

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

Notification,

Srinagar, the 24th, May, 2024

S.O 312 .— In exercise of the powers conferred section 50 read with clause (g) of section 2 of the Special Marriage Act, 1954 (Act No. 43 of 1954), the Government hereby makes the following rules; namely:-

1. Short title and commencement.—(1) These rules may be called Jammu and Kashmir Special Marriage Rules, 2024.

(2) They shall come into force from the date of their publication in the Official Gazette.

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

(a) 'Act' means the Special Marriage Act, 1954;

(b) 'Section' means a section of the Act; and

(c) 'Schedule' means a schedule appended to these rules.

(2) Words and expressions defined in the Act but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Marriage notice book. — (1) There shall be maintained by each Marriage Officer a bound volume of blank forms of notices (with intervening blank leaves between two printed forms), known as the Marriage Notice Book, containing 200 pages numbered consecutively. A true copy of all notice of marriage shall be entered in the Marriage Notice Book as required under section 6.

(2) The copies of notices entered in the Marriage Notice book shall be numbered consecutively, terminating the series at the close of each year.

4. Marriage certificate books. – (1) There shall be maintained two separate Marriage Certificate Books under section 13 and 16 each containing 100 consecutively numbered blank forms as specified in the Fourth and Fifth Schedules to the Act, respectively.

(2) The entries made in the Marriage Certificate Book shall be numbered serially in the respective books, terminating the number at the close of each year.

5. Paste books for notices, declarations, application and decrees.—Four separate paste books each serially numbered, shall be opened for the following purposes, namely :-

- (i) for pasting notices and copies of notices received under section 5 and sub-section (3) of section 6 respectively;
- (ii) for pasting declarations under section 11;
- (iii) for pasting applications received under section 16; and
- (iv) for filing copies of decrees for divorce or nullity or dissolution of marriage received from the Courts under the rules framed by the High Court in exercise of the powers conferred by section 41.

6. Manner of using Paste Books. — (1) The notices received under section 5 shall be pasted in the Paste Book opened under the last preceding rule after entering copies thereof in the Marriage Notice Book.

(2) A copy of the notice received under sub-section (3) of section 6 shall be pasted on the next available page of the same Paste Book.

(3) The declarations under section 11 shall be pasted in a separate Paste Book opened under the said rule.

(4) Applications received under section 16 shall be pasted in a separate Paste Book opened under the said rule.

(5) Copies of decrees for divorce or nullity or dissolution of marriages sent by the Court shall be filed in a separate Paste Book opened under the said rule.

7. Numbering of books and correctness of pages to be certified. - All books maintained by the Marriage Officer shall be numbered consecutively without terminating the series at the close of each year. The Marriage Officer shall endorse a certificate of the correctness of the page on front page, before he uses any book.

8. Cross references in relevant books.—Cross references shall be given on the relevant entries in the Marriage Certificate Book and the Paste Book for filing copies of decrees for divorce or nullity or dissolution of marriages maintained under sub-rule (5) of rule 6, indicating the Book number and the page numbers at which the relevant entries appear.

9. Manner of sending notice of marriage.—(1) The notice of intended marriage may be sent to the Marriage Officer by a messenger or by registered post, together with fees prescribed therefore under these rules.

(2) No notice shall be entered and published, unless the prescribed fees are received.

10. When copy of notice of marriage to be transmitted under section 6 (3).—The copy of the notice of intended marriage required to be transmitted to the other marriage officer under sub-section (3) of section 6, shall be forwarded by the Marriage Officer receiving the notice as far as possible on the day of receipt of such notice but in any case not later than the day following the day of receipt.

11. Entertainment of objection to marriage.—No objection under sub-section (1) of section 7 or under section 16 shall be entertained after the expiration of the period of thirty days from the date of publication of the notice, or receipt of the application as the case may be, even if the marriage is not solemnized or registered.

12. Manner on in which inquires may be held and procedure therefore – (1) (a) Where an objection to the solemnization of an intended marriage together with the fee prescribed therefore has been received and recorded by the Marriage Officer, he shall, unless by an order in writing be reject the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in section 4, inquire into the objection on a day to be fixed by him. The day so fixed shall not be later than thirty days from the date of objection.

