



Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs
Civil Secretariat, Srinagar.

Government has decided to elicit suggestions/views/comments on the draft Jammu and Kashmir Marriage Laws (Amendment) Bill, 2012 and the Jammu and Kashmir Hindu Marriage Registration Rules, 2012. The text of the said draft Bill and rules is available on the website of the department (www.jklaw.nic.in). Any interested person/ organization can send his/its views/ suggestions and comments to Shri Ghulam Qadir Bhat, Additional Secretary Department of Law, Justice and Parliamentary Affairs Room No. 222 Civil Secretariat Srinagar personally or through post within a period of one month .

(Achal Sethi)
Deputy Legal Remembrancer
Department of Law, Justice and Parliamentary Affairs.

No. LD(Leg)2012/Misc

Dated: 11-07-2012 .

Encls.

1. The Jammu and Kashmir Marriage Laws (Amendment) Bill, 2012;
and
2. The Jammu and Kashmir Hindu Marriage Registration Rules, 2012

**THE JAMMU AND KASHMIR MARRIAGE LAWS
(AMENDMENT) BILL, 2012.**

BILL NO _____ OF 2012.

A Bill to amend the Jammu and Kashmir Hindu Marriage Act, 1980 (IV of 1980) and the Jammu and Kashmir Christian Marriage and Divorce Act, 1957 (III of 1957).

Be it enacted by the Jammu and Kashmir State Legislature in the Sixty-third Year of the Republic of India as follows:-

CHAPTER I

**AMENDMENT TO THE JAMMU AND KASHMIR HINDU
MARRIAGE ACT, 1980**

1. **Short title and commencement.**-(1) This Act may be called Jammu and Kashmir Marriage Laws (Amendment) Act, 2012.

(2) It shall come into force from the date its publication in the Government Gazette.

CHAPTER II

2. **Amendment of section 5, Act IV of 1980.**- In section 5 of the Jammu and Kashmir Hindu Marriage Act, 1980 (hereinafter in this chapter referred to as 'the principal Act')-

(a) in clause (iii), for the words "eighteen years" and "fifteen years", the words "twenty one years" and "eighteen years" shall respectively be substituted; and

(b) clause (vi) shall be omitted.

3. **Omission of section 6, Act IV of 1980.**- Section 6 of the principal Act shall be omitted.

4. **Amendment of section 12, Act IV of 1980.**- In section 12 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:-

“(c) that the consent of the petitioner was obtained by force or fraud as to nature of ceremony or as to any material fact or circumstances concerning the respondent; or”.

5. Amendment of section 20, Act IV of 1980.- In section 20 of the principal Act.-

- (i) for the words, brackets and letters “in clauses (iii), (iv), (v) and (vi)”, the words, brackets and letters “in clauses (iii), (iv) and (v)” shall be substituted;
- (ii) in clause (b), the word “and” occurring at the end of the clause shall be omitted; and
- (iii) clause (c) shall be omitted.

CHAPTER III

AMENDMENT TO THE JAMMU AND KASHMIR CHRISTIAN MARRIAGE AND DIVORCE ACT, 1957

6. Substitution of section 17, Act III of 1957.- Section 17 of the Jammu and Kashmir Christian Marriage and Divorce Act, 1957 (hereinafter in this chapter referred to as ‘the principal Act’) shall substituted by the following section, namely:-

“17. Declaration before issuance of Certificate.- The certificate mentioned in section 16 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration that he or she believes that there is no impediment of kindred or affinity or other lawful hindrance to the said marriage.”.

7. Omission of sections 18, 19 and 20, Act III of 1957.- Sections 18, 19 and 20 of the principal Act shall be omitted.

8. Substitution of section 21, Act III of 1957.- Section 21 of the principal Act shall be substituted by the following section, namely:-

“21. Refusal of certificate in case of minority.- When either of the persons intending marriage is a minor, the

Minister shall not issue a certificate as required under section 16.”.

9. Amendment of section 41, Act III of 1957.- In section 41 of the principal Act.-

- (i) after clause (b), the words “and where either or each of the parties is a minor” shall be omitted; and
- (ii) clause (c) shall be omitted.

10. Omission of sections 42, 43, 45 and 46, Act III of 1957.- Sections 42, 43, 45 and 46 of the principal Act shall be omitted.

11. Amendment of section 56, Act III of 1957.- In section 56 of the principal Act,-

- (i) In clause (1), for the words “sixteen years” and “thirteen years”, the words “twenty one years” and “eighteen years” shall respectively be substituted; and
- (ii) The proviso thereto shall be substituted by the following, namely:-

“Provided that no marriage shall be certified under this chapter when the parties intending to be married have not completed twenty-first year in case of man, and eighteen year in case of a woman.”

