



Extraordinary
Published by Authority

ASADHA 23]

WEDNESDAY, JULY 14, 2010

[SAKA 1932

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
JUDICIAL DEPARTMENT

The West Bengal Hindu Marriage Registration Rules, 2010.

CONTENTS

CHAPTER I
Preliminaries

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II
Hindu Marriage Registrar

3. Appointment of Hindu Marriage Registrar.
4. Jurisdiction of Hindu Marriage Registrar.
5. Office of Hindu Marriage Registrar.
6. Office seal and designation seal of Hindu Marriage Registrar.
7. Duties of Hindu Marriage Registrar.
8. Rights and entitlement of non-official Hindu Marriage Registrar.
9. Temporary closing of office of non-official Hindu Marriage Registrar.
10. Retirement, Resignation etc. of non-official Hindu Marriage Registrar.
11. Pending work and its disposal.

CHAPTER III
Registration of Marriage

12. Filing of application for registration of marriage.
13. Processing of application filed.
14. Manner of disposal of objections.
15. Registration of marriage.
16. Inclusion of photograph, address of parties etc. in Hindu Marriage Register and Certificate of registration of marriage.
17. Issue of Certificate of Marriage to parties.
18. Issue of Certified Copies of Certificate of registration of marriage etc.
19. Registration of marriage beyond regular working hours and outside office of Hindu Marriage Registrar.
20. Proof of age and residence of the parties and proof of divorce.

CHAPTER IV
Books and forms mentioned in Schedules

21. Hindu Marriage Register.
22. Use of Government printed Registers, Books, forms mentioned in Schedules etc.
23. Cash Book.
24. Size and form of other books etc., and manner of printing.

CHAPTER V
Fees and Deposit of Government Share

25. Receipt Book.
26. Fees.
27. State Government's share of fees and its deposition.

CHAPTER VI
Reports and Returns

28. Reports and returns.
29. Validity period of use of Hindu Marriage Register and its submission to Office of Registrar General.

CHAPTER VII
General Control

30. Control of Registrar General over Hindu Marriage Registrars..
31. Disposal of Public grievance petition by Registrar General.

CHAPTER VIII
Penalty

32. Misconduct and gross misconduct.
33. Penalties for misconduct or gross misconduct.
34. Procedure for penal action.
35. Restraining of works of non-official Hindu Marriage Registrar.
36. Appeal against order of Disciplinary Authority.

CHAPTER IX Miscellaneous

37. Corrections.
38. Preservation of records in Office of Registrar General.
39. Repeal and savings.

SCHEDULES

- | | |
|------------|--|
| SCHEDULE A | - Application for registration of marriage under the Hindu Marriage Act, 1955. |
| SCHEDULE B | - Forwarding Letter to Registrar General/District Registrar/Indian Mission |
| SCHEDULE C | - Hindu Marriage Register |
| SCHEDULE D | - Notice |
| SCHEDULE E | - Summons to Witness |
| SCHEDULE F | - Receipt Book |
| SCHEDULE G | - Cash Book |
| SCHEDULE H | - Forwarding Letter of Weekly Report |
| SCHEDULE I | - Monthly Statement of remittance of Government Share |
| SCHEDULE J | - Quarterly Report on solemnization or registration of marriages |
| SCHEDULE K | - Annual Report of registration of marriages (calendar year) |
| SCHEDULE L | - Annual Statement of remittance of Government Share (financial year) |
| SCHEDULE M | - Submission of documents to Office of Registrar General |
| SCHEDULE N | - Certificate belonging to the category of Below Poverty Line |
| SCHEDULE O | - Identity Card of non-official Hindu Marriage Registrar |

NOTIFICATION

No. 432-JL - 2nd July, 2010. - In exercise of the power conferred by section 8 of the Hindu Marriage Act, 1955 (25 of 1955) and in supersession of the notification No. 806-Regn., dated the 19th September, 1958, the Governor is pleased hereby to make the following rules, namely:-

Rules

CHAPTER I Preliminaries

1. **Short title, extent and commencement.** - (1) These rules may be called the West Bengal Hindu Marriage Registration Rules, 2010.

(2) These rules shall extend to the whole of the State of West Bengal.

(3) These rules shall come into force from such date as the State Government may, by notification, specify.

2. **Definitions.** - (1) In these rules, unless the context otherwise requires, -

(a) "Act" means the Hindu Marriage Act, 1955 (25 of 1955);

(b) "actual place" means complete postal address with the name of police station and postal code;

(c) "Appointing authority" means an officer not below the rank of Deputy Secretary to the Government of West Bengal, Judicial Department;

- (d) "Appellate Authority" means an officer not below the rank of Joint Secretary to the Government of West Bengal, Judicial Department;
- (e) "authentication" means authenticating by way of marking of page No. of any blank Book or Register by the Registrar General or by an officer authorised by him in this behalf by putting his dated signature and seal thereon before bringing the same for use by a Hindu Marriage Registrar;
- (f) "certified copy" means a copy made from the original and is certified to be a true copy of the original, by the Registrar General or an officer authorised in this behalf by him, or by any of the Hindu Marriage Registrars, as the case may be;
- (g) "Hindu Marriage Registrar" includes an *ex officio* Hindu Marriage Registrar and a non-official Hindu Marriage Registrar;
- (h) "notification" means notification published in *Official Gazette*;
- (i) "Party" means a husband or a wife;
- (j) "parties" mean husband and wife;
- (k) "Quarterly report" means a report to be submitted by the Hindu Marriage Registrar to the Registrar General for the period January to March, April to June, July to September and October to December of a year;
- (l) "Registrar General" means the Registrar General of Marriages, West Bengal, appointed by the State Government;
- (m) "Schedule" means a Schedule to these rules;
- (n) "section" means a section of the Act;
- (o) "State Government" means the Government of West Bengal in the Judicial Department;
- (p) "week" means a period of seven days starting from Sunday to next Saturday;
- (2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

CHAPTER II

Hindu Marriage Registrar

3. Appointment of Hindu Marriage Registrars. – (1) All *ex-officio* Marriage Officer appointed under the Special Marriage Act will act as *ex officio* Hindu Marriage Registrar by virtue of their substantive place of posting in respect of their jurisdiction from amongst its employees as also from the employees of the local self Government.

(2) The non-official Hindu Marriage Registrars shall, on the recommendation of the Registrar General, be appointed by the State Government from amongst the non-official Marriage Officers, appointed by the State Government under the Special Marriage Act, 1954 and the rules made thereunder, with satisfactory performance of at least one year having adequate knowledge of rites, rituals, customs, usage, ceremonies relation to a Hindu marriage and having ideas of prohibited and *Sapinda* relationship.

4. Jurisdiction of Hindu Marriage Registrar. – (1) Every Hindu Marriage Registrar shall have jurisdiction within the area for which he is appointed or authorised.

(2) No Hindu Marriage Registrar shall function beyond his jurisdiction.

Office of Hindu Marriage Registrar.— (1) The office of the *ex officio* Hindu Marriage Registrar shall be situated in the place wherefrom he is discharging his functions in office.

(2) The office of the non-official Hindu Marriage Registrar shall be situated within the same office wherefrom he functions as non-official Marriage Officer and the same shall not be changed without the approval of the Registrar General.

(3) No non-official Hindu Marriage Registrar shall open any branch office within or outside his jurisdiction or act through or by an agent.

(4) The non-official Hindu Marriage Registrar shall write his name, designation, jurisdiction, address, working days and working-hours in English, Bengali or in local language and shall prominently display the same in a conspicuous place outside his office.

(5) The working days of a non-official Hindu Marriage Registrar shall not be less than five days in a week.

(6) The working hours of a non-official Hindu Marriage Registrar shall be fixed by him subject to a condition that at least two consecutive working hours shall be within 10 a.m. to 5.30 p.m., every working day.

6. Office seal and designation seal of Hindu Marriage Registrar.— (1) Every non-official Hindu Marriage Registrar shall make North-South extended oval shaped office seal, duly approved by the Registrar General, depicting therein the words "Office of(name), Hindu Marriage Registrar appointed under Act 25 of 1955", with the national emblem set in the middle of the seal.

(2) Every non-official Hindu Marriage Registrar shall make a designation seal, depicting his full name, designation, jurisdiction by depicting the words ".....(jurisdiction) area" and actual place of office address with the mention of police station including the words "West Bengal, India" and shall affix the designation seal wherever he is required to sign as a Hindu Marriage Registrar under the Act and the rules made thereunder.

