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## NOTIFICATION

No.C.18015/148/2005-LJC/74 : the 22nd September, 2006. The Mizoram Hindu Marriage (Registration) Rules, 2006 framed under the Hindu Marriage Act, 1955 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.

Chawngtinthanga,  
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 Hindu Marriage Act, 1955;

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 from members of the general public of the State 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 8 of the Hindu Marriage Act, 1955, the State Government of Mizoram hereby makes the following rules, namely -

1. (1) These rules may be called the Mizoram Hindu Marriage (Registration) Rules, 2006.  
(2) They shall come into force from the date of notification in the Official Gazette.
2. In these rules, unless the context otherwise requires -
  - (a) "Act" means the Hindu Marriage Act, 1955 (Central Act No. 25 of 1955);
  - (b) "Section" means the section of the Act;
  - (c) The Inspector General of Registration, Mizoram shall be the Registrar General for the purposes of this Act;
  - (d) "District Registrars" or "Sub-Registrars", if any, appointed under the Indian Registration Act, 1908 (Act XVI of 1908) shall be "Marriage Officer" for the purposes of this Act;
  - (e) "Form" means a form appended in the Schedule to these rules.
3. With the notification of these rules, all marriages solemnized under the Hindu Marriage Act, 1955 (Central Act. No. 25 of 1955), shall be compulsorily registered.
4. Every Marriage Registrar Officer shall cause his name, designation and the office to be written in English and in the language or languages of the district, place or area in which he functions as such, and displayed in a conspicuous part of the building in which his office is situated.

5.
  - (a) When a marriage is intended to be solemnized under the Act by a Marriage Officer, the parties to the intended marriage shall give notice thereof in writing in Form I specified in the Schedule appended to these Rules to such Marriage Officer under whose jurisdiction the marriage is proposed to be solemnized either in person or by registered post.
  - (b) Where the notice is delivered in person, the fee prescribed in Rule 14 shall be paid in cash to the Marriage Officer.
  - (c) Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter's expenses and the receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.
  - (d) As soon as the notice is received, the Marriage Officer shall enter a distinctive serial number thereof, and he shall attest by his signature such number and date of receipt of the notice.
  - (e) If the notice is in conformity with the requirements of the Act, it shall be entered in the Marriage Notice Book and copied correctly in verbatim in a Marriage Notice Register which shall be certified to be correctly copied by the Marriage Officer. The Notice Book and the Notice Register shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached.
  - (f) If the notice is not in conformity with the requirements of the Act, it shall be returned to the parties for rectification and transmission within a date to be fixed for the purpose.
  - (g) Every term of rectification shall be attested by both the parties to the intended marriage.
6. The Marriage Officer shall cause the notice of the intended marriage to be published by affixing a true copy of the notice under his seal and signature at a conspicuous part of his office.
7. Where an objection to the solemnization of an intended marriage together with fee prescribed thereof in Rule 14, has been received within 30 days from the date of publication of the notice of the marriage and recorded by the Marriage Officer, he shall, unless he rejects the objection summarily by an order in writing on the ground that the objection is not based on contravention of any of the conditions specified in section 5, enquire into the objection on a date to be fixed by him. The date so fixed shall not be later than fifteen days from the date of the objection.
8. The Marriage Officer shall at the time of recording the objection ascertain from the objector whether he has any document on which he intends to rely or whether he desires any witness or witnesses to be examined on his behalf. If the objections states in the affirmative, 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 shall be issued to the witnesses to appear and give evidence or to produce any documents, the Marriage Officer shall issue such summons to the witnesses cited, on payment of the process fee prescribed under Rule 14 and the reasonable expenses of traveling and subsistence allowance of the witnesses. The enquiry relating to the objection including the production of documents and the examination of witnesses including the decision of the Marriage Officer shall be completed within the period of 15 days. If within the prescribed period the documents are not produced and the witnesses do not appear before the Marriage Officer, the objection shall be disposed of by the Marriage Officer without waiting for the production of such documents or the appearance of such witnesses.

9. The Marriage Officer shall give notice of the date and time fixed for enquiry to the parties to the intended marriage.
10. The notice or summons to any party or witness under rule 8, shall be in Form II of Form III, as the case may be, and shall be sent by registered post.
11. On the date fixed for inquiry, or on any 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.
12. 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 Rule 14 is paid and the hour is not unreasonable.
13. The Marriage Certificate Book shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. Every marriage therein during each calendar year shall be consecutively numbered.
14. The following fees shall be levied by the Marriage Officer.
  - i) For every notice of intended marriage or for application for registration of marriage (to be paid by the parties to the marriage)-Rs.5/- (Rupees five);
  - ii) For recording an objection (to be paid by the person making the objection)-Rs. 10/- (Rupees ten);
  - iii) For every notice and for every summons (to be paid by the parties to the marriages)-Rs.2/ (Rupees two);
  - iv) (a) For solemnizing or registering a marriage in the office of a Marriage Officer (to be paid by the parties to the marriages)-Rs.25/-;
  - (b) For solemnizing or registering a marriage outside the office of a Marriage Officer (to be paid by the parties to the marriages)-Rs.100/- (Rupees one hundred);
  - v) For a certified copy of an entry (to be paid by the applicant)-
    - (a) In marriage Notice Book other than an entry relating to an objection-Rs. 5/- (Rupees five);
    - (b) In the Marriage certificate Book - Rs. 5/- (Rupees five).
  - vi) For certified copy of an entry in the Marriage Book other than a notice or of any other proceeding not ready provided for (to be paid by the applicant) - Rs.6 (Rupees six).
  - vii) For making a search (to be paid by the applicant)-
    - (a) If the entry is of the current year - Rs. 5 (Rupees five);
    - (b) If the entry related to any previous year or year - additional fee of Re. 1 (Rupee one) per year.
  - viii) For issue of commission (to be paid by the applicant) - Rs. 10 (Rupees ten)
  - ix) For every other application which may be necessary under the Act (to be paid by the applicant) - Rs. 5 (Rupees five).

