 30 days from the date of publication of this notice on any working day within office hour.

Chawngthanga,
Deputy Secretary to the Govt. of Mizoram.

Whereas the Hon'ble Supreme Court of India in its order dated February 14, 2006 in Transfer Petition (C) No. 291 of 2005 titled 'Seema-Vrs-Ashwani Kumar' has issued directions to all the States to frame rules providing, inter-alia, for compulsory registration of marriages.

Whereas the Government of Mizoram, in pursuance of the aforesaid directions, intends to frame rules under the Special Marriage Act, 1954 (Central Act No.43 of 1954).

And Whereas, it is considered necessary to invite and elicit suggestions/objections/views/comments from the general public so as to reach the State Government within a period of 30 days from the date of publication of this notice;

Now, therefore, the State Government of Mizoram hereby invites suggestions/objections/views/comments with respect to the proposed draft rules published hereunder and to furnish the same to the Under Secretary to the Government of Mizoram, Law and Judicial Department, Civil Secretariat, Block 'B', Room No. 3 within 30 days from the date of publication of this notice on any working day during office hours :-

CONTENTS OF THE RULES

In exercise of the powers conferred by section 50 of the Special Marriage Act, 1954 (Central Act No. 43 of 1954), the State Government of Mizoram hereby makes the following rules, namely-

1. **Short title and Commencement**
 - (1) These rules may be called the Mizoram Special Marriage (Registration) Rules 2006.
 - (2) They shall come into force from the date of notification in the official Gazette.
2. **Definitions**
 - (1) In these rules, unless the context otherwise requires-
 - (a) "Act" means the Special Marriage Act, 1954 (Central Act No. 43 of 1954).
 - (b) "Marriage Officer" means a person appointed by the Government of Mizoram under Section 3 of the Act;
 - (c) "Rules" means the Mizoram Special Registration Marriage Rules 2006; and
 - (d) "Form" means form appended to these rules.
 2. Words and expressions used in these rules but not defined herein, shall have the same meaning corresponding to such words and expressions as may have been defined under the provisions of the Act.
3. **Registration of Marriages to be compulsory** - With the notification of these rules, all marriages solemnized under the Special Marriage Act, 1954 (Central Act. No. 43 of 1954) shall be compulsorily registered.

4. Duties and powers of the Marriage Officer : Subject to the provision of the Act a Marriage Officer shall have all the powers as assigned to him under the Act.
5. Terms and remuneration of Marriage Registrar : (1) The terms and condition for appointment of a Marriage Officer shall be determined by the State Government by notification in the Official Gazette issued from time to time.
 - (2) A Marriage Officer shall receive such salary and remuneration as may be fixed by the Government from time to time for performing the works as assigned to him under the Act or Rules; provided that if any Officer of the Government is appointed as such Marriage Officer, he shall be entitled to his usual pay and allowances as admissible to him corresponding to that grade.
 - (3) A Marriage Officer shall be entitled to TA/DA as admissible under the rules prescribed by the Government.
6. Manner of inquiries :- (1) A Marriage Officer after receiving applications from the parties to the intended marriage, shall give 30 days notice to all concerned for filing of objections or otherwise, if any; and such notice shall be pasted in any conspicuous place in the locality and also in the notice board of the office of the Marriage Officer in Form 'A'.
 - (2) After a period of 30 days, if any objection or otherwise is received, a Marriage Officer shall cause an inquiry about the manner in which the objection is made with reference to the provision of the Act, and whether the intended marriage is within the degree of prohibited relationship under the Act, or barred by any law.
 - (3) If no objection is received by the Marriage Officer within the period referred to in sub-rule (2), a Marriage Officer may direct the parties to the intended marriage to submit written declaration before him about their marital status in Form 'B' fixing a date for solemnization of their marriage at any time as may be mutually convenient.
 - (4) On the date fixed in accordance with sub-rule (3), the parties to the intended marriage along with their respective witnesses should appear before the Marriage Officer for solemnization and thereafter affixed their signatures on the marriage certificate in Form 'C'; and such marriage certificate should be authenticated by at least 3 witnesses.
 - (5) After obtaining the signatures of the witness (es) under sub-rule (4), the Marriage Officer shall authenticate the Certificate of Marriage and such certificate shall be handed over to the parties.
 - (6) Solemnization of marriage may be held either in the office of Marriage Officer, or at any other location within limits of Jurisdiction of the Marriage Officer.
7. Marriage Officer to keep proper records :- The Marriage Officers shall maintain all records including certificates, documents registers and such related papers as may be prescribed by the State Government from time to time and ensure the safety and security of such records.
8. Assistance to Marriage Officer :- A Marriage Officer shall be entitled to be assisted by such other officers and staff as may be required.
9. Fees :- The parties to the intended marriage shall have to pay a fee of Rs. 100.00 for a certificate of marriage, and for solemnization of marriage at locations other than the office of Marriage Officer, an additional fee of Rs. 20.00 per kilometer or part thereof.

