

ANNEXURE-R-1

असा. क. ४७

रजिस्टर्ड नं. एमएच/एमबीआय-साअय/२०/९९



सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार, एप्रिल १५, १९९९/चंद्र २५, शके १९२१

स्वतंत्र संकलन म्हणून काईल करण्यासाठी वा भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद)

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998 (Mah. Act No. XX of 1999), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAFIMA UMARJI,
Secretary to Government.

MAHARASHTRA ACT No. XX OF 1999.

(First published after having received the assent of the Governor in the "Maharashtra Government Gazette", the 15th April 1999)

An Act to provide for a comprehensive and stringent law for regulation of marriage bureaus for prevention of mal-practices and misuse of marriage registration facility; and for compulsory registration of marriages in the State of Maharashtra; and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to make a comprehensive and stringent law for regulation of marriage bureaus for prevention of mal-practices and misuse of marriage registration facility; and for compulsory registration of marriages in the State of Maharashtra, and to provide for matters connected therewith or incidental thereto; It is hereby enacted in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Regulation of Marriage Bureaus and Registration of Marriages Act, 1998.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Short title
and
commence-
ment.

- Definitions.** 2. In this Act, unless there is anything repugnant in the subject or context,—
- (a) "Government" means the Government of Maharashtra in the Public Health Department ;
- (b) "marriage" includes a re-marriage;
- (c) "marriage bureau" or "bureau" means a bureau or institution consisting of a person or group of persons, which carries on the activity of helping the unmarried persons including divorcees, widows and widowers, desirous of getting married, registered with the bureau, in finding a suitable match for them by arranging to bring such persons together etc., and which is registered under section 5 ;
- (d) "memorandum" means a memorandum for registration of marriage mentioned in section 6;
- (e) "parties" means the husband and wife whose marriage has been solemnized;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "register of marriages" means the register of marriages maintained under this Act ;
- (h) "register of marriage bureaus" means the register of marriage bureaus maintained under this Act ;
- (i) "Registrar" means a Registrar of marriage bureaus and marriages, appointed under this Act ;
- (j) "Registrar General" means the Registrar General of Births, Deaths and Marriages, appointed by the State Government for the State of Maharashtra under the Births, Deaths and Marriages Registration Act, 1886.

6 of
1986.

Appoint-
ment of
Registrar
of marriage
bureaus
and of
marriages.

3. (1) The State Government may, by notification in the *Official Gazette*, appoint as many persons, as it thinks necessary to be the Registrars of Marriage Bureaus and Marriages, for such area or areas as may be specified in such notification.

(2) The Registrar shall exercise such powers and duties as provided by or under this Act and shall work under the general supervision and control of the Registrar General and the Government.

Marriage
bureaus and
marriages
to be
registered.

4. From the date of coming into force of this Act, every marriage bureau and every marriage in the State shall be registered with the Registrar of marriage bureaus and marriages.

Registration
of marriage
bureaus.

5. (1) Any person or group of persons desirous of conducting or running a marriage bureau shall apply for registration of such marriage bureau to the Registrar, in such manner and alongwith such fees and documents as may be prescribed :

Provided that, the marriage bureaus existing on the date of commencement of this Act shall apply for registration within a period of three months from the date of such commencement.

(2) The Registrar shall, on receiving an application under sub-section (1), after scrutiny of such application and verifying the prescribed documents, register such marriage bureau and grant a certificate of registration to such bureau, in the prescribed form. The registration certificate so granted shall be displayed prominently by such bureau in its registered office premises.

(3) In case an application for registration is not made in the prescribed manner or is not in compliance with the prescribed requirements, the Registrar may, for reasons to be recorded in writing, refuse to register such marriage bureau, after giving the applicant an opportunity of being heard.

(4) Every such marriage bureau shall renew its registration after every two years from the date of grant of such certificate, on payment of the prescribed renewal fee; and the Registrar shall renew the certificate in the same manner, as laid down under sub-section (2).

(5) No marriage bureau shall carry on or conduct its activities as the marriage bureau, except at its registered office or place as specified in the registration certificate granted under sub-section (2).

(6) Every marriage bureau shall conduct its activities as such bureau strictly as per the terms and conditions of the registration granted under sub-section (2); and contravention or non-compliance by a bureau with any of the provisions of this Act or the rules made thereunder or the terms and conditions subject to which the registration has been granted, shall make the registration of such bureau liable for cancellation and shall also constitute an offence making the bureau liable for punishment as provided in sub-section (2) of section 12:

Provided that, registration of a bureau shall not be cancelled without giving a reasonable opportunity, of being heard, to the concerned bureau.

