

GOVERNMENT OF WEST BENGAL

Judicial Department

No. 215-JL, the 28th May, 2002.—In exercise of the power conferred by sub-section (1) of section 8 of the Hindu Marriage Act, 1955 (25 of 1955), the Governor is pleased hereby to make the following amendments in the Hindu Marriage Registration Rules, 1958, as subsequently amended (hereinafter referred to as the said rules):—

Amendments

In the said rules

1. in rule 5,—

(a) for sub-rule (i) substitute the following sub-rule:

“(i) Both the parties to a Hindu Marriage shall apply jointly, in triplicate, in the form specified in Schedule A, for registration of the marriage, to the Registrar of the local area where either of the applicants reside, such an application shall be presented to the Registrar, in person, by either of the parties,

(b) for sub-rule (ii) substitute following sub-rule:

(ii) After receiving an application as mentioned in sub-rule (i) by the Registrar he shall enter it in the bound volume of the application form and shall attest the same under seal, signature and date”.

(c) in sub-rule (iv) for the words “a true copy” substitute the words “a copy”.

(d) in sub-rule (v),—

(i) in the words “A true copy” substitute the words “A copy”.

(ii) omit the words “on the parties reside as the case may be”.

(iii) for the words “by registered post” substitute “by registered post or by speed post”.

(e) in sub-rule (vi),—

(i) in clause (a), for the words “not be later than fifteen days” substitute the words “not be later than thirty days”.

(ii) in clause (b), for the words “within thirty days” substitute the words “within sixty days”.

2. In rule 6,—

(a) omit sub-rule (1);

(b) for sub-rule (2) substitute the following sub-rule:

“(2) on receipt of an application, the Registrar shall,—

(a) on being satisfied—

(i) about the fact of marriage;

(ii) that the conditions mentioned in sections 5 and 7 are fulfilled; and

(b) after allowing a period of fifteen days for raising objection and after hearing such objection, if any, register the marriage by entering the particulars thereof in the Hindu Marriage Register as specified in Schedule C.”

(c) after the sub-rule (2) insert the following sub-rules:

(2A) The Schedule C shall be maintained in bound volume. The pages of this bound volume shall be machine numbered consecutively with an index attached. Both the parties to the marriage as well as three witnesses to the said marriage shall put their names, addresses and signatures in full with date in the said bound volume.

(2B) The period of validity of an application as mentioned in sub-rule (1) of rule 5, shall be six months from the date of such application and in case of non-resident Indian, such period shall be for one year.

(2C) In such cases where the register of marriage as mentioned in Schedule C, has been printed by the Registrar himself such register shall be duly authenticated by the Registrar-General of Births, Deaths and Marriages, West Bengal or by an officer duly authorised by him in this regard prior to the use of such register by the Registrar.

(2D) In case any register is used without authentication as stated in sub-rule (2C), the State Government may, on the recommendation of the Registrar-General of Births, Deaths and Marriages, West Bengal, remove the registrar after giving him an opportunity of being heard.

(2E) The Registrar may, on an application by both the parties, register a marriage under the Act outside

his office and within the area for which he is appointed, on payment of such fees as specified in rule 9."

(d) for sub-rule (3), substitute the following sub-rule:

"(3) If any minor error is detected in the application form as specified in Schedule A or in any entry in the Hindu Marriage Register as specified in Schedule C, such an error may be corrected with a noting in the margin of such application form or register without any alteration of the original entry by the Registrar concerned within two months after the detection of such error and in presence of the parties to the marriages who shall record their signature to such correction."

(e) after sub-rule (3) add the following sub-rules:

"(4) Every such noting made in the margin of the application form or the register, shall be attested by the Registrar himself with signature, date and official seal.

(5) In case the parties to the marriage are absent due to death or any other reasonable cause, the Registrar may with a prior intimation to the Registrar-General of Births, Deaths and Marriages, West Bengal, rectify the error in the manner as stated in sub-rules (3) and (4) in the presence of two acceptable witnesses who shall record their signature, name and address to such correction.

(6) After correction of the application form or the register as stated in sub-rules (3), (4) and (5), the Registrar shall forward a copy of the corrected application form or the register, to the Registrar-General of Births, Deaths and Marriages, West Bengal.

(7) In case of relinquishment, resignation, retirement of a Registrar, the Registrar-General of Births, Deaths and Marriages, West Bengal or any other official duly authorised by him may rectify an error in the application form or the register on reasonable grounds, under his signature, date and official seal and in the manner as

(b) in sub-rule (3), for the words "on demand", substitute the words "as soon as entries in all the pages of a Hindu Marriage Register has been completed".

