



KERALA GAZETTE

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EXTRAORDINARY

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GOVERNMENT OF KERALA

Law (E) Department

NOTIFICATION

G. O. (P) No. 1/2008/Law. Dated, Thiruvananthapuram, 29th February, 2008.

WHEREAS, the Hon'ble Supreme Court of India, in its judgment dated 14-2-2006, in Seema Vs. Ashwinikumar [2006 (1) KLT 791 SC], has directed all State Governments to issue Rules for making registration of marriages solemnized in the respective States compulsory irrespective of the religion after calling objection and suggestion;

AND WHEREAS, the Government of Kerala, in response to the Draft Kerala Registration of Marriages (Common) Rules, 2006 published in the Gazette Extraordinary No. 1835 dated 16-11-2006, have received various objections and suggestions from the general public, religious denominations, Department Heads etc.;

NOW, THEREFORE, the Government of Kerala, after considering all objections and suggestions hereby publish "The Kerala Registration of Marriages (Common) Rules, 2008" for the information of the general public, namely:—

THE KERALA REGISTRATION OF MARRIAGES (COMMON) RULES, 2008

1. *Short title, extent and commencement.*—(1) These Rules may be called the Kerala Registration of Marriages (Common) Rules, 2008.
- (2) These Rules shall extend to the whole of the State of Kerala.
- (3) They shall come into force at once.
2. *Definitions.*—In these Rules, unless the context otherwise requires,—
- (a) “Chief Registrar General” means Chief Registrar General of Marriages (Common) appointed under rule 3.
- (b) “Local Registrar” means Local Registrar of Marriages (Common) appointed under rule 5.
- (c) “Registrar General” means Registrar General of Marriages (Common) appointed under rule 4.
3. *Chief Registrar General of Marriages (Common).*—The Director of Panchayats shall be the Chief Registrar General of Marriages (Common).
4. *Registrar General of Marriages (Common).*—The Deputy Director of Panchayats and the Joint Director of Urban Affairs shall, respectively be the Registrar General of Marriages (Common) in respect of Panchayat and Urban areas and they shall supervise the implementation of these Rules.
5. *Local Registrar of Marriages (Common).*—The Registrars of Births and Deaths appointed under the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) shall be the Local Registrar of Marriages (Common) in their respective areas of jurisdiction.
6. *Marriages Compulsorily Registrable.*—All marriages solemnized in the State after the commencement of these Rules shall compulsorily be registered irrespective of religion of the parties:
- Provided that the marriages, the registration of which is compulsory under any other statutory provisions, need not be registered under these Rules and such marriages shall be registered under the respective statutory provisions:
- Provided further that marriages, the registration of which is optional as per any other statutory provisions shall be registered under these Rules unless registered under such statutory provisions:
- Provided also that the registration of marriages solemnized prior to the date of commencement of these Rules shall be optional.
7. *Jurisdiction.*—Marriages shall be registered under these Rules with the Local Registrar within the local area of whose jurisdiction the marriage is solemnized.

8. *Maintenance of Register of Marriages (Common).*—Local Registrar shall maintain a Register of Marriages (Common) in Form No. III appended to these Rules.

9. *Procedure and time limit for registration.*—(1) The parties to a marriage shall prepare a memorandum in duplicate in Form No. I appended to these Rules along with two separate sets of photos and shall submit the same to the Local Registrar within a period of forty-five days from the date of solemnization of their marriage.

(2) The memorandum for registration of marriages solemnized before the commencement of these Rules may be submitted within a period of one year from the date of commencement of these Rules.

(3) The memorandum shall be signed by both the parties to the marriage and two other persons who witnessed the marriage. In the case of a marriage solemnized before a Marriage Officer appointed under any statutory provisions, the entries made in the Register of Marriages or any other register maintained for this purpose and certified by the Marriage Officer and in the case of a marriage solemnized as per religious rites, a copy of the certificate of marriage issued by the religious authority concerned may be a document in proof of the marriage. A registration fee of rupees ten shall be payable along with the submission of the memorandum for registration.

(4) Marriages solemnized after the commencement of these Rules, in respect of which no memorandum is filed within the period of forty-five days and a period of one year has not expired from the date of such solemnization, may be registered subject to sub-rule (3) by the Local Registrar after imposing a fine of rupees one hundred. In such cases the memorandum shall be filed together with a declaration from a Gazetted Officer/Member of Parliament/Member of Legislative Assembly/Member of a Local Self Government Institutions in Form No. II appended to these Rules or with any other document to prove the solemnization of the marriage to the satisfaction of the Local Registrar.