(3) Every non-official Hindu Marriage Registrar shall affix his office seal vertically in the Hindu Marriage Register at the time of registration of marriage and shall also affix his office seal, in the aforesaid manner, on the original copy of Certificate of registration of marriage, certified copy of the Certificate of registration of Marriage and on the certified copy of any other document which he is competent to issue under the Act and the rules made thereunder.

(4) Every *ex officio* Hindu Marriage Registrar shall make a round shaped office seal depicting the words "Office of *ex officio* Hindu Marriage Registrar under Act 25 of 1955", with the national emblem set in the middle of the seal.

(5) Every *ex officio* Hindu Marriage Registrar shall indicate his substantive status with office address in the designation seal followed by the words "*ex officio* Hindu Marriage Registrar for (jurisdiction)".

(6) Every *ex officio* Hindu Marriage Registrar shall affix the office seal in the Hindu Marriage Register at the time of registration of marriage and shall affix such seal with signature on the original copy of Certificate of registration of marriage, certified copy of the Certificate of registration of Marriage and on the certified copy of any other document which he is competent to issue under the Act and the rules made thereunder. He shall put his designation seal under his signature.

7. Duties of Hindu Marriage Registrars.— (1) Every non-official Hindu Marriage Registrar shall attend his office during the working hours and shall not remain absent from his office without any reasonable cause.

(2) A Hindu Marriage Registrar shall apprise himself with the provisions of the Hindu Marriage Act, 1955 and the rules made thereunder and the orders or directions of the State Government or the Registrar General for smooth functioning of his duties.

(3) A non-official Hindu Marriage Registrar shall furnish the following information to the Registrar General before commencing to act as non-official Hindu Marriage Registrar:-

- (a) date of commencement of work as non-official Hindu Marriage Registrar;
- (b) actual office address;
- (c) working day and weekly holidays;
- (d) working hours; and
- (e) contact number.

(4) A non-official Hindu Marriage Registrar shall submit his specimen signature and specimen of his office seal and designation seal to the Registrar General before commencing to act as non-official Hindu Marriage Registrar.

(5) A non-official Hindu Marriage Registrar shall function from only one office on which the office signboard will be prominently displayed and in which the Table of fees of registration of marriage and other services etc. shall be prominently displayed in a conspicuous place with a synopsis of the said Table of fees in Bengali version showing especially the total cost of marriage at his office and the total cost of marriage outside his office.

(6) A non-official Hindu Marriage Registrar shall take prior written approval of the Registrar General for shifting of office.

(7) A non-official Hindu Marriage Registrar shall not prepare his office or designation seal in violation of his official status.

(8) A non-official Hindu Marriage Registrar shall not use any letterhead paper or visiting card or circulate any handbill etc. or make any advertisement with inclusion of the words "Government of West Bengal" and the national emblem.

(9) A non-official Hindu Marriage Registrar shall arrange to procure Government approved registers/Books/forms and get them duly authenticated by the Registrar General prior to use of the same.

(10) A Hindu Marriage Registrar shall receive applications for registration by hand or by post.

(11) A Hindu Marriage Registrar shall enter the contents of the application received by him in the Application Register.

(12) A Hindu Marriage Registrar shall ensure necessary publication of the application in accordance with the provisions of these rules and shall ensure sending of copies of such application to the different addresses within the period specified in these rules.

(13) A Hindu Marriage Registrar shall ensure proper and timely submission of various reports return and statement to the Registrar General.

(14) A non-official Hindu Marriage Registrar shall ensure proper and timely deposit of Government share of fees collected by him and keep the Registrar General informed of it.

(15) A non-official Hindu Marriage Registrar shall ensure transmission of all Hindu Marriage Register along with related books, documents and records to the Registrar General within 15 days' of its completion.

(16) A non-official Hindu Marriage Registrar shall ensure safety and security of the papers relating registration of marriage kept in his office and the safety and security of marriage related papers carried him in transit to or from the Office of the Registrar General and other offices and while going to commissioning of registration of marriage outside his office.

(17) A non-official Hindu Marriage Registrar shall behave with the general public very cordially and politely and shall not do anything causing harassment to the public.

(18) A non-official Hindu Marriage Registrar shall co-operate with the Registrar General, or an officer or employee authorized by him, while making inspection of his office /records.

(19) If a non-official Hindu Marriage Registrar intends to resign, he shall give at least 30 days' notice to the State Government through the Registrar General.

(20) A non-official Hindu Marriage Registrar shall arrange to make the public aware of his retirement date by displaying notice kept in a conspicuous place of his office at least before 30 days before his retirement date.

(21) A non-official Hindu Marriage Registrar shall return his identity card, office seal, designation seal and other such papers or documents relating to his office within 7 days of his date of retirement to the Registrar General.

(22) A non-official Hindu Marriage Registrar shall dismantle and destroy his office sign board immediately on the day following the date of his retirement.

(23) A Hindu Marriage Registrar shall obey all instructions made by the State Government and the Registrar General.

(24) A Hindu Marriage Registrar shall, before signing the Hindu Marriage Register, satisfy himself that the parties are getting their marriage registered voluntarily and that there is no element of force, coercion, fraud or any other manipulation behind it and he shall ensure that the signature of the parties in the Hindu Marriage Register and the signatures appearing in the application in Schedule A and made in the same language and are identical. He shall ensure that the conditions of section 5 are complied with.

(25) The Hindu Marriage Registrar shall ensure that the Hindu Marriage Register is open at all reasonable times for inspection and arrange to issue certified extracts therefrom.

(26) An *ex officio* Hindu Marriage Registrar shall perform such duties as are required under the provisions of the Act and the rules made thereunder.

✓ **8. Rights and entitlement of non-official Hindu Marriage Registrars.** – (1) Every non-official Hindu Marriage Registrar shall be entitled to retain–

(a) for receiving objection and hearing of such objection, 100% of the fees;

(b) for all other purposes, 75% of the fees, collected by him under rule 26 as his share.

* (2) A non-official Hindu Marriage Registrar shall not be treated as an employee of the State Government and shall not be entitled to claim pension, gratuity or other retirement benefit from the State Government.

(3) The Registrar General shall issue identity card to the non-official Hindu Marriage Registrars in the format mentioned in Schedule O.

(4) A non-official Hindu Marriage Registrar shall have the right to issue certified copies of any document, original of which lies with him.

(5) A non-official Hindu Marriage Registrar may distribute handbill etc., or display banner or signboard, or make advertisement in the mass media relating to his profession with prior approval of the contents from the Registrar General.

(6) A non-official Hindu Marriage Registrar may issue notice to objector, parties and summon to witnesses and other persons for disposal of any objection received within objection period.

(7) A non-official Hindu Marriage Registrar may seek information relating to age and residential addresses of the parties from any *Gram Panchayat*, Municipal Authority or other authority, free of cost, for disposal of any objection.

9. Temporary closing of office of non-official Hindu Marriage Registrar. – (1) The Registrar General may, upon a written application made minimum of one week before the date of closing of office, grant permission to a non-official Hindu Marriage Registrar to close his office for a period not more than seven (7) days.

(2) If a non-official Hindu Marriage Registrar intends to close his office for a period exceeding seven (7) days, he shall obtain prior permission of the Registrar General by making a written application minimum of two weeks before the date of such closing of office and shall submit all pending notices, applications and other documents immediately to the Registrar General under proper receipt.

10. Retirement, Resignation etc. of Hindu Marriage Registrar. – (1) A non-official Hindu Marriage Registrar may resign from his post by giving at least one month's notice to the Registrar General.

(2) A non-official Hindu Marriage Registrar shall retire from his appointment as non-official Hindu Marriage Registrar on completion of sixty-five years of age irrespective of the fact whether such completion of age is within the part of a month. No notice shall be served on the non-official Hindu Marriage Registrar requiring him to retire.

(3) No Hindu Marriage Registrar shall function as a Hindu Marriage Registrar after retirement or resignation or removal or suspension or restraining from works, as the case may be.

(4) The retirement, resignation, removal, suspension or restraining from works, as the case may be, of an *ex officio* Hindu Marriage Registrar, shall not be governed by these rules.

11. Pending work and its disposal. – (1) A non-official Hindu Marriage Registrar shall send pending applications and other documents lying with him at the time of his resignation, retirement, removal, suspension or restraining of works, as the case may be, to the Registrar General or to such Hindu Marriage Registrar having jurisdiction as the Registrar General may direct.

(2) If a non-official Hindu Marriage Registrar dies, or becomes incapable to perform the duties of Hindu Marriage Registrar, or remains out of station for more than six months, the family members or legal representatives of such non-official Hindu Marriage Registrar shall send the applications, registers and other filled in Schedules and related documents to the Registrar General under proper receipt.

