

# **KERALA HINDU MARRIAGE REGISTRATION RULES, 1957**

(Published in Kerala Gazette No. 43 dated 22<sup>nd</sup> October 1957)

## **NOTIFICATION**

In exercise of the powers conferred by sub-section (1) of S.8 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), the Government of Kerala hereby make the following Rules for the registration of the Hindu Marriage, namely: -

## **RULES**

1. These Rules may be called the Kerala Hindu Marriage Registration Rules, 1957
2. They shall come into force on such date as the Government may by notification in the Gazette appoint.
3. Definitions-In these Rules, unless the context otherwise requires,-
  - \* (a) "Registrar General" means the Registrar General of Births, Deaths and Marriage appointed by the Government under S.6 of the Births, Deaths and Marriages Act, Central Act VI of 1886.
  - (b) "Local Registrar" means any person appointed by Government in accordance with Rule 4 to be Registrar of Marriage for (i) the whole or part of the local area comprised within the limits of Trivandrum City, or
    - (ii) the whole or part of a local area comprised in any Municipality in Kerala State established under provisions of law for the time being in force, or
    - (iii) the whole or part of a Revenue Village or group of Revenue Villages.
  - (c) "Local Registration area" means the jurisdiction assigned to a "Local Registrar"
  - (d) "Compulsory Registration area" means the Local Registration area in which registration of marriages is declared by the Government to be compulsory in accordance with sub-section (2) of S.8.
  - (e) "Marriage" means a marriage solemnised in accordance with the provisions of the Act.
  - (f) "Register" means the Hindu Marriage Register kept in Form II in accordance with S.8
  - (g) "Act" means the Hindu Marriage Act, 1955 (Central Act XXV of 1955).
  - (h) "Section" means a Section of the Act.
  - (i) "the Government" means the Government of Kerala.
  - (j) "Inspecting Officer" means any officer deputed by the Registrar to inspect the Marriage records.
  - (k) "Form" means a form appended to these Rules.

4. Government may appoint by notification in the Gazette any person by name or by virtue of the office held by him to be \*\*"Local Registrar" and define "the local Registration area" constituting his jurisdiction.<sup>1</sup>
5. The Local Registrar shall unless permitted otherwise by the Registrar General, reside within his jurisdiction and maintain an office at the outer door of which shall be displayed a signboard indicating his designation and hours of business.
6. As soon as may be possible and not later than 15 days after the solemnisation of marriage, the husband may and in compulsory registration area shall give or cause to be given a report about the marriage in Form No. I (in original and duplicate) to the Local Registrar in whose jurisdiction the marriage was solemnised. The report may be sent by registered post or delivered personally or through messenger. In case a marriage report is delivered personally or through messenger; the Local Registrar will give a receipt indicating the fact of his having received the report, The date on which the marriage report was received shall be indicated in the receipt as also in the Marriage report and attested by the initials of the Local Registrar.
7. The Local Registrar shall after verifying the entries in the marriage report referred to in Rule 6 for accuracy and completeness enter the various particulars in a Register in Form II and attest his signature in the space specified therefore. The entries relating to each marriage shall be given serial numbers consecutively with the first day of January and ending with the last day of December.
8. The Register referred to in rule 7 shall be a bound book the pages of which are machine numbered.
9. No correction of the entries in the Register shall be made without the concurrence of an "Inspecting Officer", changes in material particulars like name, age, date, etc., shall be done invariably only after obtaining the sanction of the Registrar General.
10. (1) The Local Registrar shall within a week after the close of each month detach the duplicates of the Marriage Reports received and registered by him and forward the same to the Registrar General:

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<sup>1</sup> \*Director of Panchayats is appointed as Registrar General of Marriage as per GOMS246/75, 247/75 LA &SWD dated 29.9.1975.

\*\* Executive Officers and Municipal Commissioners are appointed as Local Marriage Registrars in the areas concerned.

\* Substituted for one rupee by SRO. 123/86 published in Kerala Gazette No.3 dated 21.1.1986.

Provided that if it is directed by the Registrar General that the duplicate reports shall be forwarded through a specified authority the reports shall be forwarded through the authority so specified.

