

THE ARUNACHAL PRADESH RECORDING OF MARRIAGE ACT, 2008
(ACT No. 1 OF 2009)

(Received the assent of the Governor on 22nd January, 2009 and published
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AN
ACT

to provide for the regulation of compulsory recording of marriage
and for matters connected therewith and incidental thereto.

Be it enacted by the Arunachal Pradesh Legislative Assembly in the
Fifty-ninth Year of the Republic of India as follows :-

CHAPTER-1

Preliminary

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| Short title Extent and commencement. | 1. (1) This Act may be called the Arunachal Pradesh Recording of Marriage Act, 2008.
(2) It extends to the whole of Arunachal Pradesh.
(3) It shall come into force on such date as the State Government may by notification in the Official Gazette, appoint. |
| Definitions. | 2. In this Act, unless the context otherwise requires :-
(a) "to contract a marriage", with its grammatical variation and cognate expressions, means to solemnize or enter into a marriage in any recognized form or manner ;
(b) "marriage" includes a re-marriage ;
(c) "Marriage Recorder" means the Chief Marriage Recorder, District Marriage Recorder and Sub-Divisional Marriage Recorder appointed or designated under sub-section (1) of section-4 and sub-section (1) of section-5 ;
(d) "Marriage Reporter" means a Marriage reporter appointed or designated under sub-section (1) of section-6 ;
(e) "memorandum" means a memorandum of marriage referred to in section-7 ;
(f) "prescribe" means prescribed by rules made under this Act ;
(g) "State Government" means the State Government of Arunachal Pradesh. |

23. Power to make rules : (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.
- (2) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of Arunachal Pradesh, while it is in session, for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the sessions immediately following the session or the successive sessions aforesaid, the Legislative Assembly agrees in making any modification in any such rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under rule.

A. B. Shukla, IAS,
Secretary (Law, Legislative and Justice),
Government of Arunachal Pradesh,
Itanagar.

CHAPTER-II

RECORDING ESTABLISHMENT

3. All marriages solemnized on or after the commencement of this Act in the State in any form recognized under the personal law or custom applicable to the parties (husband and wife) or either of them shall be compulsorily recorded in accordance with the provisions of this Act.
 4. (1) The State Government may, by notification in the Official Gazette appoint a Chief Marriage Recorder for the State or designate an officer of the State Government to hold that office. Chief Marriage Recorder.
 - (2) The State Government may also appoint or designate other officers for the purpose of discharging, under the superintendence, direction and control of the Chief Marriage Recorder, such functions as he may, from time to time authorize them to discharge.
 - (3) The Chief Marriage Recorder shall be the Chief Executive Authority in the State for carrying into execution the provisions of this Act and the rules or orders made thereunder. He shall be responsible to co-ordinate, unify and supervise the works of recording of the marriages and submit in the month of January every year where the annual report of the preceding year on the working of this Act.
 5. (1) The State Government may appoint a person or designate an officer to be the District Marriage Recorder for each District and such number of Sub-Divisional Marriage Recorders for one or more Sub-Divisions who shall, subject to general control and directions of the District Marriage Recorder, discharge such functions under this Act as the District Marriage Recorder may, from time to time, authorize them to discharge or designate such officer of the State Government as it thinks fit to hold any such office. District Marriage Recorder.
 - (2) The District Marriage Recorder shall superintend, subject to the direction of the Chief Marriage Recorder, the recording of marriages in the district and shall be responsible for carrying into execution in the district, the provisions of this Act and the orders of the Chief Marriage Recorder issued from time to time for the purpose of this Act.
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- (3) Every Sub-Divisional Marriage Recorder shall enter into the register maintained for the purpose all information given to him under section-7 or section-8 and shall also take steps to collect information about every marriage which takes place in his local jurisdiction and record the particulars in the Marriage Register.
- (4) The Office of the Marriage Recorder shall remain open on such dates and at such hours as the Chief Marriage Recorder may direct. The name and designation of the Marriage Recorder along with his local jurisdiction should be displayed on the Board on or near the outer door of his office. The writing on the Board should be in local language and English.

Marriage
Reporters.

- 6. (1) The State Government may appoint or designate an Officer to be a Marriage Reporter :-
 - (i) for each urban areas to be known as Urban Areas Marriage Reporter :
 - (ii) for each Rural areas to be known as Rural Areas Marriage Reporter :
- (2) Every Marriage Reporter shall be attached to and work under the supervision, direction and control of the Sub-Divisional Marriage Recorder in charge of the respective Sub-Division.
- (3) Every Marriage Reporter shall receive and collect all information about marriages which take place in the area of his work and send the same to the Sub-Divisional Marriage Recorder to whom he is attached or if there is no Sub-Divisional Marriage Recorder, to the District Marriage Recorder in whose jurisdiction his area is situated. The information shall be incorporated and transmitted in such form as may be prescribed.
- (4) The office of the Marriage Reporter in his area shall remain open on such dates and at such hours as the Chief Marriage Recorder may direct and every Marriage Reporter shall display on a Board on or near the outer door of the office of the Marriage Reporter in the local language and English, his main designation and area of function as Marriage Reporter.

