

Jammu and Kashmir Muslims Marriages Registration Act, 1981

(Act No. 22 of 1981)

jk390

[Dated 7th May, 1981]

An Act to provide for the Registration of Muslim Marriages and for matters connected therewith.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty Second Year of the Republic of India as follows :-

1. Short Title, extent and Commencement. - (1) This Act may be called as the Jammu and Kashmir Muslims Marriages Registration Act, 1981.

(2) It shall extend to the whole of the state.

(3) It shall come into force on such date as the Government may, by notification in the *Government Gazette* appoint and different dates may be appointed for different areas of the state.

2. Definitions. - In this Act, unless the context otherwise requires :-

(a) "*Schedule*" means a schedule of this Act;

(b) "*Sub-Registrar*" means a Sub-Registrar appointed under the Registration Act, Samvat 1977;

(c) "*Sub-district*" means a sub-district formed under the Registration Act, Samvat 1977.

3. Registration of Marriages. - (1) Every marriage contracted between Muslims after the commencement of this Act, shall be registered as herein after provided, within thirty days from the conclusion of the Nikah ceremony.

(2) In the case of each such marriage, the duty of causing it to be registered is hereby imposed upon the following persons concerned in the marriage :-

(a) the bridegroom or the person who consented to the marriage on his behalf;

(b) the bride or the person who consented to the marriage on her behalf; and

(c) the person who conducted the Nikah Ceremony.

(3) It shall be duty of the person specified in sub-section(2) to deliver personally or by registered post a copy of Nikah-Nama or where no Nikah-Nama is written , a copy of memorandum in the form contained in the Schedule dully filled in by the person specified in clause (c) of sub-section (2) to the Sub-Registrar of the Sub-District in which the marriage is contracted.

(4) There shall be recorded on every copy of the Nikah-Nama or memorandum, as the case may be, the amount of dower prompt and deferred separately also the manner of payment thereof.

4. Maintenance and Preservation of Register and Nikah-Nama etc. - Every Sub-Register shall -

(i) preserve in his office copies of all the Nikah-Nama and memoranda received under section 3 and shall maintain a Register to be called a Register of Muslim Marriages; and

(ii) record or cause to be recorded under his signatures in the Register of Muslim Marriages the particulars of the Nikah-Namas and memoranda received by him during each calendar year.

5. Person conducting the Nikah Ceremony to record his particular. - Every person who conducts the Nikah Ceremony shall record on the Nikah-Nama or the memorandum, as the case may be, his full name, parentage ,age and place of residence.

6. Inspection. - The Registrar of Muslim Marriages maintained by the Sub-Registrar shall at all reasonable times be open for inspection and shall be admissible as evidence as a public-document as defined in Evidence Act, 1977.

7. Non-Delivery of Nikah-Nama or memorandum not to invalidate Nikah. - The Nikah shall be deemed to be invalid solely by reason of the fact that a copy of the Nikah-Nama or the memorandum, as the case may be,

was not delivered to the Sub-Registrar or that the copy of the Nikah-Nama or memorandum delivered to the Sub-Registrar or that the copy of the Nikah-Nama or memorandum delivered to the Sub-Registrar was defective.

8. Penalty for neglecting to comply with provisions of Section 3. - Any person who willfully omits or neglects to deliver to the Sub-Registrar of the District a Copy of the Nikah-Nama or the memorandum, as required by section 3, shall on conviction by a Judicial Magistrate be punished with fine which may extend to three hundred rupees.

9. Power to make Rules. - (1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for any or all of the following matters, namely-

- (a) the form and manner in which Nikah-Namas and memoranda shall be maintained under this Act;
- (b) the form and manner in which the registers shall be maintained by the Sub-Registrar under this Act;
- (c) the custody in which the register and files and other records are to be kept and the manner in which the registers, files and records are to be reserved; and
- (d) the form and manner in which the receipt of Nikah-Nama and memoranda delivered under section 3 shall be acknowledged by the Sub-Registrar.