CHAPTER III Registration of Marriage

12. Filing of application for registration of marriage. – (1) The application for registration of marriage shall be given in Schedule A in triplicate (in quadruplicate if husband or wife at the time of filing application stays outside the jurisdiction of the Hindu Marriage Registrar to whom application for registration submitted with signature of both the parties to the registration of marriage provided one of the parties must reside for a period of not less than 30 days immediately preceding the date on which such application is given to the Hindu Marriage Registrar and such application may be presented to the Hindu Marriage Registrar at the place of marriage on commission basis on payment of the fees for such commissioning just after solemnization of the Hindu Marriage in accordance with Hindu religion and customary rites or in his office in person to both or either of the parties or sent by registered post along with seven sets of identical recent passport size joint photographs of husband and wife (eight sets if one of the parties to the registration of marriage resides outside the jurisdiction of the Hindu Marriage Registrar) duly signed by the husband and wife on the front side of the photographs and proof of age, residence (present and permanent) and marital status, if required of both the parties to the marriage and fees as specified in rule 26.

(2) The Hindu Marriage Registrar shall paste three sets of photographs on three copies of the application (four sets if one of the parties stays abroad) and one copy in the application register shall keep remain photographs with him and the extra copies shall be used during registration, if not barred by subsequent objection.

*Retirement
65 yrs*

Where the application is presented in person, either of the parties to the marriage shall pay the fee specified in rule 26 in cash to the Hindu Marriage Registrar against issue of appropriate receipt in Schedule and the Hindu Marriage Registrar shall take the signature of such party or parties present on both the original and carbon copies of the receipt.

(4) Where the application is sent by registered post, —

- (a) either of the parties to the marriage shall remit the fee as specified in rule 26, by money order to the Hindu Marriage Registrar at the remitter's expenses and the original receipt issued to the remitter by the post office through which such remittance is being made, shall be attached to such application; and
- (b) the Hindu Marriage Registrar shall record acknowledgment of the application in the authenticated Application Register subject to the conditions that the amount of the fees as per rule 26 is received by money order and after receiving such fees by money order, the Hindu Marriage Registrar shall deliver the receipt of the fees realised by him to the party concerned at a later stage whenever the remitter of the fee will contact the concerned Hindu Marriage Registrar and record the same with the noting 'received through money order' in the Receipt Book.

13. Processing of application filed.— (1) As soon as a Hindu Marriage Registrar receives the application and necessary documents along with the prescribed fee, he shall—

- (a) satisfy himself that the application is in conformity with the requirements of the Act and the rules made thereunder and shall ascertain police station or Block or Municipality or ward of the Corporation to which the party or parties belong to and check whether the present address and permanent address of the party or parties have been written with mention of the police station in the application form and whether it falls within his jurisdiction;
- (b) put distinctive serial numbers on the application, that will run annually and consecutively in ascending order starting with serial number one at the beginning of a calendar year with the calendar year as suffix and shall also enter the date of receipt on each of the applications and write the serial numbers and date of receipt followed by his signature and designation seal;
- (c) enter a copy of the application in the authenticated Application Register in Schedule A and shall keep such application register available for inspection, all reasonable time at his office, without fee, by any person desirous of inspecting the same;
- (d) send a copy of the application received by him within two working days of the receipt of such application to the Registrar General by registered post or by speed post or by any other means that ensures acknowledgement by the Registrar General office subject to the condition that the fees of the application as per rule 26 has been received by the Hindu Marriage Registrar;
- (e) publish one of the copies of the application in a conspicuous place in his office under his signature and seal for a period of seven days from the date of receipt of such application, for inviting objection; (the date of submission of such application shall be counted as day number one).
- (f) inscribe the words "Objections, if any, to the registration of this marriage, shall be preferred by the objector in writing to the Hindu Marriage Registrar within seven days from the date of its publication" and its Bengali version as approved by the Registrar General on the application by rubber stamp.

(2) Where either of the parties to the intended registration of marriage is residing outside the jurisdiction of the Hindu Marriage Registrar, he shall send one of the copies of the application within next two working days, duly signed and affixed with photograph as specified in sub-rule (1), to the District Registrar and *ex officio* Hindu Marriage Registrar of the District where such party resides, who shall cause such copy to be displayed at some conspicuous place in his office.

(3) Where either of the parties presently resides abroad the Hindu Marriage Registrar shall send a copy of the application along with a forwarding letter in Schedule B addressed to the Hindu Marriage Registrar of the Indian Mission within whose jurisdiction such party is residing within next two working days for publication thereof for probable objection:

Provided that the parties to the marriage shall bear the actual expenses, for postal transmission of the application along with Schedule B and for subsequent correspondence on the subject with the Hindu Marriage Registrar in the Mission abroad, if any.

(4) The Hindu Marriage Registrar shall preserve one copy of the application in his file until its submission to the Registrar General subsequently in accordance with the provisions of these rules.

14. Manner of disposal of objections and appeal, if any thereof.— (1) Where any objection to the registration of a marriage has been received and recorded by the Hindu Marriage Registrar, together with the fee prescribed in rule 26, the Hindu Marriage Registrar shall inform the Registrar General immediately and inquire into the objection and dispose of the objection within thirty days from the date of receipt of such objection in the following manner:—

- (a) the Hindu Marriage Registrar shall, at the time of recording the objection, ascertain from the objector whether he has any document on which he relies or any witness whom he intends to get examined in connection with his objection and if the objector expresses his intention to produce any document or to get examined any witness, the Hindu Marriage Registrar shall require the objector to produce such document or witness on the day fixed for hearing;
 - (b) the Hindu Marriage Registrar shall send notice of hearing mentioning place and time of hearing, by registered post in Schedule D to the objector and to the parties at the expenses of the objector;
 - (c) if the objector or the parties request that summons be issued to any witnesses the Hindu Marriage Registrar shall issue summons in Schedule E to the witnesses by registered post at the expenses of the objector or the parties, as the case may be, mentioning the place, date and time for appearance of the witnesses, on payment of actual expenses on account of travelling of the witness by the objector or the parties;
 - (d) the enquiry relating to the objection including examination of witnesses and documents shall be completed within thirty days from the date of receipt of objection;
 - (e) if field inspection is necessary for disposal of an objection the Hindu Marriage Registrar shall conduct field inspection provided the objector deposits fees for such field inspection. The Hindu Marriage Registrar shall issue to the objector a receipt of the fees so taken after taking his signature on the backside of the carbon copy of the receipt retained by the Hindu Marriage Registrar in Schedule F;
 - (f) if the documents are not produced and the witnesses do not appear before the Hindu Marriage Registrar within the specified period of 30 days from the date of publication the Hindu Marriage Registrar shall not wait further and shall give his decision without any further delay;
 - (g) the Hindu Marriage Registrar shall make a note of the fact of objection on the corresponding application of intended marriage published in his office and also on other copy of such application preserved in his file and also send an intimation to the Registrar General within next two working days in the same manner in which application is forwarded to the Registrar General;
 - (h) the Hindu Marriage Registrar shall send a copy of decision of the inquiry to the Registrar General within two working days of the disposal of such objection in the same manner in which application is forwarded to the Registrar General.
- (2) The burden of proof of the objection lies on the objector.

3) Any person aggrieved by an order of refusing to register a marriage may, within thirty days from the date of the order, prefer an appeal –

- (a) in the case of an order or refusal passed by any *ex officio* Hindu Marriage Registrar below the rank of a District Registrar appointed under the Registration Act, 1908, to the District Registrar for the area appointed under the said Act; and
- (b) in any other case, to the Registrar General of Marriages, West Bengal.

(4) After such enquiry as he thinks fit and proper, the appellate authority shall, by order, –

- (a) if he is satisfied about the identity of the parties to the marriage and the fact of marriage, direct the concerned Hindu Marriage Registrar that the marriage be registered; and
- (b) if he is not satisfied about the identity of the parties to the marriage and the fact of marriage, dismiss the appeal.

(5) On receipt of the order of the appellate authority referred to in sub-rule (4), the concerned Hindu Marriage Registrar shall register or not register the marriage.

(6) The order of the appellate authority under sub-rule (4), shall be final.

15. Registration of marriage. – (1) If there is any objection, the Hindu Marriage Registrar shall dispose of the objection in terms of rule 14.

(2) If there is no objection, the Hindu Marriage Registrar (after expiry of the objection period of seven days and within the validity period of the application i.e. within six calendar months from the date of receipt of the application, within one year in case of either of the parties reside abroad) shall –

- (a) obtain photocopies (verified with original) of documents such as proof of age, residence, death certificate of deceased spouse of any party, or decree of nullity of marriage or divorce of any party from the parties; and
- (b) register the marriage on fulfilment of the provision of these rules.