CHAPTER-III**PROCEDURE OF RECORDING**

7. (1) All marriages solemnized under this Act shall be recorded in the manner provided hereinafter.
- (2) (a) The male partner to a marriage shall and the female partner may within a period of sixty days from the date of his/her marriage -
- (i) either intimate orally about the marriage to the Sub-Divisional Marriage Recorder or the Marriage Reporter having jurisdiction over the area in which the marriage was contracted or to such person or authority as may be prescribed ; or
 - (ii) prepare and sign a memorandum in Form A, obtain signature/thumb impression or both the spouses and signature/thumb impression of two witnesses of the locality with full address thereon and shall deliver in person or by registered post to the Sub-Divisional Marriage Recorder or Marriage Reporter having jurisdiction over the area in which the marriage was contracted.
- (b) In the case of oral intimation of marriage, the Marriage Reporter or the Sub-Divisional Marriage Recorder to whom the information is given shall duly fill in Form A and obtain thereon signature or thumb impression of either of the spouses to the marriage and two witnesses.
- (c) In case the oral intimation about the marriage or the memorandum of marriage is given directly to the Sub-Divisional Marriage Recorder, he shall make a copy of the memorandum of that marriage and send the same to the appropriate Marriage Reporter within his jurisdiction for verification and report.
- (d) In the cases covered by sub-section (2) (a) above, the Sub-Divisional Marriage Recorder shall acknowledge the marriage memorandum in Form-B.
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8. (1) Oral intimation or memorandum regarding any marriage as required under sub-section (2) of section 7 may also be submitted to the Sub-Divisional Marriage Recorder or Marriage Reporter any time after the expiry of the period of sixty days on payment of a fine of rupees two hundred. Memorandum of marriage submitted after sixty days.
- (2) Provisions of sub-sections (2) to (7) of section 7 shall mutatis mutandis apply to a memorandum submitted under sub-section (1).
9. (1) If it is proved to the satisfaction of the Sub-Divisional Marriage Recorder that any entry of the marriage in any register kept by him under this Act is erroneous in form or in substance or has been fraudulently or improperly made he may, subject to such rules as may be made by the State Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin without any alteration of the original entry and shall sign the marginal entry and add thereto the date of correction or cancellation. Correction or cancellation of entry in the register of marriages.
- (2) No such correction or cancellation as referred to in sub-section (1) shall be made unless the parties to the marriage or their parents or guardians or their legal representative, as the case may be, has been given a reasonable opportunity of showing cause against the action proposed to be taken.
10. No marriage required to be recorded under this Act shall be deemed to be invalid by reason of the fact that it was not recorded under this Act or that the memorandum was not delivered or sent to the Sub-Divisional Marriage Recorder or Marriage Reporter or that such memorandum was ineffective, irregular and incorrect. Marriages not validated.

CHAPTER-IV

Maintenance of Records and Statistics

- 11 (1) Every Sub-Divisional Marriage Recorder shall keep in the prescribed form a register of marriages for the local area in relation to which he exercises jurisdiction. Marriage Recorders to keep register in the prescribed form.

- (2) The Chief Marriage Recorder shall cause to be printed and supplied sufficient number of register books for making entries of marriages according to such forms and instructions as may from time to time be prescribed, and a copy of such forms in the local language and English shall be posted in some conspicuous place on or near the outer door of the office of every Sub-Divisional Marriage Recorder.
- Inspection of recording offices. 12. The office of the Sub-Divisional Marriage Recorder shall be inspected and the register kept therein shall be examined by the Chief Marriage Recorder or the District Marriage Recorder at such intervals as may be prescribed.
- Marriage Recorders to send periodical returns to Chief Marriage Recorder for Compilation. 13. (1) Every Sub-Divisional Marriage Recorder shall send to the District Marriage Recorder, Chief Marriage Recorder or to any Officer specified by him, at such intervals and in such form as may be prescribed, a return regarding the entries of marriages in the register kept by such Recorder.
- (2) The Chief Marriage Recorder shall cause the information in the return furnished by the Sub-Divisional marriage Recorder to be compiled and shall publish for the information of the public a statistical report on marriages recorded during the year at such intervals and in such form as may be prescribed.
- (3) Every marriage recorded under this Act shall be presumed to be valid marriage unless and until the contrary is proved.
- (4) The Register of Marriages maintained under this Act shall at all reasonable time be open to inspection and a certificate in Form 'C' shall be given to the party concerned or any person authorized by them on payment of such fee as may be prescribed.

CHAPTER - V

Miscellaneous

- Power of Marriage Recorder to obtain information regarding Marriages. 14. A Marriage Recorder may either orally or in writing require any person to furnish any information within his knowledge in connection with marriages in the locality within which such person resides and that person shall be bound to comply with such requisition.

