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The Mizoram Compulsory Registration of Marriages Act, 2007

(Act No.7 of 2007)

[Received the assent of the Governor of Mizoram on 16th April 2007]

AN

ACT

to provide for compulsory registration of marriage in the State of Mizoram, and for matters connected there with.

WHEREAS it is expedient to provide for compulsory registration of marriages in the State of Mizoram;

It is enacted by the Legislative Assembly of the State of Mizoram in the Fifty eighth year of the Republic of India as follows:-

1. SHORT TITLE, EXTENT AND COMMENCEMENT:-

(1) This Act may be called the Mizoram Compulsory Registration of Marriages Act, 2007.

- (2) It extends to the whole of Mizoram.
- (3) It shall come into force on such date as the State Government may, by notification in the Mizoram Gazette, appoint.

2. Definitions:-

In this Act, unless the context otherwise requires-

- (a) "marriage" includes all the marriages contracted by persons belonging to any caste, tribe or religion, and the marriages contracted as per any custom, practices or traditions, and also includes re-marriages;
- (b) "memorandum" means a memorandum of marriage mentioned in section 5 of this Act;
- (c) "prescribed" means prescribed by any rules as may be made under this Act;
- (d) "register" means a register of marriages maintained under this Act;
- (e) "Registrar" means a Registrar of marriages appointed under this Act; (f) "Registrar General of Marriages" means the Secretary to the Government of Mizoram in the Law and Judicial Department, ex-officio;
- (g) "State, Government" means the Government of Mizoram;
- (h) "to contract a marriage" means to solemnize or enter into a marriage in any form or manner, in accordance with any custom, practices Or traditions in force.

3. EVERY MARRIAGE IN THE STATE TO BE REGISTERED

After the date on which the provisions of this Act have been brought into force under sub-section (3) of section, every marriage contracted in the State shall be compulsorily registered in the manner provided in section 5.

4. APPOINTMENT OF REGISTRARS OF MARRIAGES :

The State Government may appoint, either by name or by virtue of their office, any person or persons as it thinks necessary, to be Registrars of Marriages for such local areas as it may specify.

5. MEMORANDUM OF MARRIAGE :-

- (1) The parties to a marriage to which section 3 applies, shall prepare and sign a memorandum in the form as may be prescribed and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area. within a period of thirty days from the date of the marriage.
- (2) The memorandum shall also be signed by the bride and the bridegroom and two witnesses on each side of the bride and the bridegroom.
- (3) The memorandum shall be accompanied with a fee as may be prescribed.
- (4) The Registrar shall maintain a register of such marriages in such form as may be prescribed, and on receipt of the memorandum, he shall file the same in the register and shall also send the duplicate copy thereof to the Registrar Genera of marriages.

6. MEMORANDUM OF MARRIAGE SUBMITTED AFTER 30 DAYS :-

- (1) A memorandum regarding any particular marriage may be submitted to the Registrar even after the expiry of the thirty days as specified in sub-section (1) of section 5. However, such memorandum shall be in the form, and shall be signed, as provided for in section 5 and shall be accompanied with such fee, as may be prescribed. On receipt of such memorandum, the Registrar shall file the same in the Register and shall also send the duplicate copy thereof to the Registrar General as provided in section 5.
- (2) Nothing as contained in sub-section (1) shall effect or absolve the liability of any person who has willfully omitted or neglected to deliver or send the memorandum within the period specified in sub-section (1) of section 5. to any penalty under section 14.

7. MARRIAGE CERTIFICATE TO BE GIVEN TO THE COUPLE:-

- (1) The Registrar shall, as soon as the registration of marriage has been completed, give free of cost, to the couple a Certificate of Registration of the Marriage in the form as may be prescribed under his hand and seal.
- (2) Such certificate issued by the Registrar shall be the conclusive proof of registration of the said marriage.

8. REGISTRAR TO KEEP REGISTERS IN 'THE PRESCRIBED FORM :-

- (1) Every Registrar shall keep in the prescribed form a Register of Marriage-Registrations made in the area under his jurisdiction.
- (2) The Registrar-General shall from time to time cause to be printed and supplied to the Registrars sufficient number of registers in the prescribed form.