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The Jammu and Kashmir Hindu Marriage Registration Rules, 2012

In exercise of the powers conferred by sub-sections (1) & (2) of section 8 of the Jammu and Kashmir Hindu Marriage Act, 1980 (Act No. IV of 1980) and all other powers enabling it in that behalf, the Government of Jammu and Kashmir hereby makes the following rules namely:-

1. Short title and commencement.- (1) These rules may be called the Jammu and Kashmir Hindu Marriage Registration Rules 2012.

(2) They shall come into force from the date these are published in the Government Gazette.

2. Definitions.- In these rules, unless the context otherwise requires,-

- (a) 'Act' means the Jammu and Kashmir Hindu Marriage Act, 1980;
- (b) 'Form' means a form appended to these rules;
- (c) 'Registrar' means a person appointed as such under rule 5 of these rules for registration of marriages under the Act; and
- (d) 'Schedule' means a schedule appended to these rules.

3. Registration of marriages.- A Hindu marriage which has been solemnized in the State shall be compulsorily registered before the Registrar of Marriages in the manner as provided hereinafter.

4. Age of bride and bridegroom.- On the date of marriage, the age of bride and the bridegroom shall not be less than 18-years and 21-years respectively.

5. Appointment of Registrar of Marriages.- All Tehsildars and in their absence the Naib-Tehsildars shall be Registrar of Marriages for the whole of their respective Tehsils or Niabats, as the case may be, for the purpose of these rules.

6. Application for Registration.- A party to a Hindu Marriage which has been solemnised shall apply in the form specified in Schedule- A for registration of marriage to the Registrar for the local area in which the marriage was solemnized.

7. Procedure for Registration.- (1) When an application for registration of a Hindu marriage is presented before a Registrar by a party to the marriage, the Registrar shall, except when both parties to the marriage appear before him personally and are identified to his satisfaction, give a notice of the application in the form specified in Schedule-B to the other party by registered post and make such enquiries of a summary character as he thinks fit:

Provided that such enquiries shall be completed within a period of thirty days positively by the Registrar.

(2) On being satisfied about the factum of marriage, the Registrar shall register the marriage and enter the particulars thereof, as given in the application for registration, in the Hindu Marriage Register.

(3) If the notice referred to in sub-rule (1) above can not be served or if the Registrar is not satisfied about the identity of the parties to the marriage or about the factum of marriage, he shall, by an order in writing, refuse to register the marriage.

8. Hindu Marriage Register.- (1) A Hindu Marriage Register shall be kept in the form specified in schedule – C.

(2) The Registrar shall certify under his signature on the title page of every blank Register issued to him the number of pages actually contained in such Register and shall also note the date on which the Register was received by him.

(3) At the close of every calendar year, the Registrar shall certify the number of marriages registered during the year and wherever a Register is completed, the Registrar shall also certify the number of marriages registered in the particular register.

(4) The Register used by the Registrar shall be serially numbered.

9. Appeal against the order of refusal to register.- (1) Any party aggrieved by the order refusing to register a marriage may, within thirty days from the date of the order, appeal to the Deputy Commissioner of the concerned District.

(2) If the appellate authority, after such enquiry as he may think fit to make, is satisfied about the identify of the parties to the marriage and the factum of marriage, he shall order that the

marriage be registered and communicate the order to the Registrar concerned.

(3) In case the Appellate authority is not satisfied about the identity of the parties or the factum of marriage, he shall, by an order in writing, dismiss the appeal.

(4) On receipt of the order of the appellate authority referred to in sub-rule (2), the Registrar shall register the marriage forthwith.

(5) The order of the appellate authority shall be final.

10. Inspection and grant of copies.- (1) The Register of Hindu Marriages and the applications for registration shall be open for inspection on such dates and during such hours as the Registrar's office remain open. The applications for registration of Hindu Marriages shall be preserved in the office of Registrar and shall be bound in convenient volumes periodically.

(2) Any person may, on application, obtain certified copies of the entries in the Hindu Marriage Register in the form of extract specified in schedule – D from the Registrar on payment of fee prescribed in that behalf.

11. Fees.- (1) Fee shall be charged by the Registrar for the purpose and at the rates specified below:-

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| (i) | for registration of marriage. | ₹ 100/- |
| (ii) | for a certified copy of an entry in the Hindu Marriage Register. | ₹ 25/- |

Provided that if the application for obtaining certified copy does not contain sufficient particulars or contains incorrect particulars of the entry copy whereof is required, a search fee of rupees fifty shall be charged if the entry relates to the current year and rupees one hundred, if the entry relates to the previous years.

(2) All fees realized under sub-rule (1) shall be credited to the State revenues.