- (2) The originals of the marriage report received by the Local Registrar shall be filed by him as permanent record.
11. The Registrar General shall have all the duplicate marriage reports received from the Local Registrars scrutinised for accuracy and completeness and file them in his office as permanent record.
12. The Registrar General shall cause indexes of marriage reports received by him being prepared and maintained in his office. The index registers shall be in bound books the pages of which are machine numbered and may be kept open for inspection by any person who desires to do so during office hours.
13. Application for certified extracts for the Register shall fulfil the following conditions:
  - (i) Application for certified extracts of the Register shall fulfil the following conditions.
  - (ii) It shall contain the name of the parties to the marriage the name and address of the applicant and the place and date of the marriage;
  - (iii) Court fee stamps to the value of \*[Three Rupees] shall be affixed to it.<sup>2</sup>

\*[Note-Applicants who desire to get the extract of the Register in stamp paper shall also produce the required stamp paper for the purpose, before the Registrar.]

14. The Local Registrar shall prepare and grant the extract under his signature and seal in Form No. III:

Provided that if the Registrar General directs that the extract shall be countersigned by any authority duly specified by him before delivery to the applicant the Local Registrar shall comply with such direction.

15. (1) The Registrar General may authorise any Officer to be an "Inspecting Officer" for the purpose of the rules, and assign the jurisdiction of such Inspecting Officer, subject to approval of Government.
  - (2) Regular periodical inspection of the Registers and connected records kept by the Local Registrars shall be done by the Inspecting Officers in accordance with the instructions of the Registrar General.
  - (3) The Registrar General shall arrange for the printing and supply of forms and registers required for use by Local Registrars.

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\* Substituted for one rupee by SRO. 123/26 published in Kerala Gazette No. 3 dated 21.1.1986.



**KERALA STATE HINDU MARRIAGE RULES**

FORM No. II (See Rule 7)

Place marriage Taluk..... Date of marriage.....  
Town.....  
Village.....

Particulars	Husband	Wife
Name	Age A.B.	C.D.
Birth place (if available)		
Civil condition (at the time of marriage)		
	Unmarried/ Widower/ Divorcee	Unmarried/ Widow/ Divorcee

Occupation

Residence for

Name of father or guardian

We hereby declare that the particulars specified above are correct to the best of our knowledge.

Signature of husband.....

Signature of wife.....

If the wife is a minor, signature of legal guardian at the time of marriage

Two witnesses-

1. Name

Address

Signature

2. Name

Address

Signature

Registered as No.....

Date..... S/d of Local Registrar

**KERALA STATE HINDU MARRIAGE RULES**

FORM NO. III (See Rule 14)

**Certificate of Marriage**

Place of marriage ( ) Taluk.....  
( ) Town  
( ) Village Date of marriage.....

Particulars	Husband	Wife
Name	Age A.B.	C.D.
Birth Place		
Civil Condition		
Occupation		
Residence		
Name of father or guardian		

Witness-

1. Name

Address

Registered as No.....

Date of extract.....

2. Name

Address

Date.....

Number.....

Signature of Local Registrar.

**G.O.MS.246/LA&SWD., dated 29<sup>th</sup> September 1975**

**NOTIFICATION**

SRO.No. In exercise of the powers conferred by clause (b) of sub-section (1) of S.6 of the Births, Deaths and Marriages Registration Act, 1886 (Central Act 6 of 1886) read with sub-section (1) of S.31 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969), the Government of Kerala hereby make the following amendments to the Notification No.HL.5-22493/2/56/DD., dated the 1<sup>st</sup> November 1956, namely: -

**Amendments**

In the said Notification

- (i) for the words "Director of Public Health" the words "Director of Panchayat" shall be substituted.
- (ii) for the words "Registrar General of Births, Deaths and Marriages" the words "Registrar General of Marriages" shall be substituted.

Explanatory Note:- (This note is not a part of this Notification but is intended to indicate its general purport).

The Registration of Marriage in Kerala is performed under these enactments, viz. The Hindu Marriage Act, 1955 (Act 25 of 1955), the Special Marriage Act, 1954 (Act 43 of 1954) and the Christian Marriage Act, (Act No. XV of 1872). The Government now propose to appoint the Director of Panchayats who is also the Chief Registrar of Births and Deaths, as Registrar General of Marriage and to administer the above three enactments.

This notification is intended to achieve the above object.

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**G.O.MS.No.247/75/LA&SWD., dated 29<sup>th</sup> September 1975**

**NOTIFICATION**

SRO. No. In super session of the Notification No.47326/59/Home (E) Department, dated the 5<sup>th</sup> November 1960 published in Kerala Gazette Part I, dated 15<sup>th</sup> November 1960 the Government of Kerala hereby appoint the Director of Panchayats and Chief Registrar, Births and Deaths, Trivandrum, as the Registrar General of Marriages, for purpose of S.48 of Special Marriage Act, 1954 (Central Act 43 of 1954).