9. SEARCH OF REGISTER:

- (1) Subject to any rules made in this behalf by the State Government, including the Rules relating to payment of fees, any person may-
 - (a) Cause a search to be made for any entry in the Register of Marriage-Registrations; and
 - (b) obtain an extract from such Register.
- (2) All extracts given under sub-section (1) shall be signed by the Registrar concerned, and shall be admissible in evidence in any court of law for the purpose of establishing the factum of marriage to which the entry, relates.

10. REGISTER TO BE OPEN FOR PUBLIC INSPECTION

The register maintained under this Act shall, at all reasonable times, be open to inspection, and certified extracts there from shall, on application, be given by the Registrar on payment by the applicant of a fee as may be prescribed for each such extract.

14. REGISTRAR TO SEND PERIODICAL RETURNS TO THE REGISTRAR GENERAL FOR COMPILATION:-

Every Registrar shall send to the Registrar-General or to any officer specified by him, at such intervals and in such form as may be prescribed, a return regarding entries of marriage registrations in the Register kept by such Registrar.

12. NON-REGISTRATION NOT TO INVALIDATE MARRIAGE:-

No marriage contracted in the State of Mizoram and to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.

13. PENALTY FOR FAILING TO REGISTER A MARRIAGE:-

Any Registrar who fails to register a marriage pursuant to section 5 or section 6 shall, on conviction, be punished with simple imprisonment for a term which may extend to three months or fine which may extend to five hundred rupees or with both.

14. PENALTY FOR NEGLECTING TO COMPLY WITH THE PROVISIONS OF SECTIONS 4, 5 AND 6 OR FOR MAKING FALSE STATEMENT IN MEMORANDUM:-

Any person who-

- (1) willfully omits or neglects to get his or her marriage registered under this Act as required under section 3; or
- (2) willfully omits or neglects to deliver or send the memorandum as required by section 5 or 6; or
- (3) makes any statement in such memorandum which is false in any material particulars and which he knows or has reason to believe to be false, shall, on conviction) be punished with simple imprisonment for a term which may extend to six months or with fine which may extend to One thousand rupees, or with both.

15. PENALTY FOR SECRETING, DESTROYING OR ALTERING REGISTER:-

Any person secreting, destroying or dishonestly or fraudulently altering the register or any part thereof shall, on conviction, be punished with simple imprisonment for a term which may extend to six months and shall also be liable to fine.

16. OFFENCES UNDER THIS ACT SUMMARILY TRIABLE BY A MAGISTRATE

An offence under this Act shall be tried summarily by the Judicial Magistrate of First Class, in accordance with the procedure as laid down in the Code of Criminal Procedure, 1973.

17. COGNIZANCE OF OFFENCE UNDER THE ACT:-

No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by the Registrar of the area concerned or by an officer authorised by the Registrar-General of Marriages as the Case may be.

18. REGISTRAR TO BE PUBLIC SERVANT:-

Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code) 186G (No. XLV of 1860).

19. PROTECTION OF ACTION TAKEN IN GOOD FAITH:-

No suit, prosecution or other legal proceedings shall lie against the State Government, the Registrar General of Marriages, any Registrar or any person exercising any power or performing any duty under this Act, for anything which is done or intended to be done in good faith in pursuance of this Act or any rules or orders made thereunder.

20. POWER TO MAKE RULES:-

- (1) The State Government may, by notification in Mizoram Gazette, make rules for carrying out the purposes of this Act.
- (2.) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely-
 - (a) the duties and powers of the Registrar General of Marriages and the Registrars;
 - (b) the forms and the manner in which memorandum under sections 5 and 6 shall be filed, and registers or records required to be kept by or under this Act shall be maintained;
 - (c) the custody in which the registers and records are to be kept, and the preservation of such registers and records;
 - (d) the fees to be paid under the relevant provisions of this records;
- (3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of the State of Mizoram.

21. APPLICATION OF OTHER LAWS NOT BARRED:-

Save as otherwise provided, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

P. Chakraborty,
Secretary to the Govt. of Mizoram,
Law, Judl. & Par, Affairs.