10. *Registration of marriages after one year.*—Marriages solemnized after the commencement of these Rules in respect of which no memorandum for registration is filed within one year of its solemnization and marriages solemnized before the commencement of these Rules in respect of which no memorandum for registration was filed before the expiry of one year after such commencement shall, subject to sub-rule (3) of Rule 9, be registered, by the Local Registrar with the permission of the Registrar General concerned and on payment of a fine of rupees two hundred and fifty. In such cases also the memorandum shall be filed together with a declaration from a Gazetted Officer/Member of Parliament/Member of Legislative Assembly/Member of Local Self Government Institutions in Form No. II appended to these Rules or with any other document to prove the

solemnization of marriage to the satisfaction of the Registrar General concerned. The Registrar General concerned may conduct, if necessary, enquiries, through the Local Registrar or otherwise and give suitable direction to the Local Registrar regarding registration.

11. *Filing of Memorandum and Register of Marriages (Common).*—

(1) On receipt of a memorandum and the prescribed fee for registration, the Local Registrar shall verify the entries in the memorandum for its accuracy and completeness, and enter the particulars thereof forthwith in the Register of Marriages (Common) maintained by him for this purpose in Form No. III appended to these Rules and affix his signature and seal in the space provided therefor. A certificate of marriage shall be issued to the applicant in Form No. IV appended to these Rules in proof of registration of the marriage on payment of fee of rupees five, within five working days. The entries relating to each marriage shall be given Registration Numbers consecutively for each calendar year and separate registers shall be maintained for each calendar year.

(2) Local Registrar may, for reasons to be recorded, in writing reject the memorandum for registration if it is not in proper form or not accompanied by the requisite fee and shall intimate the reason to the parties concerned, within a period of thirty days from the date of such rejection.

(3) The Local Registrar shall forward the duplicate copies of the memorandum received in a month to the Registrar General concerned before the 10th day of every subsequent month. The originals of the memorandum received by the Local Registrar and duplicate copies forwarded to the Registrar General concerned shall be filed as permanent records.

12. *Printing and supply of Forms.*—The Registrar General shall arrange for the printing and supply of Forms and Registers required for use by Local Registrars coming under their respective areas of jurisdiction.

13. *Correction and cancellation of entries.*—(1) If the Local Registrar is satisfied either *suo motu* or on application by the parties, that any entry in the Register of Marriages (Common) is erroneous in form or substance or has been fraudulently or improperly made, he shall subject to conditions in sub-rule (2), make suitable corrections including cancellation of registration, noting the evidence for such corrections in the margin of the Register of Marriages (Common), without any alteration of the original entry and shall sign the marginal entry with the date of correction or cancellation and shall forward the particulars of the corrections to the Registrar General concerned.

(2) All corrections in material particulars like name, age, date etc., and cancellation shall be done only with the sanction of the Registrar General concerned:

Provided that no such correction or cancellation shall be made without affording a reasonable opportunity of being heard to the parties concerned.

(3) On getting sanction under sub-rule (2), the Local Registrar shall effect the correction or cancellation, as the case may be, in the Register of Marriages (Common).

(4) An amount of rupees one hundred shall be charged as fee for making corrections in the Register of Marriages (Common) other than clerical mistakes.

(5) In every case in which an entry is corrected or cancelled under this Rule, intimation thereof shall be sent to the parties to the marriage and the Local Registrar shall make a report giving necessary details to the Registrar General concerned.

14. *Search and obtaining of extracts of the entries.*—Any person may, upon an application and after remitting a fee of rupees twenty-five for this purpose, cause a search to be made by the Local Registrar for any entry in the Register of Marriages (Common) and obtain a Certificate of Marriage in Form No. IV, appended to these Rules containing an extract of such register. The Local Registrar shall certify all such extracts.

15. *Consequences of non-registration.*—After the commencement of these Rules, the Government shall not accept for any purpose, any certificate of marriage issued by any authority other than those authorized under these Rules or under any other statutory provisions. However this provision is not applicable to the marriages solemnized before the commencement of these Rules.

16. *Appeal.*—An appeal shall lie to the Registrar General concerned against any decision of the Local Registrar and such appeal shall be filed within a period of three months from the date of communication of any such decision. However, the Registrar General concerned may condone the delay on sufficient grounds. He shall consider the appeal and dispose of the same within a period of sixty days either confirming the decision of the Local Registrar or allow the appeal after hearing the parties concerned.