(3) The Hindu Marriage Registrar shall ensure that the parties to the registration of the marriage and three witnesses write their full names, complete postal address and put signature in full along with their Left Thumb Impressions (LTI) to be attested by the Hindu Marriage Registrar, in the Hindu Marriage Register. The Hindu Marriage Registrar shall put his dated signature and give designation and office seal in the Hindu Marriage Register. If any party or witness cannot sign, he shall put RTI (Right Thumb Impression) instead of putting signature. The Hindu Marriage Registrar shall attest such thumb impressions. The Hindu Marriage Registrar shall ensure that nobody signs in block capital in the Hindu Marriage Register and the column relating to Schedule of offspring shall be filled up on the basis of documentary evidences.

(4) The Hindu Marriage Registrar shall paste one passport sized joint photograph of the parties self-signed by both and put his signature and designation seal on the photograph in such a manner that the photograph pasted on the top of a particular page of the Hindu Marriage Register as maintained in the format mentioned in Schedule C contains part of the signature and designation seal of the Hindu Marriage Registrar and residual part of the same is on the concerned page of the Hindu Marriage Register.

(5) The Hindu Marriage Registrar shall enter the consecutive year wise application serial number and certificate serial number in the left margin of the certificate in Schedule C.

(6) The actual place and actual time of the registration of the marriage shall be entered in the top left of the Certificate of registration in the Hindu Marriage Register maintained in the format mentioned in Schedule C. The Hindu Marriage Registrar shall ensure all the relevant columns of the Hindu Marriage Register are correctly filled in and no relevant column shall be kept blank and no page of the Hindu Marriage Register shall be kept unused between two consecutive registrations.

(7) The Hindu Marriage Registrar shall include the names of the children born out of this marriage on the basis of documentary evidences.

16. Inclusion of photograph, address of parties etc. in Hindu Marriage Register. – The Hindu Marriage Registrar shall ensure that present residential addresses with police station and postal code are written in the authorized Hindu Marriage Register. The complete postal address of each of the parties and three witnesses shall be mentioned after name of each of the parties and witnesses. One passport sized joint photograph self-signed by both shall be pasted in the top right side of the Hindu Marriage Register.

17. Issue of Certificate of registration of Marriage to the parties. – The Hindu Marriage Registrar shall, after the completion of formalities of the registration of marriage, issue to each of the parties to the registration of marriage, one identical original Certificate of marriage in Hindu Marriage Register in Schedule C and shall obtain the signature of both the parties on the backside of the carbon copy of the concerned page of the receipt book as a proof of handing over of the certificate to both the parties.

18. Issue of Certified Copies of Certificate of registration of Marriage etc. to the parties and others. – (1) The Hindu Marriage Registrar or the Registrar General, in whose custody the concern Hindu Marriage Register lies, shall issue certified copy of registration of marriage to any person who applies for such certified copy with requisite fee as per rule 26.

(2) Every Hindu Marriage Registrar shall ensure that a certified copy of the entries of the Hindu Marriage Register contains all particulars including, the page number of the Hindu Marriage Register, the distinctive application serial number the distinctive registration serial number, and the date of registration and the actual place and actual time of registration of the marriage in the same get up in which the original certificate was written. Photograph of parties to the registration of marriage need not be pasted in certified copies.

(3) A Hindu Marriage Registrar shall send true copy/copies of the particulars of registration of marriage and the entries made in the Hindu Marriage Register, to the Registrar General along with a weekly report for a particular week in Schedule C and Schedule H respectively within next two working days, in the same manner in which applications are sent to the Registrar General office. If no marriage is registered by a Hindu Marriage Registrar during a week, a nil report in Schedule H shall be sent to the Registrar General.

(4) The Hindu Marriage Registrar or the Registrar General shall issue certified copies of application, entries made in the Hindu Marriage Register, or other documents relating to registration of a marriage to any person who applies for such certified copy with requisite fee as per rule 26 if original records of such documents lie in his office.

19. Registration of marriage beyond regular working hours and outside office of Hindu Marriage Registrar. – A Hindu Marriage Registrar may, on application by both the parties to the marriage, register a marriage at any time beyond his regular working-hours and outside of his office within his jurisdiction upon receipt of such fees as mentioned in rule 26.

20. Proof of age and residence of the parties and proof of Divorce. – (1) A Hindu Marriage Registrar shall require from the parties their birth certificates, Board or Council or *Madrasah* Certificates or School Leaving Certificates, in order of priority as proof of their age. If any of the parties to the marriage fails to produce such documents, the Hindu Marriage Registrar shall require their Voters' Identity Cards, Permanent Account Number (PAN) Cards or any other document as proof of their age.

(2) The Hindu Marriage Registrar shall, for the purpose of the proof of residence of any of the parties to the marriage, require the Voter's Identity Card, Ration Card, Driving Licence, Passport or Electricity Bill.

(3) If any of the parties to the marriage fails to produce any of the documents mentioned in sub-rule (1) and sub-rule (2), the Hindu Marriage Registrar shall require such party to submit affidavit to be affirmed by their parents, or in the absence of the parents, by their guardian, showing their date of birth and residential address.

Where either or both of the parties to the registration of marriage has been a divorcee, the Hindu Marriage Registrar shall, before registration of the marriage, satisfy himself that such party was eligible to marry and shall, for the purpose, require the party to produce certified copy of the decree of divorce of Civil Court.

CHAPTER IV Books and Forms

21. Hindu Marriage Register. – (1) The Hindu Marriage Register containing Certificates of registration of marriages shall be printed on *azure laid* or conquest paper and shall be in form a binding with machine printed 100 running serial numbers in ascending order relevant for a particular Hindu Marriage Register and such Hindu Marriage Register shall be authenticated.

(2) Every Certificate of registration of marriage entered in the Hindu Marriage Register during each calendar year shall be consecutively numbered in running serial starting from one. The Hindu Marriage Registrar shall write the distinctive serial number and date of the application with the calendar year as the suffix at the left margin of the page.

(3) In the certified copy of the Hindu Marriage Register, the Hindu Marriage Registrar shall write all the above-mentioned in sub-rule (2) along with the page number of the Hindu Marriage Register in left margin of the certified copy in Schedule C.

(4) Every Hindu Marriage Registrar shall ensure that the entries in Hindu Marriage Register are made strictly according to the chronological order of dates on which the parties along with witnesses turn up for registration of marriage.

(5) Once the Hindu Marriage Register is filled up and signed by the parties to the registration of marriage and the three witnesses, the Hindu Marriage Registrar shall have no authority to strike out or cancel any such entry in the Hindu Marriage Register:

Provided that the Hindu Marriage Registrar may make necessary correction in the Hindu Marriage Register in terms of rule 37.

Provided further that the Hindu Marriage Registrar may use a separate page if he detects any material error before signing the Hindu Marriage Register.

22. Use of Government printed registers, books, forms etc. – (1) The Hindu Marriage Registrars shall use Government supplied and authenticated Application Register, Receipt Book, Hindu Marriage Register, Cash Book and Schedules.

(2) The Registrar General or any other officer authorised in this behalf, shall super scribe on the first page of the Application Register, Receipt Book, Hindu Marriage Register and Cash Book the following words:—

- (a) Certified this Book/register contains 100 pages serially machine numbered from page No.
..... to..... and this is for use of Sri/Smt.
Hindu Marriage Registrar for.....(area of jurisdiction); or
- (b) Sri/Smt Hindu
Marriage Registrar for (area of jurisdiction) is directed to record the
page numbering of this book/register from page No. to
consecutively in machine numbered form and he/she is authorised thereafter to use this book/
register.

(2) The authentication and page numbering shall not be necessary for Government supplied forms mentioned in the Schedules. Such forms shall be in Anglo-Bengali version. The Hindu Marriage Registrar shall fill up either of Bengali-version or English-version as per choice of the parties.

(3) The Registrar General shall maintain records of the details of authentication of the Application Register, Receipt Book, Hindu Marriage Register and Cash Book in respect of all non-official Hindu Marriage Registrars.

(4) The Application Register, Receipt Book, Hindu Marriage Register and Cash Book supplied to the *ex officio* Hindu Marriage Registrars need not be authenticated.

(5) The Registrar General shall supply reasonable numbers of Books, Registers and forms mentioned in Schedules to the non-official Hindu Marriage Registrars on payment of such amount of money as fixed by the State Government from time to time. Such Books, Registers and forms shall be supplied free of cost to the *ex officio* Hindu Marriage Registrars by the Registrar General.