(b) The Marriage Officer shall, at the time of recording the objection, ascertain from the objector, whether he has any documents on which he relies or whether he desires any witness or witnesses to be examined on his behalf and whether such documents or witnesses can be produced by him on the date fixed by the Marriage Officer. If the objector states in the affirmative, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for the inquiry. If the objector desires that summons shall be issued to the witnesses to appear and give evidence or to produce any document, the Marriage Officer shall issue such summons to the witnesses cited, on payment of the prescribed process fee and reasonable expenses of traveling and subsistence of the witnesses:

Provided that the inquiry relating to objection including the production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in section 8. If within the prescribed period, the documents are not produced and the witnesses do not appear before the Marriage Officer, the Marriage Officer shall take a decision without waiting for the

production of such documents or the appearance of such witnesses.

(c) The Marriage Officer shall also give notice of the date and time fixed for the inquiry to the parties to the intended marriage.

(d) The notice or summons to any party or witness under this rule shall be in the general form used by the Civil Court for such purposes and shall be sent by registered post.

(e) On the conclusion of the inquiry, the Marriage Officer shall record in his own hand.—

(i) his decision on the objection in brief below the nature of objection recorded under sub-section (3) of section 7 in Marriage Notice Book;

(ii) the evidence given in the course of the inquiry and the reasons for his decision on the objection, in a separate file, along with the proceedings of the enquiry, cross references being given in the Marriage Notice Book to the relevant pages of the file and vice-versa.

(2) Where an appeal is preferred to the District Court under sub-section (2) of section 8 against the decision of the Marriage Officer under the said section 8, the decision of the District Court on such appeal shall also be recorded in brief in the Marriage Notice Book below the decision of the Marriage Officer recorded under sub-rule (1).

13. Further procedure for inquiry. — Save as otherwise provided under the last preceding rule, for the purpose of the inquiry to be made under the Act, the Marriage Officer shall, so far as may be, follow the procedure laid down in Order XVIII of the First Schedule of the Code of Civil Procedure, 1908.

14. Proof of age. — The Marriage Officer may, for the purpose of satisfying himself that the parties to the intended marriage have completed the age specified in clause (c) of section 4 require them to produce Birth Certificates or any other satisfactory evidence to prove their age.

15. Proof of divorce. — Where a party to the intended marriage is a divorcee the Marriage Officer shall, before solemnizing the Marriage, satisfy himself that the party is eligible to marry again in accordance with the provisions of section 30 and for that purpose, may require the party to produce a certified copy of the decree for divorce or any other satisfactory evidence in that behalf.

16. Form of Application under section 15 and notice thereof. —

An application under section 15 shall be made in the form prescribed in schedule A, or as near there to as circumstances may require. The Marriage Officer shall give public notice thereof by affixing a copy of such application to some conspicuous place in his office.

17. Solemnization of marriage at places outside office. — (1)

When the marriage is to be solemnized or registered at a place other than the office of the Marriage Officer, the Marriage Officer may, on the written application and at the cost of parties to the marriage for the journey to and for attend at the place for the purpose.

(2) The Marriage Officer shall not remain absent from his office for more than 3 hours when the Marriage is to be solemnized at any place in the town or city where his office is located.

(3) The Marriage Officer shall not be required to go to a place more than 30 miles distance from his office for solemnizing a marriage:

Provided that these restrictions shall not preclude the Marriage Officer from visiting any place within his jurisdiction for the purpose if the visit does not involve absence from his head-quarter for more than 2 days at a time including the time required for the journey and no other marriage is fixed during his absence.

Provided further that these restrictions shall not apply to visits made out of office hours or on Sunday or public holidays.

18. Seal on certified copies.—The Marriage Officer shall affix his seal to all certified copies granted under the Act or these rules.

19. Quarterly Returns. — (1) The Marriage Officer shall as required by section 48 send to the Registrar General of Births, Deaths and Marriages separately, true copies of the entries recorded by him in the Marriage certificate Books maintained under sections 13 and 16 at the end of each quarter.