(4) in rule 9,—

(a) for sub-rule (1), substitute the following sub-rule:

"(1) The following fees as mentioned in Table below shall be levied by the Registrar for the performance of his duties under the Act:

Table

Serial No.	Particulars	Fees (Rs.)
(1)	(2)	(3)
1.	For receiving an application of marriage for registering a Hindu marriage (to be paid by the parties to the marriage)	100.00
2.	For recording an objection (to be paid by the party so objecting)	40.00
3.	For every enquiry into an objection (to be paid by the party so objecting)	100.00
4.	For registering a Hindu Marriage (to be paid by the parties to the marriage)	260.00
5.	For a certified copy of—	
	(a) application in schedule A	60.00
	(b) entry in Hindu Marriage Register in schedule "C"	60.00
6.	For registering a marriage in schedule C at any time outside the office hours (to be paid in addition to fees in serial no. 4)	100.00
7.	For registering a marriage in schedule C outside his office at any place within the jurisdiction of the Registrar (to be paid by the parties to the marriage in addition to fees in serial no. 4)	400.00
8.	For making a search (to be paid by the Applicant)	
	(a) For first year	30.00
	(b) For subsequent years	20.00
	per year subject to maximum of	200.00

Serial No.	Particulars	Fees (Rs.)
(1)	(2)	(3)
9.	For inspection of original entry in the Hindu Marriage Register or application in the form specified in schedule A (to be paid by the Applicant)	20.00
10.	For correction of any error in schedule C (to be paid by the Applicant)	50.00

Note.—The rate of fees mentioned in the Table above may be reduced by fifty percent of applicants of below poverty line on production of income certificate issued by the concerned Panchayat Pradhan of a Gram Panchayat or Councillor of Municipality or Member of the Legislative Assembly or Member of Parliament, of the area in which the applicant resides.”

(b) in sub-rule (6), for the words “exceeds fifty”, substitute the words “exceeds rupees two thousand”.

(5) in sub-rule (1) of rule 10,—

(a) For the words “calendar month” substitute the words “week starting from Sunday and ending on Saturday”.

(b) For the word “month” substitute the words “week starting from Sunday and ending on Saturday”.

(6) For schedule A, substitute the following schedule:

“Schedule ‘A’

Application for registration of marriage under the Hindu Marriage Act, 1955

[See rule 5(i)]

To

The Hindu Marriage Registrar for
District/Sub-division/Block/Municipality

We hereby give you application for registration of our marriage under section 8 of the Hindu Marriage Act, 1955 and under Rule 5(1) of the Hindu Marriage Registration Rules, 1958.

The particulars of our marriage and our declaration are given below:

- A.** 1. Name of the husband :
2. Father's name :
3. Present age :

4. Present address :
5. Permanent address :
6. Condition at the time of marriage : Unmarried/Divorcee/
Widower

- B.**
1. Name of the wife :
 2. Father's name :
 3. Present age :
 4. Present address :
 5. Permanent address :
 6. Condition at the time of marriage : Unmarried/Divorcee/
Widow

C. We hereby declare that:

1. A Hindu Marriage was solemnized in accordance with the customary rites and ceremonies in terms of sections 5 and 7 of the Hindu Marriage Act, 1955 between

..... (husband)
and (wife) on
date at (full address of the place of
marriage)

2. Neither of us has more than a spouse living at the time of the registration;

3. Neither of us

(a) is incapable of giving a valid consent to it in consequence of the unsoundness of mind, or

(b) though capable of giving a valid consent has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children, or

(c) has been subject to recurrent attacks of insanity or epilepsy;

4. The husband has completed the age of twenty-one years and the wife the age of eighteen years at the time of the marriage;

5. We are not within the degrees of prohibited relationship;

6. We are not *sapindas* of each other;

7. We have since our marriage been living together as husband and wife.

D. Schedule of children

(a) Son/Daughter Born on

(b) Son/Daughter Born on

We also declare that all the above particulars are true to the best of our knowledge and belief.

Station : (Full signature with date of Husband)

Date : (Full signature with date of Wife).

(7) omit Schedule B;

(8) for Schedule C, substitute the following schedule:—

“Schedule ‘C’

Hindu Marriage Register

Under section 8(1) of the Hindu Marriage Act, 1955

[See rule 6(2)]

I hereby
certify that son of
and daughter of
appeared before me this day of 20 and
that each of them in my presence and in the presence of three
witnesses who have signed hereunder has declared that a Hindu
Marriage was solemnized in accordance with the customary rites
and ceremonies in terms of sections 5 and 7 of the Hindu Mar-
riage Act, 1955 on at 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 the Hindu Marriage Act,
1955, the said marriage has, this day of
..... 20 been registered under the Act with
effect from

(Full signature of
Hindu Marriage Registrar with date)

*Ex-officio/Non-official Hindu Marriage Registrar under the Hindu
Marriage Registration Rules, 1958 for the district of

(Full signature of Husband with date)

(Full signature of Wife with date)

Full signatures of three witnesses with their addresses are as
follows:

1.

2.

3.

Dated the day of 20

Schedule of offspring with date of birth:"

* Strike out whichever is not applicable.