(6) If Government printed Books, Registers and forms mentioned in Schedules are not available, the Registrar General may, by order in writing, allow to the Hindu Marriage Registrar to procure or to print at his own cost the required Books, Registers and such forms in conformity with the size, format and contents of Government supplied Books, Registers and such forms. Such Books, Registers and forms shall, before use, be authenticated by the Registrar General.

23. Cash Book.— (1) Every Hindu Marriage Registrar shall maintain a Cash Book as given in Schedule G. The Cash Book shall be in bound volume of 100 pages (left and right side bearing the same number will constitute a page) and shall be authenticated before use. The Cash Book shall be maintained day wise. All fees received under these rules shall be brought into account in the Cash Book every day by mentioning therein the date, the receipt number and particulars of transaction and the Hindu Marriage Registrar shall, after closing the day's balance and verifying the same, sign the Cash Book as a token of certifying the correctness of collection of the day's total receipt of fees and payment of the proportionate share to the Government and to himself.

(2) The Cash Book shall be of single entry nature and the closing balance of the Cash Book shall be accurately computed and written in ink pen or ball pen both in figures and in words.

24. Size and form of other books etc., and manner of printing – All Books, Registers and forms mentioned in Schedules, apart from the Receipt Book, shall be of 33cm x 21 cm size and the Receipt Book shall be of 17cm X 14 cm and in *azure laid* papers.

CHAPTER V

Fees and deposit of Government Share

25. Receipt Book.— (1) Every non-official Hindu Marriage Registrar shall use Receipt Book as given in Schedule F, for the purpose of acknowledging receipt of fees from a party or other person. The Receipt Book shall be in bound volume of 200 pages bearing 100 running serial numbers each in duplicate. The Receipt Book shall be used strictly in the ascending order with no unused pages in between two consecutive serial numbers.

(2) Every Hindu Marriage Registrar shall issue receipt against payment of fees and the party/parties present before the Hindu Marriage Registrar or the concerned person making payment (in case of certified copy) shall put their signatures on both the original and duplicate copy of the receipt. The Hindu Marriage Registrar shall use carbon paper on both sides or double carbon papers in such a manner that the backside of the original receipt will get an identical impression of its front side. The original receipt shall be provided to such party/parties present before the Hindu Marriage Registrar or the concerned person making payment (in case of certified copy) and the Hindu Marriage Registrar shall retain the carbon copy.

(3) No Hindu Marriage Registrar shall use more than one Receipt Book at a time.

Fees. – (1) The fees for various services in connection with the registration of a marriage and other fees shall be, as detailed below:–

| Table of Fees | | |
|---------------|--|--|
| Sl. No. | Particulars | Amount of fees |
| (i) | For receiving an application of registration of marriage at office of the Hindu Marriage Registrar | Rs.100 (One hundred); |
| (ii) | For receiving application of registration of Marriage outside office of the Hindu Marriage Registrar at a place chosen by parties (within the jurisdiction of the Hindu Marriage Registrar) | Rs. 200 (Two hundred); |
| (iii) | For receiving an objection at the office of the Hindu Marriage Registrar (to be paid by the objector) | Rs. 50 (fifty); |
| (iv) | For holding inquiry into an objection (to be paid by the objector and the whole of fees so realized shall be retained by the Hindu Marriage Registrar without any payment to the State Government) | Rs.300 (three hundred); |
| (v) | For registration of a marriage including issue of two copies of original certificate to both of the parties | Rs. 400 (four hundred); |
| (vi) | For registration of marriage at any time outside the office hours. | Rs.200 (two hundred); |
| (vii) | For registration of a marriage in any place outside the office of a Hindu Marriage Registrar but within his jurisdiction in addition to fee specified in serial No. (iv). | Rs.400 (four hundred); |
| (viii) | For certified copy of entries in– | Rs.100 (one hundred) per copy; |
| | (a) Application Register; or | |
| | (b) Hindu Marriage Register; or | |
| | (c) other marriage related records as per the Act and the rules. | |
| (ix) | for inspection of one original entry of any specific record or register– | |
| | (a) in case of record or register being less than one year old; | Rs 100 (one hundred) per entry maximum of Rs.500 (five hundred) per register, |
| | (b) in case of record or register being one year or more old but less than five years' old, | Rs 200 (two hundred) per entry maximum of Rs.1000 (one thousand) per register, |
| | (c) in case of record or register being more than five years' old, | Rs. 400 (four hundred) per entry maximum of Rs.2000 (two thousand) per register; |
| (x) | for searching of record or register– | |
| | (a) in case of record or register being less than one year old; | Rs. 500 per person per day; |
| | (b) in case of record or register being one year or more old but less than five years' old, | Rs.1000 per person per day; |
| | (c) in case of record or register being more than five years' old, | Rs. 2000 per person per day; |

Note.– The expression “per day” means the period between 11.30 a.m. to 4.30 p.m.

- | | | |
|-------|---|--|
| (xi) | for correction of any document | Rs.100 (one hundred) per error subject to maximum of Rs .200 (two hundred) per document; |
| (xii) | for authentication or verification by the Registrar General of the genuineness of original certificate or certified copies of certificates or of any entry of any record or register under these rules. | Rs. 1000 (one thousand only) per record. |

(2) A non-official Hindu Marriage Registrar shall retain 100% of the fees mentioned in serial Nos. (iii) and (iv) of Table of Fees to sub-rule (1) for receiving objection and holding inquiry into an objection and 75% of all other fees mentioned in other serial Nos. of the said Table of Fees, as his remuneration. The balance amount of the fees shall be credited by such non-official Marriage Officer to the State Government under the Head of accounts mentioned in rule 27.

(3) The whole of the fees realized by an *ex officio* Marriage Officer and the Registrar General shall be credited to the State Government under the Head of accounts mentioned in rule 27.

(4) The amount of fees mentioned in Table of Fees to sub-rule (1) of rule 26, shall be reduced to half of the said amount of fees, if either of the parties to the marriage belongs to the Below Poverty Line (BPL) category and a Certificate in Schedule N of the Secretary of the *Gram Panchayat*, or the Executive Officer of a Municipality, or the Executive Engineer of the concerned Borough of a Corporation, where such party to the marriage resides, has been submitted to the Hindu Marriage Registrar at the time of submission of application.

27. State Government's share of fees and its deposition.— (1) Every Non-official Hindu Marriage Registrar, on or before the 7th day of the next month, deposit the Government share of 25% of all fees mentioned in serial Nos. (i), (ii), (v), (vi), (vii), (viii), (ix), (x) and (xi) of Table of Fees to sub-rule (1) of rule 26, collected in the previous month with the Reserve Bank of India, Kolkata, or other Treasury linked banks branches in the Kolkata or districts or sub-divisions, as the case may be, by challan in T.R. Form No. 7, under the Head of account "0070-60-108-Marriage fees-001-collection under Marriage Act-12- registration Fees", in case the total amount of fees collected by the Hindu Marriage Registrar exceeds Rs. 5000:

Provided that if the total amount of fees collected by a Hindu Marriage Registrar does not exceed Rs. 5,000 during three calendar months, the Hindu Marriage Registrar shall, on or before the 7th day immediately after expiry of said three calendar months, deposit 25% of total amount of fees of Government share.

Provided further that if the total amount of Government share during the previous three calendar months is nil, the Hindu Marriage Registrar shall, on or before the 7th day immediately after expiry of the said three calendar months, send a 'Nil' report to the Office of the Registrar General.

(2) Every *ex officio* Marriage Officer shall, immediately after collection of fees as mentioned in rule 26, deposit the same with the State Government under the Head of account mentioned in sub-rule (1) and shall maintain a Cash Book.

(3) The Registrar General shall have the right to obtain verification of particulars of such deposit free of cost from the Reserve Bank India or treasury or sub-treasury for the purpose of reconciliation of the amount deposited and remitted through Treasury as the State Government share of fees.