(2) The true copy certificate required to be endorsed on such returns, shall be given below the last entry, in the Form prescribed in Schedule B.

(3) If there be no entry recorded in the either of the Marriage Certificate Books, a “Nil” report shall be submitted.

20. Fees (1).— The following is the scale of fees to be levied by the Marriage Officer for the performance of the duties imposed upon him, namely:-

For entering and publishing a notice under section 6.	: 100
Additional fee for every copy of notice required to be sent under section 6 (3).	: 100
For an application under section 15.	: 100
For recording an objection in writing under section 7 of 16.	: 500
For solemnization or registration of a marriage at the office of the Marriage Officer.	: 500
For solemnization or registration of a marriage at a place within a radius of six miles from the office of the Marriage Officer.	: 500
For solemnization or registration of marriage at a place beyond the radius of six miles.	: 1000
For copy of an application made under section 15 for copy of any declaration, For copy of a Certificate of Marriage.	: 100
For copy of a notice under section 5 Search fee, for searching the records maintained at the office of the Marriage Officer (except search of the Marriage notice Book).	: 50
For the first year.	: 50
For every additional year.	: 25
For issue of commission.	: 50
For copy of any decree for divorce or nullity or dissolution of marriage filed under rule 6 (3).	: 100
For every other application which may be necessary under the Act.	: 100

21. Receipt. — The Marriage Officer shall pass a receipt in the form prescribed in Schedule C, in receipt of all fees received by him under the Act and these rules.

22. Cash book. — (1) In every office of the Marriage Officer, there shall be kept a Cash Book in the form prescribed in Schedule D. All fees received under the Act and rules shall be brought to account in the cash book every day; and the Marriage Officer shall sign the same token of the correctness and collection of the day's total fees.

(2) The Marriage Officer shall keep in his custody the fees received by him each day, and shall credit the same, on the day following into the nearest treasury or the Bank as the case may be as soon as, it is opened.

23. Preservation of Record.—The Books and papers listed below shall be preserved for the periods specified against them:-

(1) Marriage Certificate Book under section 13	: Permanent
(2) Marriage Certificate Book under section 16	: -do-
(3) Paste Book of declaration	: -do-
(4) Paste Book for copies of decrees for divorce or nullity or dissolution of marriage filed under these rules.	: -do-
(5) Marriage Notice Book.	: 30 years
(6) Paste Book for notices.	: -do-
(7) Application received under section 16	: -do-
(8) Enquiry Papers	: -do-
(9) Application for private attendance	: 5 years
(10) Application for certified copy.	: -do-
(11) Receipt Book	: 10 years
(12) Application for issue of commissions	: 5 years
(13) Cash Book	: 10 years
(14) Office copies of commissions issued	: 5 years
(15) Application for summons	: -do-
(16) Office copies of summons	: 1 year

By order of the Government of Jammu and Kashmir.

Sd/-
(Achal Sethi)
Secretary to Government,
Department of Law, Justice & PA.

No: Law/SL/34/2021/10.

Dated. 24-05-2024.

Copy to:

1. Learned Advocate General, J&K.

2. Joint Secretary (JKL) Ministry of Home Affairs, Government of India,
3. Principal Secretary to Hon'ble Lieutenant Governor, J&K.
4. Principal Secretary to Government, Finance Department.
5. Commissioner/Secretary to Government, General Administration Department.
6. Secretary to Government, Revenue Department.
7. Divisional Commissioner, Kashmir.
8. Divisional Commissioner, Jammu.
9. All Deputy Commissioners.
10. Assistant Commissioner (General) in the office of Deputy Commissioner, Srinagar/Jammu
11. Private Secretary to Chief Secretary for information of the Chief Secretary.
12. Private Secretary to Secretary to Government, Deptt. of L,J&PA for information of the Secretary.
13. General Manager, Government Press, Srinagar/Jammu.
14. Website Section, Department of Law, Justice and Parliamentary Affairs.
15. S.O section.
16. Concerned file.



(Wajahat Habib)

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