10. Fees to be deposited into Government Account :- (1) Fees collected under this Rules shall be deposited into Government Account as may be advised by the Finance Department of the State Government.

(2) A Marriage Officer shall issue receipt for the fees paid by the parties to the intended marriage.
11. Register Book to be supplied by State Government/Registrar :- Receipt Books/Registers/Certificates shall be supplied by the State Government through the Inspector General of Registration, Government of Mizoram.
12. Return to be submitted to the Registrar quarterly :- All returns including the number of marriages solemnized shall be submitted to the Registrar quarterly along with the names of the parties and the dates of solemnization.
13. Effect of non-registration of marriage :- Consequent upon the notification of these rules, applications or petitions in respect of custody of children, right of children born from the wedlock etc from parties to marriages which have not been registered will be treated as applications or petitions without any evidentiary value and disposed of as such. Applications for noninations of spouse or children born from the wedlock in respect of pension, gratuity, bank accounts, inheritance to assets and liabilities etc shall, with effect from the notification of these rules in the Official Gazette, be disposed of with reference to these rules.

FORM 'C'
[See Rule 5(4)]

OFFICE OF THE MARRIAGE OFFICER
..... MIZORAM

CERTIFICATE OF MARRIAGE UNDER MARRIAGE ACT 43 OF 1954

I Shri/Smti
Marriage Officer Mizoram
Hereby certify that Shri and
this day of 200 and that each
of them in my presence and in the presence of three witnesses who have signed here declared that a
ceremony of marriage have been performed between them and that they have been living together as
husband and wife since the time of their Marriage and that in accordance with their desire to have their
Marriage registered under this Act, the said Marriage has, this day of
..... 20

(Signature of the Marriage Officer)
Marriage Officer under Act 43 of 1954 for
The District of
Mizoram

Signature of Husband

Signature of Wife

Signature of three witnesses

1.

2.

3.

Dated the day of 20

FORM 'B'
[See Rule 5(3)]
DECLARATION TO BE MADE BY THE BRIDE-GROOM

I Shri hereby declare as follows :-

1. I am at the present time unmarried/married.
2. I have completed years of age.
3. I am not related to Srimati
within the degrees of prohibited relationship.
4. I am aware that if any statement in this declaration is false and if in making such statement, I either know or believe it to be false and do not believe it to be true. I am liable to imprisonment and also to fine.

Signature of the Bridegroom

DECLARATION TO BE MADE BY THE BRIDE

I Smti hereby declare as follows :-

1. I am at the present time unmarried/married
2. I have completed years of age.
3. I am not related to Shri
4. I am aware that if any statement in this declaration is false and if in making such statement, I either know or believe it to be false and do not believe it to be true, I am liable to imprisonment and also to fine.

Signature of the Bride

Signed in our presence by the above named Shri
..... and Shrimati

so far as we are aware there is no impediment to the marriage.

1.

2.

3.

Countersigned.

Marriage Officer.

Dated the of 200

FORM 'A'
[See Rule 5(1)]
NOTICE OF INTENDED MARRIAGE

To

The Marriage Officer for the District.

We hereby give you notice that a Marriage under the Special Marriage Act, 1954, is intended to be solemnised between us within three calendar months from this date thereon.

Name and Father's Name	Marital status	Occupation	Age	Present Dwelling Place	Permanent dwelling place if present dwelling place is not permanent	Length of residence at present dwelling place

Witness our hand on this day of 200

Signature of Applicant

1.

2.