CHAPTER VI Report and Return

28. Reports and returns.— (1) Every Hindu Marriage Registrar shall send to the Registrar General the following reports and returns in the manner provided in rule 13(1) (d):—

- (a) one of the applications received and duly processed shall be sent within two working days of its receipt;

- (b) weekly-report of registration of marriages, certified copies of the entries in the Hindu Marriage Registers together with a forwarding letter in the form mentioned in Schedule H by next two working days or on the following day, if that day is a holiday;
- (c) original copy of challan in T.R Form No. 7 of the Reserve Bank India or the treasury/sub-treasury, in respect of every remittance of the State Government's share of fees, in the manner specified in rule 27, deposited with the Reserve Bank of India/Treasury linked banks within the 10th of the following month, the next working day if the 10th is a holiday in Schedule I;
- (d) quarterly statement in Schedule J in respect of marriages registered under the Act, by 15th of April or July or October or January, for the first or second or third or fourth Quarterly Report, respectively, of a calendar year, the next working day if the 15th is a holiday;
- (e) an annual physical statement in Schedule K of marriages for the previous calendar year within 31st January of the current calendar year, the next working day, if the 31st January is a holiday;
- (f) an annual financial statement of registration of marriages for the previous financial year in Schedule L within 30th April of the current financial year the next working day, if the 30th April is a holiday.

(2) While submitting exhausted Hindu Marriage Register or other records, the Hindu Marriage Registrar shall submit a forwarding letter in the form in Schedule M, in duplicate one of which will be kept at the office of the Registrar General and the other will be handed over to him after duly received.

(3) Every Hindu Marriage Registrar shall, on the instruction of the Registrar General or the State Government, send such other reports, returns and statements as mentioned in such instruction, from time to time.

29. Validity period of use of Hindu Marriage Register and their submission to Office of Registrar General.—(1) When Hindu Marriage Register is completed or exhausted as a result of registration of marriages, a non-official Hindu Marriage Registrar shall submit the same with the usual index in Schedule M attached, along with the connected Applications, exhausted Receipt Books and Cash Books, and other connected papers and documents, if any, within fifteen days from the date completion of such Hindu Marriage Register to the Registrar General.

(2) Where a Hindu Marriage Register is not exhausted within three years of bringing the same under use, the non-official Hindu Marriage Registrar shall submit the same to the Registrar General for revalidation of continuing it to use the same for another one year. The non-official Hindu Marriage Registrar shall not, without obtaining such revalidation from the Registrar General, again use such Hindu Marriage Register. Such Hindu Marriage Register shall be submitted to the Registrar General after expiry of the period of such revalidation even if the same does not exhaust.

(3) The *ex officio* Hindu Marriage Registrar shall use and maintain such Hindu Marriage Register as per their departmental guidelines and preserve these records in their own offices.

(4) If any Hindu Marriage Registrar is required to submit any record of marriage or any other document in connection with marriage to any court of law or any other statutory authority, he shall forthwith intimate such fact to the Registrar General. In such case, particular page of a Register or Book shall not be detached and submitted to such court or authority.

Chapter VII General Control

30. Control of Registrar General over Hindu Marriage Registrars.—(1) The power of supervision of the working of the Hindu Marriage Registrars shall be vested in the Registrar General and the Registrar General shall be the controlling authority of all Hindu Marriage Registrars.

(2) All Hindu Marriage Registrars shall comply with all orders, directions and instructions given by the Registrar General or by the State Government communicated through the Registrar General.

(3) The Registrar General or any official authorized by the Registrar General may inspect the office of any Hindu Marriage Registrar and may ask for the production of any records from such Hindu Marriage Registrar.

(4) The Registrar General may direct any Hindu Marriage Registrar to submit any Hindu Marriage Register, Receipt Book, Cash Book, Application Register or other related documents even if such Book, Registers and documents are not exhausted.

(5) The Registrar General or any official authorized by the Registrar General may seize any Hindu Marriage Register, Receipt Book, Cash Book, Application Register or other documents in public interest from the office of any Hindu Marriage Registrar under proper receipt.

(6) The Registrar General may, after recording the reasons in writing, exercise the same powers of a Hindu Marriage Registrar throughout the State of West Bengal, in the interest of public and in such case, the provisions of the Act and the rules made thereunder shall, *mutatis mutandis*, apply.

(7) The Registrar General may—

(a) report to the police against a Hindu Marriage Registrar on reasonable suspicion based on *prima facie* documentary evidences for establishing commission of an offence of forgery of documents relating to registration of marriage or defalcation of share of the State Government;

(b) refer any record and document to different wings of the State Government including the State Forensic Science Laboratory for verification of genuineness of any document.

31. Disposal of Public grievance petition by Registrar General.— In cases where the Registrar General or any officer duly authorized by the Registrar General would feel it necessary to contact such civil offices of the Government of West Bengal or police stations as would be felt necessary to complete the enquiry into the public grievance or misconduct or gross misconduct to unearth the truth, such civil and police official shall render all necessary and lawful assistance to the Registrar General or any officer duly authorized by the Registrar General in the matter.

CHAPETR VIII

Penalty and Appeal against order of Disciplinary Authority

32. Misconduct and Gross Misconduct.— (1) If any Hindu Marriage Registrar,—

- (a) starts functioning as non-official Hindu Marriage Registrar without display of his office signboard or without submitting information to the Registrar General as required under sub-rule (3) of rule 5; or
- (b) does not display the Table of fees in a conspicuous place in his office as required under sub-rule (4) of rule 5; or
- (c) does not send the weekly report, quarterly report, annual report and other reports or returns to the Registrar General properly and timely; or
- (d) does not open office during office time or does not remain present at his office without sufficient reason or violates sub-rule (3) of rule 7; or
- (e) opens any branch office or works through an agent in violation of sub-rule (3) of rule 5; or
- (f) changes office without approval of the Registrar General or the State Government; or
- (g) uses unauthenticated application Register, Receipt Book, Cash Book and Hindu Marriage Register; or

- (h) uses forms mentioned in Schedules not procured from the State Government or without approval of the Registrar General; or
 - (i) keeps any page of the authenticated Hindu Marriage Register or Receipt Book blank and/or uses the pages of such Books at random or without maintaining sequence of time or date; or
 - (j) uses more than one Application Register or Receipt Book or Cash Book or Hindu Marriage Register authenticated or unauthenticated simultaneously; or
 - (k) violates the provisions of these rules relating to deposition of Government share of fees; or
 - (l) receives fees from party/parties without its entry in the authenticated Receipt Book on that day; or
 - (m) charges more fees than the fees mentioned in rule 26; or
 - (n) does not report to the Registrar General for transfer of pending applications and papers and documents, in violation of rule 9; or
 - (o) displays his office signboard in violation of official instruction, prepares his designation seal in violation of his competence and prepares his office seals in violation of his official status or uses any letterhead paper to that effect or causes any advertisement or publicity in any manner not permitted under these rules; or
 - (p) does not comply with any orders/directions of the State Government or the Registrar General, such Hindu Marriage Registrar shall commit a misconduct under the provisions of this rule.
- (2) If any Hindu Marriage Registrar –
- (a) receives application from parties beyond jurisdiction; or
 - (b) does not send copy of the application to the Registrar General / District Registrar or the Indian Mission wherever applicable as per Act and rules within two working days; or
 - (c) does not display the application on his office notice board as per the provisions of these rules; or
 - (d) does not maintain the application register properly; or
 - (e) does not show the contents of application register to any person desirous of having such information; or
 - (f) does not entertain or dispose any objection submitted before him as per Act and Rules; or
 - (g) makes registration of a marriage without disposal of the objection; or
 - (h) makes registration of a marriage within the objection period and beyond the validity period of the application and in violation of the provisions of the Rules; or
 - (i) enters wrong or false or incomplete marriage registration related particulars in the Hindu Marriage Register; or
 - (j) does not ensure that the party/parties who signed the application signs the Hindu Marriage Register in the same language and marks Left Thumb Impression (LTI) thereon; or
 - (k) does not paste photograph of the parties as per rules; or
 - (l) issues fake certificate of registration of marriage or fake certified copy of registration of marriage to any person; or
 - (m) issues certified copy of registration of marriage before entry in the Hindu Marriage Register; or
 - (n) fails or omits or neglects to preserve the marriage registration related Books, Registers or documents in legible condition till those are submitted to the Office of the Registrar General; or

- (o) wilfully destructs or causes destruction of records relating to registration of marriage;
- (p) does not issue proper receipt taking permissible fees or charges more fees than permitted under rule 26; or
- (q) violates the provisions of rule 27; or
- (r) violates any specific instruction of the State Government or the Registrar General; or
- (s) has been convicted for an offence involving moral turpitude by any court; or
- (t) does not submit the exhausted or completed Hindu Marriage Register along with other registration related Books or documents to the Office of Registrar General within time as per these rules; or
- (u) repeatedly causes misconduct as specified in sub-rule (1), such Hindu Marriage Registrar shall commit a gross misconduct under the provisions of this rule.

33. Penalty for misconduct or gross misconduct. – (1) A non-official Hindu Marriage Registrar, who has committed misconduct specified in the sub-rule (1) of rule 32, shall be liable to any of the following penalties:—

- (a) caution; or
- (b) censor; or
- (c) suspension of works upto one year.