15. (1) Any person aggrieved by or dissatisfied with an order, decision or action of the Sub-Divisional Marriage Recorder may within a period of sixty days from the date of such order, decision or action file an appeal to the District Marriage Recorder on payment of such fee as may be prescribed.
 - (2) Any person aggrieved by or dissatisfied with an order, decision or action of the Sub-Divisional Marriage Recorder may file an appeal to the Chief Marriage Recorder within a period of sixty days from the date of such decision, order or action on payment of such fee as may be prescribed.
 16. The Chief Marriage Recorders, the District Marriage Recorders, the Sub-Divisional Marriage Recorders and Marriage Reporters shall, while acting or purporting to act in pursuance of the provisions of this Act or any rule or order made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. Marriage Recorders & Marriage Reporters to be deemed to be public servants.
 17. The State Government may, by notification in the Official Gazette direct that any power exercisable by it under this Act (except the power to make rules under section 19) or the rules made thereunder shall, subject to such conditions, if any as may be specified in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the direction. Delegation of Powers.
 18. No suit, prosecution or other legal proceedings shall lie against the State Government, Chief Marriage Recorder, District Marriage Recorder, and Marriage Recorder or any person exercising any power or performing any duty under this Act for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. Protection of action taken in good faith.
 19. (1) The State Government may by notification in the official Gazette, make rules to carry out the provisions of this Act. Power of State Government to make Rule.
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(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for :-

- (a) the preparation and submission of report under sub-section (3) of section 4 ;
- (b) the person or authority who shall be empowered to receive the memorandum under sub-section (2) of section 7.
- (c) conditions and circumstances for correction of errors and cancellation of entries in the marriage Register under section 9;
- (d) the form of register of marriages to be kept under sub-section (2) of section 11 ;
- (e) the forms and instructions for the purposes of sub-section (2) of section 11;
- (f) the intervals within which the Chief Marriage Recorder shall inspect the office of Marriage Recorder and examine registers kept therein under section-12;
- (g) the intervals at which and the form in which the returns and statistical reports under section 13 shall be furnished and for the publication thereof.

Power to
remove
difficulties.

20. (1) If any difficulty arises in giving effect to the provisions of this Act in their application to any area, the State Government may, by order make such provisions or give such directions not inconsistent with the provisions of this Act as appears to the State Government to be necessary or expedient for removing the difficulty.
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly.

FORM-A

(See Section 7 (2))

MEMORANDUM OF MARRIAGE

1. Date of Marriage :
2. Place of Marriage (with sufficient Particulars to locate the same) :

3. (a) Full Name of the bridegroom :
 (b) His age :
 (c) Address :
 (i) Present Address :
 (ii) Permanent Address :
 (d) Name of his father :
 (e) Name of his mother :
 (f) Status of the bridegroom :
 at the time of marriage
 *(Unmarried/Widower/
 Divorcee/Married)*
 (g) Occupation of bridegroom :
 (h) His religion at the time of :
 Marriage.
 4. (a) Full name of the bride :
 (b) Her age :
 (c) Address :
 (i) Present Address :
 (ii) Permanent Address :
 (d) Name of her father :
 (e) Name of her mother :
 (f) Status of the bride at the time :
 of marriage.
 *(Unmarried/Widower/
 Divorcee/Married)*
 (g) Occupation of bride :
 (h) Her religion at the time of :
 marriage.
 5. Form of Marriage : By performing social religious
 (give tick mark to the appropriate rites recognized by Hindu,
 Form) Christian, Muslim etc. religion
 /by registration under special
 Marriage Act.
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Signature/thumb impression of
the female partner or her parents
or guardians.

Signature/thumb impression of the
male partner of the marriage or his
parents or guardian.

6. Witnesses

- 1.
- 2.

Date :

Place :

*Note : Before signing the Memorandum, the signatory should satisfy him-
self/herself that the entries in the Memorandum are correct in all respects.*

FORM-B

(See section 7(2)(d) and 7 (3))

ACKNOWLEDGEMENT

Received from.....

Resident of.....

A Memorandum of the Marriage contracted between the bridegroom

the son of Shri.....

.....and bride

.....the daughter of

Shri.....on.....

.....Day of 200.....

Name, designation and full address
of the person or authority receiving
the Memorandum.

Date.....

Place.....

FORM-C

[See section 13(4)]

Certificate of Marriage

This is to certify that following particulars about the marriage between the parties mentioned below have been recorded in the marriage register maintained in this office as on.....

(This certificate is a prima facie proof of marriage)

1. (a) Full name of the husband.
(b) His address.
(c) Name of his father/guardian.
(d) Name of his mother/guardian.
2. (a) Full name of the wife.
(b) Her address.
(c) Name of her father/guardian.
(d) Name of her mother/guardian
3. Date of Marriage.
4. Place of Marriage.
5. Form of marriage.
(Religion/custom etc.)

Signature & designation
of the Marriage Recorder.

A. B. Shukla, IAS,
Secretary (Law, Legislative and Justice),
Government of Arunachal Pradesh,
Itanagar .