Explanatory Note:- (This note is not a part of this Notification but is intended to indicate its general purport).

By Notification No.47326/59/Home (E) Department, dated 5<sup>th</sup> November 1960 Government have appointed the Director of Health Services, as the Registrars General of Births, Deaths and Marriages for the purpose of S.48 of the Special Marriage Act, 1954 (Central Act 43 of 1954 out of which the work of Registration of Births and Deaths have been further entrusted to the Director of Panchayats, as per Notification I issued in G.O.MS.73/70/DD, dated 31<sup>st</sup> March 1970 of the Development (Panchayat Special) Department, by appointing Director of Panchayats as the Chief Registrar.

For the sake of administrative convenience, and to bring these three items of work which are inter-connected under the same agency, the Government now propose to appoint the Director of Panchayats who is the Chief Registrar of Births and Deaths, as the Registrar General of Births, Deaths and Marriage, also, for purposes of S.48 of the Special Marriage Act, 1954 (Central Act 43 of 1954) and to administer the three enactments now controlling the Registration of marriages vis. (1) The Hindu Marriages Act, 1955 (Act 25 of 1955), (2) The Special Marriage Act (Act 43 of 1954), and the Christian Marriage Act (Act XV of 1872).

This notification is intended to achieve the above object.

Sub: - The Kerala Hindu Marriage Registration of report forms-instructions issued.

As per G.O.MS.24675/LA&SWD., dated 29<sup>th</sup> September 1975 and G.O.MS.247/75/ LA &SWD dated 29<sup>th</sup> September 1975. Government have appointed the Director of Panchayats as the Registrar General of Marriages to administer the three enactments (viz. The Hindu Marriage Act. 1955, the Special Marriage Act, 1954, and the Christen Marriage Act) now controlling the Registration of Marriages.

The time limit of 15 days fixed under rule 6 of the Kerala Hindu Marriage Registration Rules. 1957 applies both to compulsory and non-compulsory area. As far as this State is concerned no area is declared as compulsory registration area under the said Rules. As long as the registration is not compulsory in non-compulsory area. fixing of a time limit is not in any way useful for any practical purposes. As the registration is intended for the purpose of facilitating the proof of marriages and of statistics, the application received beyond time limit can also be accepted. But the marriages solemnised before 20<sup>th</sup> May 1959, i.e., before the Kerala Marriage Registration Rules came into force need not be registered.

It has been noticed that certain Registrars are not maintaining the Marriage registers as laid down in the Kerala Hindu Marriage Registration Rules. This is dereliction of duty and will have to be viewed seriously. All concerned are requested to maintain the Marriage registers properly as laid down in the said rules.

Recently an instance has come to the notice of the Director of Panchayats/Registrar of Marriages to produce a particular report of a marriage before the court, could not be completed as the report was found missing. Ultimately the case before the court was dismissed for want of evidence regarding marriage. Form No.1 regarding the original report about the marriage is an important record and Rule 10(2) of the Kerala Hindu Marriage Registration Rules, 1957 insists that reports have to be filed as a permanent record. In spite of the seriousness given to the records, some of the Executive Officers/Registrars are not taking steps to keep these records properly which results in great hardship to the public. All these reports along with the Register for that year must be kept in a steel almirah. An indeed of these registers must also be kept by the Registrars. The Panchayats Inspectors and the District Panchayat Officers will see that these instructions are strictly complied with by the Executive Officers/Registrars of Panchayats.

Letter No.10362/75/DSH., dated 13<sup>th</sup> September 1975 of the Director of Health Services.

Sub:- Kerala Hindu Marriage Registration Rules, 1957-Duplicates of the marriage reports-Forwarding of-Regarding.

As per the Hindu Marriage Act, 1955 and the rules framed hereunder the Executive Officers of Panchayats and the Municipal Commissioners are the Local Marriage Registrars in the areas concerned. The Marriage Registrars were already made known to forward duplicate marriage reporting forms to this office, at the end of each month. Only a very few marriage registrars are forwarding it to this office promptly. This caused difficulties in understanding how far the facilities for the registration of marriage are utilised properly. The preparation of the report incorporating complete and accurate data on registration of marriages also becomes difficult.