(2) A non-official Hindu Marriage Registrar who has committed gross misconduct specified in the sub-rule (2) of rule 32, shall be liable to any of the following penalties:—

- (a) suspension of works upto two years; or
- (b) removal.

(3) Where any Marriage Officer is restrained from functioning as Marriage Officer under the Special Marriage Act, 1954, his appointment as Hindu Marriage Registrar under these rules, shall automatically be terminated.

(4) The penalties under this rule shall be imposed by the appointing authority. The appointing authority shall be the Disciplinary Authority.

(5) No penalty shall be imposed to an *ex officio* Hindu Marriage Registrar in accordance with the provisions of these rules as such an *ex officio* Hindu Marriage Registrar is a Government employee and accordingly, any kind of misconduct relating to registration of marriages shall be governed by the West Bengal Service Rules etc.

34. Procedure for penal action.— (1) No penalty as specified in rule 33, shall be imposed on a non-official Hindu Marriage Registrar without giving him an opportunity of being heard in a proceeding to be initiated by the Disciplinary Authority.

(2) The Registrar General may, on receiving a complaint or *suo motu*, if he has any reason to believe that a non-official Hindu Marriage Registrar has *prima facie* committed a misconduct or gross misconduct under rule 32, direct the said non-official Hindu Marriage Registrar to show cause within a period specified in that order.

(3) If the said non-official Hindu Marriage Registrar fails to show the cause within the specified period in spite of proper service of the order, or has made a reply, which is not satisfactory to the Registrar General, the Registrar General may refer the matter to the Disciplinary Authority for initiating disciplinary proceedings.

(4) The Disciplinary Authority may, after giving the Hindu Marriage Registrar an opportunity of being heard, frame article of charges along with statement of imputations against such non-official Hindu Marriage Registrar.

(5) The Disciplinary Authority shall serve the Charge sheet containing article of charges through the Registrar General upon the Hindu Marriage Registrar and shall require the Hindu Marriage Registrar to submit to the Disciplinary Authority within such time, as may be specified in that order, a written statement of his defence.

(6) Upon receiving the reply to the Charge sheet, the Disciplinary Authority may hold an enquiry by appointing an Inquiring Authority and a Presenting Officer.

(7) The Inquiring Authority shall submit report findings to the Disciplinary Authority.

(8) Upon receiving report of the Inquiring Authority, the Disciplinary Authority may, for reasons to be recorded in writing, impose penalty as specified in rule 33 against the non-official Hindu Marriage Registrar.

(9) The Disciplinary Authority may, by order, suspend a non-official Hindu Marriage Registrar pending Departmental Proceeding and this suspension order shall not be treated as suspension order by way of penalty imposed through a Departmental Proceeding in accordance with the provisions of rule 34 read with rule 32.

Explanation.— For the purpose of this rule, the expression "Inquiring Authority" shall mean an officer not below the rank of the Deputy Secretary to the Government Of West Bengal, appointed by the Disciplinary Authority for the purpose of enquiry and the expression "Presenting Officer" shall mean an employee appointed by the Disciplinary Authority for the purpose of presenting the documents in connection with such enquiry.

35. Restraining of works of non-official Hindu Marriage Registrar.— (1) Notwithstanding anything contained in rule 32, when the Registrar General receives credible information that a non-official Hindu Marriage Registrar has committed Misconduct or Gross Misconduct or the Registrar General has reason to believe that such Hindu Marriage Registrar has been committing Misconduct or Gross Misconduct which are detrimental to public interest, particularly the interest of women, minor and other vulnerable sections of the society, and there is urgent need to stop such illegal activities of the non-official Hindu Marriage Registrar, the Registrar General may by Order direct the non-official Hindu Marriage Registrar to stop work immediately up to a period of six months which may be extended up to one year for reasons to be recorded in writing by the Registrar General and shall report the matter to the State Government and shall also take necessary steps for initiating departmental proceedings against the non-official Hindu Marriage Registrars.

(2) Upon receipt of the report from the Registrar General the State Government may, by order, suspend the Hindu Marriage Registrar:

Provided that the Order directing stop of work under sub-rule (1) in public interest or the suspension Order in contemplation of Departmental Proceedings shall not be construed as penalty.

36. Appeal against order of Disciplinary Authority.— A non-official Hindu Marriage Registrar may prefer appeal before the Appellate Authority against an order of the Disciplinary Authority imposing penalty against him within a period of ninety days from the date of said order.

CHAPTER IX Miscellaneous

37. Corrections.— (1) The correction of errors in the Hindu Marriage Register and other connected documents by the Hindu Marriage Registrar, shall, on the application of either of the parties to the registration of marriage and on payment of such fees as specified in rule 26, be made in the manner as laid down in sub-rule (2).

(2) While making correction of any inadvertent error in any record, use of correction fluid or ink, erasures, over-writing, pasting of paper etc., shall not be made and, if necessary, correction of an error shall be made by the Hindu Marriage Registrar by drawing a line through the erroneous words with a pen so that the words which would be penned through may remain legible even after correction. Every correction shall be made along with dated signature of the authorized person.

38. Preservation of records in office of Registrar General.— (1) subject to the other provisions of this rule records relating to or in connection with marriages registered under the Act, shall be preserved in physical form, in the office of the Registrar General.

(2) The following records relating to, or in connection with, marriages registered under the Act, shall be preserved in perpetuity:—

- (a) applications for registration of marriage including lapsed applications in original with connected enclosures;
- (b) Hindu Marriage Register; and
- (c) Cash Book.

(3) The following records relating to, or in connection with, marriages registered under the Act, shall be preserved for a period of twelve years:—

- (a) Application Register;
- (b) papers and documents relating to inquiry into objections;
- (c) Receipt Book;
- (d) copies of original T.R. Form No. 7, showing deposit of Government share.

(4) The following records relating to, or in connection with, marriages registered under the Act, shall be preserved for five years:—

- (a) Weekly Report;
- (b) Quarterly Report; and
- (c) Annual Reports.

39. Repeal and savings.— (1) The West Bengal Hindu Marriage Registration Rules, 1958, as in force in the State of West Bengal, is hereby repealed:

(2) Notwithstanding such repeal, any action taken or anything done or order issued, shall, in so far as it is not inconsistent with the provisions of these rules, be construed to have been taken, done or issued under the relevant provisions of these rules.

(3) Without prejudice to the generality of the foregoing provisions of this rule, it is hereby declared that —

- (a) Any non-official Hindu Marriage Registrar appointed under the provisions of the West Bengal Hindu Marriage Registration Rules, 1958, shall function as non-official Hindu Marriage Registrar as if he has been appointed under these rules; and
- (b) The Disciplinary Proceeding initiated against any non-official Hindu Marriage Registrar under the provisions of the West Bengal Hindu Marriage Registration Rules, 1958, shall be continued under the provisions of these rules.

SCHEDULE A

[See sub-rule (1) of rule 12]

Application for registration of marriage under the Hindu Marriage Act, 1955.

To,

The Hindu Marriage Registrar,

(name of district/sub-division/block/municipality/corporation)

We hereby give you application for registration of our marriage under section 8 of the Hindu Marriage Act, 1955 and under sub-rule (1) of rule 8 of the West Bengal Hindu Marriage Registration Rules, 2010.

2. The particulars relating to our marriage are given below:—

(a) Particulars of the Husband—

- (i) name of the Husband :
 (ii) father's name :
 (iii) present age :
 (iv) present address :
 (v) permanent address :
 (vi) condition at the time of marriage : Unmarried/ Divorcee/ Widower

(b) Particulars of the Wife—

- (i) name of the Wife :
 (ii) father's name :
 (iii) present age :
 (iv) present address :
 (v) permanent address :
 (vi) condition at the time of marriage : Unmarried/ Divorcee/ Widow

(c) Particulars of children, if any —

- (i) Son or Daughter Born on
 (ii) Son or Daughter Born on

3. We hereby declare that—

- (a) a Hindu Marriage has been/was solemnized in accordance with the customary rites and ceremonies in terms of section 5 and section 7 of the Hindu Marriage Act, 1955, between
 and on

(name of the husband)

..... on
(name of the wife)

(date of marriage)

at ;

(full address of the place of marriage)

- (b) neither of us had a spouse living at the time of the marriage;
- (c) neither of us—
- (i) is incapable of giving a valid consent to it in consequence of the unsoundness of mind, or
 - (ii) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or such an extent as to be unfit for marriage and the procreation of children, or
 - (iii) has been subject to recurrent attacks of insanity;
- (d) the husband has completed the age of twenty-one years and the wife has completed the age of eighteen years at the time of the marriage;
- (e) we are not within the degrees of prohibited relationship;
- (f) we are not *sapindas* of each other;
- (g) a ceremony of marriage was performed between us on at
..... (place) and we have been living together as
husband and wife since the above-referred date of marriage;
- or
- a ceremony of marriage has been performed between us on at
..... (place) and since solemnization of our
marriage we are husband and wife.
4. We further declare that all the above particulars are true to the best of our knowledge and belief.