(7) Any person or bureau aggrieved by the order of the Registrar refusing to register or renew the registration of the bureau or cancelling the registration may, appeal against such order to the Registrar General, in the prescribed manner, and the provisions of sections 7, 8 and 9 relating to appeal against the order of refusal to register a marriage shall, *mutatis mutandis*, apply to such appeal.

6. (1)(a) On solemnization of a marriage, it shall be the responsibility of the husband to present, within a period of ninety days from the date of the solemnization of the marriage, a memorandum in the prescribed form before the Registrar within whose jurisdiction the husband ordinarily resides or where either one of the parties ordinarily reside;

Duty of husband to submit memorandum for registration of marriage.

(b) the parties and three witnesses to the marriage shall appear in person before the Registrar and sign the memorandum;

(c) the memorandum shall be accompanied by such fee and other documents as may be prescribed;

(d) the Registrar before whom the memorandum is presented shall, after verification of the identity of the parties and the witnesses in the prescribed manner, register the marriage in the register of marriages;

(e) on registration of the marriage, the Registrar shall issue a certificate of registration of marriage to the parties in the prescribed form.

(2) Any marriage which is not registered within the time limit specified in sub-section (1), may be registered as provided in the said sub-section, by the Registrar within whose jurisdiction the parties ordinarily reside, on submission of the memorandum within a period of one year from the date of the marriage, along with such penalty, not exceeding rupees one hundred, as may be prescribed :

Provided that, any marriage which is not registered as provided under this sub-section may, subject to the provisions of sub-section (1) of section 12, be registered at any time as provided in sub-section (1), after charging a penalty not exceeding rupees five hundred, as may be prescribed.

(3) Notwithstanding anything contained in this section, any marriage which is solemnized before the coming into force of this Act and a period of not less than one year has elapsed since its solemnization, and which for any reason has not been registered, may be registered on presentation of a memorandum along with a penalty of one hundred rupees, in relaxation of any of the provisions of this section:

Provided that, any marriage solemnised within a period of one year, prior to the date of commencement of this Act, shall be registered in accordance with the provisions of sub-section (1), on payment of penalty of one hundred rupees.

Power to refuse registration and report to Registrar General. 7. (1) Where the Registrar, before whom the memorandum is presented under section 6, on scrutiny of the documents submitted with the memorandum or, on the basis of other facts noticed or brought to his notice, is satisfied or has reason to believe that,—

(a) the marriage between the parties is not performed in accordance with the personal law of the parties; or

(b) the identity of the parties or the witnesses or the persons testifying the identity of the parties and the solemnization of the marriage is not established beyond reasonable doubt; or

(c) the documents tendered before him do not prove the marital status of the parties;

he may, after hearing the parties and recording the reasons in writing, refuse to register the marriage and may,—

(i) call upon the parties to produce such further information or documents as deemed necessary, for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him, and for that purpose direct the parties to appear before him with the required further information or documents on any other date as may be mutually fixed; or

(ii) if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification, and direct the parties to appear before him on any other date as may be mutually fixed.

(2) Whereon further verification as provided in sub-section (1), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons therefor and then refer the matter, with all the relevant record and his report in the matter, to the Registrar General, within a period of seven days, from the date of the order of such refusal.

Appellate powers of Registrar General. 8. The Registrar General, on receiving the reference under section 7 from the Registrar, shall, within a period of one month from the date of receipt of such report, after giving an opportunity to the parties concerned of being heard, pass an order, after recording the reasons in writing, either directing the Registrar to register the marriage, or confirming the order of the Registrar refusing to register the marriage.

Appeal from order under section 8. 9. The person or party aggrieved by the order of the Registrar General under section 8 refusing to register the marriage under this Act may, within a period of thirty days from the date of the order appeal against such order to the District court within the local limits of whose jurisdiction the Registrar of Marriages has his office, and the decision of the District Court on such appeal shall be final, the Registrar of Marriages before whom the memorandum was presented under section 6 shall act in conformity with such decision.

Non-registration not to invalidate the marriage. 10. Subject to the provisions of section 9, no marriage to which this Act applies shall be deemed to be invalid solely for the reasons that it has not been registered under this Act.