17. *Revision.*—A revision shall lie to the Chief Registrar General against the decision of the Registrar General concerned and such revision shall be filed within a period of three months from the date of communication of such decision. However, the Chief Registrar General may condone the delay on sufficient grounds. He shall consider the revision and dispose of the same within a period of sixty days either confirming the decision of the Registrar General or allow the revision after hearing the parties concerned.

By order of the Governor,

P. S. GOPINATHAN,
Law Secretary.

FORM NO. I

[See Rule 9(1)]

MEMORANDUM FOR REGISTRATION OF MARRIAGE

1. Date of Marriage :
2. Place of Marriage : Local area Village Taluk District
(specify hall,
mandapam etc.)
-

Photo of the Husband to be affixed	Photo of the Wife to be affixed
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3. Details of Parties to the Marriage (As on the date of marriage)

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
(a) Name in full (in capital letters)		
(b) Nationality		
(c) Age and date of birth (sufficient proof shall be produced)		
(d) Permanent Address		
(e) Present Address		
* (f) Previous marital status Married Unmarried Widower Widow Divorced		

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
(g) Whether any spouse is living (If yes, number of spouse living)		
(h) Signature with date		
(i) Name of father or guardian and the relationship		
(j) Age		
(k) Address		
(l) Signature with date (If he is a consenting party)		
(m) Name of mother		
(n) Age		
(o) Address		
(p) Signature with date (If she is a consenting party)		

*Put (✓) mark on whichever is applicable.

4. Witness of solemnization of marriage

1. (a) Name:

(b) Address:

(c) Signature with date:

2. (a) Name:

(b) Address:

(c) Signature with date:

5. Details of records of marriage required under rule 9/rule 10, if any:

Declaration of the Parties

We.....do hereby declare that the details shown above are true to the best of our knowledge and belief.

Signature of the Parties:

Place:

1. Husband

Date:

2. Wife

(For Office Use)

Received by Post/in Person on.....

Local Registrar.

Registered in the Register of Marriages (Common) on
.....as Regn. No.....

Local Registrar.

FORM No. II

DECLARATION OF MP/MLA/GAZETTED OFFICER/MEMBER OF LOCAL
SELF GOVERNMENT INSTITUTIONS (IN CASE OF APPLYING FOR
REGISTRATION AFTER ONE YEAR)

[See Rule 9 (4) and Rule 10]

I.....hereby certify that the
marriage between.....and.....was solemnized on
.....and the fact is personally known to me.

Signature with place and date

FORM No. III

(See Rule 8)

REGISTER OF MARRIAGES (COMMON)

1. Date of Marriage :

2. Place of Marriage: Local area Village Taluk District
 (specify hall,
 mandapam etc.)

.....

Signature of the Husband

Photo of the Husband to be affixed	Photo of the Wife to be affixed
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Signature of the Wife

3. Details of Parties to the Marriage (As on the date of marriage)

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
(a) Name in full (Capital letters)		
(b) Nationality		
(c) Age and Date of Birth		
(d) Permanent Address		
(e) Present Address		
(f) Previous marital status Married Unmarried Widower Widow Divorced		

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
(g) Whether any spouse is living (If yes, number of spouse living)		
(h) Name of father or guardian and the relationship		
(i) Age		
(j) Address		
(k) Name of Mother		
(l) Age		
(m) Address		

4. Witnesses of solemnization of marriage

1. (a) Name:
- (b) Address:

2. (a) Name:
- (b) Address:

SPACE FOR OFFICE USE

5. Date of Receipt of memorandum.....

6. Details of records of marriage required under rule 9/rule 10:

Date: *Local Registrar*
 Registration No. / (Year) Date.....

Local Registrar

[See Rule 11 (1)]

GOVERNMENT OF KERALA

Department of

CERTIFICATE OF MARRIAGE

[Issued under rule 11 (1) of the Kerala Registration of Marriages
(Common) Rules, 2008]

Certificate No..... Dated.....

This is to certify that the following information has been taken from the Register of Marriages (Common) maintained in Form No. III in the Office of the Local Registrar of(local area)

1. Date of Marriage:.....
2. Place of Marriage:.....(as in Form No. III)
3. Details of Parties to the Marriage (As on the date of marriage)

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
(a) Name in full (Capital Letters)		
(b) Nationality		
(c) Age and date of birth		
(d) Occupation		
(e) Permanent Address		
(f) Name of parents or guardian and the relationship		
(i) Father		
(ii) Mother		
(iii) Guardian		

<i>Details</i>	<i>Husband</i>	<i>Wife</i>
Photographs: (Office Seal covering photographs)		

Registration No...../(Year)

Date of Registration

Local Registrar
 (Name of Local Area)

Issued under my hand and seal on this the.....day of