(9) For Schedule F, substitute the following schedule:—

**"Schedule 'F'
Form of Receipt**

[See rule 9(2)]

No. Date

Office of *Ex-officio/non-official

Hindu Marriage Registrar for

By whom paid (Name of either husband or wife)

In the matter of the Hindu Marriage Registration between
and

Fees received as follows

Rs. P.

(a) Application receiving

(b) Registration

(c) Certified copy of

(d) Any other (to be specified)

Total

Signature of Registrar

(*Full signature of either of the applicants*)"

10. In schedule H, for the words "month of" substitute the words "week ending on".

2. This notification shall come into force with effect from the 1st day of August, 2002.

*By order of the Governor
(U.P. Ganguly)
Secretary-in-Charge to the
Government of West Bengal*

GOVERNMENT OF WEST BENGAL

Judicial Department

Notification

No.216-JL, dated the 28th May, 2002.—In exercise of the power conferred by section 50 of the Special Marriage Act, 1954 (43 of 1954) the Governor is pleased hereby to make the following amendments in the West Bengal Special Marriage Rules, 1969 published with this department notification no. 142-Regn. dated the 31st January, 1969 as subsequently amended (hereinafter referred to as the said rules):

Amendment

In the said rules—

(1) For rule 14, substitute the following rule:—

“**14. Fees.**—The following fees as mentioned in Table below shall be levied by the Marriage Officer for the performance of his duties under the Act:—

Table

Serial No.	Particulars	Fees (Rs.)
(1)	(2)	(3)
1.	For receiving a notice of marriage under section 5 and for publication of such notice under section 6 (to be paid by the parties to the marriage)	100.00
2.	For receiving an application of marriage for registration under section 15 (to be paid by the parties to the marriage)	100.00
3.	For recording an objection (to be paid by party so objecting)	40.00
4.	For solemnizing or registering a marriage (to be paid by the parties to the marriage)	260.00
5.	For a certified copy of entry	
	(a) in the Marriage Notice Book other than an entry relating to an objection	60.00
	(b) in the Marriage Certificate Book (to be paid by the applicant)	60.00

Serial No.	Particulars	Fees (Rs.)
(1)	(2)	(3)
6.	For a certified copy of a notice under section 5 or a declaration under section 11 or an application for registration of marriage under section 15 (Form IV)	60.00
7.	For solemnizing a marriage or registering a marriage at any time outside the office hours as mentioned under rule 3 (to be paid by parties to the marriage in addition to fees in serial no. 4)	100.00
8.	For solemnizing or registering of marriage outside his office but at any place within the jurisdiction of the marriage officer (to be paid by the parties to the marriage in addition to fees in serial no. 4)	400.00
9.	For making a search (to be paid by the applicant)	
	(a) For first year	30.00
	(b) For subsequent years	20.00
	per year subject to maximum of	200.00
10.	For every enquiry into an objection (to be paid by party so objecting)	100.00
11.	For inspection of original entry in the marriage certificate book or notice of marriage under section 5 or declaration under section 11 or application for registration of marriage under section 15 (to be paid by the applicant)	20.00
12.	For correction of any error under section 49 (to be paid by the applicant)	500.00

Note.—The rate of fees mentioned in the Table above may be reduced by fifty per cent for applicants of below poverty line on production of income certificate issued by the concerned Panchayat Pradhan of a Gram Panchayat or Councillor of Municipality or Member of Legislative Assembly or Member of Parliament, of the area in which the applicant resides.

(2) in rule 17,—

(a) in sub-rule (1) for the word “quarter” occurring in two places, substitute the word “week”.

(b) For Explanation to sub-rule (1) substitute the following Explanation:—

Explanation.—For the purposes of this sub-rule, the terms “week” means a period of seven days starting from Sunday and ending on Saturday.

(c) in sub-rule (2)

For the words as defined in the Explanation to sub-rule (1) or rule 17 substitute the word “ending on 31st March, 30th June, 30th September and 31st December in any year.”

(3) in sub-rule (1) of rule 21, after the words “preserved in perpetuity” insert the words “in such form or electronic form as is deemed fit”.

(4) in sub-rule (2) of 26, for the words “rupees twenty”, substitute the words “rupees two thousand”;

(5) for form V, substitute the following form:

Form ‘V’

[See rule 15]

Form of Receipt

Office of the Ex-officio/Non-official Marriage Officer
for

Date

No.

By whom paid

In the matter of marriage registration between
and

Fees received as follows

Rs. P.

(a) Application/Notice receiving

(b) Registration/solemnization

(c) Certified copy of

(d) Any other (to be specified)

Total _____

Signature of Marriage Officer

(*Full signature of the Applicant*)

(6) in the form VII, for the words “three months ending” substitute the words “week ending

2. They shall come into force with effect from the 1st day of August, 2002.

By order of the Governor
(U.P. Ganguly)
Secretary-in-Charge to the
Government of West Bengal