Responsibility of employers etc., of verification of marriage registration certificate. 11. No employer or a Government or Semi-Government Authority or Company, or Public Sector Undertaking or Local Authority shall carry out any change in their office record or in any office documents, such as change in the marital status or change of nomination, etc., of its employee or in their dealings with any person, customer or client, unless the employee or, as the case may be, the applicant, applying for carrying out or recording of such change, submits a certified copy of the Marriage Registration Certificate granted under section 6 of this Act.

12. (1) on solemnization of a marriage,—
- (a) if the husband fails to submit a memorandum as provided under section 6, within the time limit specified therein, or
- (b) if the husband or the wife makes any statement or declaration in such memorandum which is false in any material particular, or submits any documents or papers which he or she, as the case may be, knows or has reason to believe to be false,
- the husband or the wife, as the case may be, shall be guilty of an offence punishable with fine which may extend to one thousand rupees.
- (2) Any person or bureau or party who contravenes any of the provisions of this Act, shall, on conviction, be punishable with fine which may extend to five thousand rupees or, with simple imprisonment which may extend to six months, or with both.
13. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorised by the Registrar General, by general or special order, in this behalf.
14. (1) The register maintained under this Act, on application made to the Registrar and on payment of such fees as may be prescribed, shall, at all reasonable times, be open for public inspection.
- (2) On an application being made in that behalf, and on payment of such fee as may be prescribed, the Registrar shall furnish to the applicant a copy of any extract of the register maintained under this Act.
15. Subject to the provisions of the Child Marriage Restraint Act, 1929, any marriage solemnized when parties are minor, or where either of the party is a minor shall be registered as provided in sub-section (1) of section 6 :
- Provided that, the Registrar shall, immediately, report such marriage to the local police station within whose jurisdiction, the parties ordinarily reside, for necessary action under the provisions of the Child Marriage Restraint Act, 1929.
16. When the Registrar registers a marriage under this Act, he shall immediately thereupon send a duplicate copy of the registration certificate, to the Registrar General.
17. Every Registrar and every employee in the office of the Registrar shall, while acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
18. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or rules made thereunder.
19. (1) The State Government may, by notification in the *Official Gazette*, 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 all or any of the following matters, namely :—
- (a) the form and the manner of, maintenance of registers or records under this Act ;

Penalty for neglecting to comply with the provisions of section 6 or of any other section or for making false statements in memorandum.

Sanction for prosecution.

Register to be open for public inspection and copies of certified extracts to be given.

Registration of marriage where a party is a minor.

Registrar to furnish duplicate copy of the registration certificate to the Registrar General.

Registrar to be public servant.

Indemnity to persons acting under this Act.

Power to make rules.

- (b) (i) the form of application for registration of a marriage bureau ;
 (ii) the documents to be submitted therewith by the applicant ;
 (iii) the amount of fees for grant of and renewal of, such registration ;
 (iv) the form of certificate of registration to be granted to a marriage bureau and the terms and conditions subject to which such registration may be granted ; and
 (v) the manner and procedure of filing an appeal to the Registrar General ;
 (c) (i) the form of the memorandum for registration of a marriage and the details of the witnesses and the priest to be specified in the memorandum ;
 (ii) the amount of fee for such registration ;
 (iii) the form of certificate of registration of marriage ;
 (iv) the amount of penalty for late registration ;
 (d) the form of application and the fees for grant of a copy of the extract of the register of marriage bureaus or the register of marriages maintained under this Act ;
 (e) any other matter for which rules may be made under this Act.

(3) Except when rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication in the *Official Gazette*, of such decision, 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 or omitted to be done under that rule.

Savings. 20. This Act shall not apply to marriages contracted under the Special Marriage Act, 1954, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1936.

42 of
1954,
15 of
1872,
3 of
1936.

Repeal. 21. The Bombay Registration of Marriages Act, 1953, is hereby repealed. Notwithstanding such repeal, any marriage registered or any action taken by the Registrar, under the provisions of the said Act before such repeal shall be deemed to have been validly registered or, as the case may be, taken under the corresponding provisions of this Act.

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1954.

Power of Government to give directions. 22. The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Registrar and the Registrar General, as it may think fit in this regard for the effective and smooth implementation of the provisions of this Act; and the Registrar and the Registrar General shall be bound to follow such directions.

Power to remove difficulty. 23. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, give such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the purposes of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiry of two years from the date on which this Act comes into force.