The fees prescribed above shall be paid by the applicant either in cash or by way of Challan or Postal Order to the Marriage Officer.

15. A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and these Rules. The receipt books shall be bound volumes of one hundred leaves each with foils and counter foils which shall be machine numbered consecutively as prescribed in Form IV.
16. Copies of entries in the Marriage Certificate Book shall be certified in Form V appended to these rules, and shall be sent at intervals of three months to the Inspector General of Registration, Mizoram. In case no entries have been made during the preceding three month, a certificate to this effect shall be sent to the Inspector General of Registration, Mizoram.
17. The Marriage Officer shall maintain a cash book in Form VI. All fees received under the Act and the Rules shall be brought to account in the cash book every day and the Marriage Officer shall sign the same in token of his verifying the correctness of the day's total collection of fees.
18. The Marriage Officer shall keep in this custody the fees received by him each day, and shall credit the same on the day following into the nearest Treasury or Bank, as the case may be.
19. Consequent upon the notification of these rules, applications or petitions in respect of Solemnization of marriages which have not been registered and custody of children, right of children born from the wedlock etc. not 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 nominations 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.

SCHEDULE  
Form I  
{ See Rule 4(1) }  
*Notice of Intended Marriage*

To

Marriage Officer for the ..... District

We hereby give you notice that a marriage under the Hindu Marriage Act, 1955

is intended to be solemnized between us within three calendar month from the date hereof.

Name	Marital Status	Occupation	Age	Dwelling Place	Permanent dwelling place. present dwelling place not permanent	Length of Residence
<hr/>						

A.B. Unmarried

\_\_\_\_\_  
Widower\_\_\_\_\_  
Divorced

C.D. Unmarried

\_\_\_\_\_  
Widow\_\_\_\_\_  
Divorced

Witness our hands this.

..... Day  
of ..... 20 .....

(SD) A.B.  
(SD) C.D.

FORM II  
{See rule 9 and 10}  
Notice

Before the Marriage Officer ..... (Place) in the  
matter of the Hindu Marriage Act, 1955 (25 of 1955).  
intended marriage between.

In the matter of .....  
application to register the marriage between

A.B |  
And | (give names and addresses of)  
C.D |

(Name of objector)

To .....

Whereas ..... Notice of an intended marriage ..... an  
application for registration of marriage between A.B. and C.D. was received by the Marriage Officer on  
....., and;

Whereas you have preferred certain objections (Set out overleaf) to the .....  
solemnization of the marriage, and;

Whereas the Marriage Officer will hold an enquiry into the matter of the said objections on  
..... day of ..... , at his office;

You are hereby required to be present at ..... A.M./P.M. on the said day  
together with all documents on which you intend to rely along with any witness or witnesses whom you  
may desire to be examined on your behalf.

Take notice that in default of your appearance on the aforesaid day the inquiry will be made and  
decided in your absence.

Should you apprehend that your witness will not attend the enquiry unless summoned by the  
Marriage Officer, you should apply to the Marriage Officer for the issue of such summons sufficiently in  
advance together with the prescribed process fee and reasonable expenses of traveling and subsistence  
allowance of the witness (es).

Station  
Date

Seal

Given under my hand and seal  
signature .....  
Marriage Officer.

Note : Strike out whichever is not applicable.

FORM III  
*{ See rule 9 and 10 }*  
*Summons to Witness*

Before the Marriage Officer ..... (Place) in the  
 matter of the Hindu Marriage Act, 1955 (25 of 1955).  
 intended marriage between.

In the matter of .....  
 application to register the marriage between

A.B	(give names and address of)
And	
C.D	
E.F	

Objector

To .....

Whereas your attendance is required to give evidence on behalf of ..... in  
 the above matter, you are hereby required to appear personally before me or to cause to be produce  
 before me the document specified hereunder on the ..... day of .....  
 20 ..... at ..... A.M/P.M. A sum of Rs. ....being  
 your traveling and other expenses have been deposited.

If you fail to comply with this summons without lawful excuse you will be subject to the conse-  
 quences of non attendance laid down in rule 12 of Order XVI of the Code of Civil procedure, 1908.

Take notice that, in default of your appearance on the aforesaid day, the inquiry will be made the  
 matter and decided in your absence.

Given under my hand and seal

Station.....

Signature .....

Date ..... Seal ..... Marriage Officer.



FORM V  
{ See Rule 16 }  
Form of Certificate

Certified that the above entries from the Marriage Certificate Book in this office bearing Serial  
Nos. ....  
to .....  
regarding marriage ..... solemnized/registered.....  
are true copies of all the entries in the Marriage Certificate Book maintained under Rule 16 of the rules  
and maintained by me for the last three months ending ..... Day of .....  
20.....

Signature .....  
Marriage Officer.

Certified that no entries have been made in the Marriage/Certificate Book in this office during the three  
month calendar ..... day of  
..... 20 .....

Station .....

Signature .....

Date

Marriage Officer.

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FORMIV  
{See rule 15}

Book No ..... Receipt No. ....

Date .....

By whom paid .....

In the matter of marriage between ..... and  
..... Fees received as follows

Rs.                  P.

Total

Signature .....  
Marriage Officer.

FORM VI  
*{See Rule 16}*  
*Form of Cash Book*

Rs.		P		Rs.		P	
Receipt No. and date of realization	Details of amount realized	Amount	Signature of Marriage Officer and date	Amount credited into treasury	Challan No. and date	Signature of Treasury Officer and date	Remarks

**Total .....**