Station :

Date :

.....
(Full signature of the Husband)

.....
(Full signature of the Wife)

SCHEDULE B

[See sub-rules (2) and (3) of rule 13]

Forwarding Letter to Registrar General/District Registrar/Indian Mission

OFFICE OF SRI/SMT.

THE HINDU MARRIAGE REGISTRAR FOR (jurisdiction)

To : The Registrar General of Marriages, West Bengal,
11A, K. S. Roy Road, Panchayat Bhawan (2nd Floor), Kolkata- 700 001 */

The District Registrar

..... */

The Indian Mission

..... *

Subject: Application for registration of marriage dated between

Sri and

Smt. wide publicity thereof.

In forwarding herewith a copy of application of the intended registration of marriage between above-mentioned parties under the Hindu Marriage Act, 1955. I have the honour to send the same to you as per sub-rules (2) and (3) of rule 13 of the West Bengal Hindu Marriage Registration Rules, 2010.

OR

In forwarding herewith a copy of application of the intended registration of marriage between the above-mentioned parties under the Hindu Marriage Act, 1955. I have the honour to state that since Sri and/or Smt. is a permanent resident of which falls within your jurisdiction. The said application may kindly be prominently displayed in a conspicuous place as required under the Act, for a period of not less than seven days with effect from the date of the application mentioned above.

OR

In forwarding herewith a copy of application of the intended registration of marriage between the above-mentioned parties under the Hindu Marriage Act, 1955. I have the honour to state that since Sri and/or Smt. resided at which falls within your jurisdiction, the said application may kindly be prominently displayed in a conspicuous place as required under the Act, for a period of not less than seven days with effect from the date of the application mentioned above.

Receipt of the same may kindly be acknowledged.

Enlo: as stated.

Signature of the Hindu Marriage Registrar with designation seal

Contact number:

Date :

Office seal

*Strike out if not applicable.

SCHEDULE C

Certificate of registration
[See sub-rule (4) of rule 15]

Hindu Marriage Register under sub-section (1) of section 8 of the Hindu Marriage Act, 1955.

I, hereby certify that
(name of the husband)
..... son of
of and
(address of the husband) (name of the wife)
daughter of of
(address of the wife)
appeared before me this day of, 20.....,
and that each of them, in my presence of three witnesses who have signed hereunder, has declared that a Hindu Marriage
was solemnized in accordance with the customary rites and ceremonies in terms of section 5 and section 7 of the Hindu
Marriage Act, 1955, on, at
between them and that they have been living together as husband and wife since the time of their marriage, and that in
accordance with their desire to have their marriage registered under the Hindu Marriage Act, 1955, the said marriage has,
this day of, 20....., been registered under the said Act
with effect from

.....
(Full signature of Hindu Marriage Registrar
with date and seal)

Full signature and LTI of the husband with date

(LTI and RTI in case of illiterates) :

Full signature and LTI of the wife with date

(LTI and RTI in case of illiterates):

Full signatures with date and address of three witnesses are as follows:-

(1)

(2)

(3)

Schedule of children born within the marriage (if any):

i)

ii)

SCHEDULE - D

[See clause (b) of sub-rule (1) of rule 14]

NOTICE

BEFORE THE HINDU MARRIAGE REGISTRAR,
(name of the place)

In the matter of the Hindu Marriage Act, 1955;

And

In the matter of application to register the Hindu Marriage, between—

A. B.
(name and address of the husband)

.....; and

C. D.
(name and address of the wife)

.....;

And

In the matter of objection preferred to the registration of this marriage by—

E. F.
(name and address of the objector)

.....;

To,

* A. B./ C. D./ E. F.

.....
(address)

Whereas an application for the registration of the Hindu Marriage between A. B. and C. D. was received by the Hindu Marriage Registrar on

Whereas E. F. has received certain objections (set out overleaf) to the registration of the marriage;

Whereas the Hindu Marriage Registrar will hold an enquiry into the matter of the said objection on day of, 20....., at his office. You are hereby required to be present at a.m./p. m. on the said day together with all document with you to rely on and any witness or witnesses whom you may desire to be examined on your behalf;

Take notice that, in default of your appearance on the aforesaid day, the enquiry will be made and decided in your absence.

If you apprehend that your witness will not attend unless summoned by the Hindu Marriage Registrar, you should apply to the Hindu Marriage Registrar for issue of such summons sufficiently early together with the prescribed process fee for and the reasonable expenses of travelling and subsistence of the witness.

Give under my hand and seal.

Station :

Date :

.....
(Signature of the Hindu Marriage Registrar
and designation with seal)

*Strike out which is not applicable.

SCHEDULE E

[See clause (c) of sub-rule (1) of rule 14]

Summons to Witness

BEFORE THE HINDU MARRIAGE REGISTRAR,
 (name of the place)

In the matter of the Hindū Marriage Act, 1955;

And

In the matter of the application to register the Hindu Marriage, between—

A. B.
 (name and address of the husband)

.....; and

C. D.
 (name and address of the wife)

.....

And

In the matter of objection preferred to the registration of this marriage by—

E. F.
 (name and address of the objector)

.....

To,

.....
 (name and address of the witness)

.....

Whereas your attendance is required to give evidence on behalf of
 in the above matter, you are hereby required to appear personally before
 me or to cause to be produced before me the document specified hereunder, on the day of 20....
 at..... a.m./ p.m. A sum of rupees being your travelling and other
 expenses for one day is herewith sent.

If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of order XVI of the Code of Civil Procedure, 1908.

Take notice that, in default of your appearance on the aforesaid day, the enquiry will be made and decided in your absence.

Given under my hand and seal.

Station :

Date :

.....

SCHEDULE F

[See rule 25 read with clause (e) of sub-rule (1) of rule 14]

Receipt Book

Date:

Page No.

OFFICE OF THE HINDU MARRIAGE REGISTRAR, FOR
(Affix the designation seal)

Received the following fees on account of—

| Item | Rupees |
|---|--------|
| (a) Application receiving, from : (name of either of the parties) | |
| (b) Registration of Marriage of : (name of both of the parties) | |
| (c) Certified copy of : from (name of either of the parties) | |
| (d) Any other document or purpose : (to be specified) | |

Total—

.....
(Full signature of the fee-payer
with date)Signature and designation
seal of the Hindu Marriage Registrar.

N.B.— Signature with date of both the parties to the marriage shall be taken for serial 'b' above.

[See rule 23]

OFFICE OF

[illegible]

Total payments

Balance in hand

(in words)

Grand total

Signature of Hindu Marriage Registrar.

SCHEDULE - H

[See clause (b) of sub-rule (1) of rule 28]

Forwarding Letter of Weekly Report

OFFICE OF THE HINDU MARRIAGE REGISTRAR, FOR

Certified that the enclosed copies from the Hindu Marriage Register in this office bearing serial No.
to are true copies of all the entries in the Hindu Marriage Register kept by me for the week
ending on

OR

Certified that no entry has been made in the Hindu Marriage Register in this office during the week ending
on

Station :

Date :

*Signature of the Hindu Marriage Registrar
with seal.*

Note : Strike out whichever is not applicable.

SCHEDULE - I

[See clause (c) of sub-rule (1) of rule 28]

Monthly Statement of remittance of State Government's share of fees deposited
with the Reserve Bank of India or Treasury or Sub-Treasury linked Banks
for the month of 20

Or

Periodic Statement of remittance of State Govt.'s share of fees deposited with the
Reserve Bank of India or Treasury or Sub-Treasury linked Banks for the
period of 20 to of 20

| Sl. No. | For the month of 20 or for the period to | Date of deposit | Amount of deposit | Cash Book Reference (page No.) | Challan No. through which deposited | Cumulative deposit already made in the current financial year up to last quarter (w.e.f. 1st day of April,) | Remarks |
|------------|--|--------------------|----------------------|--|--|---|---------|
| | | | | | | | |

Encl : Total number of original challans
(in figure) :
(in words) :

Signature and Designation seal
of Hindu Marriage Registrar

Contact No. :

SCHEDULE - J

[See clause (d) of sub-rule (1) of rule 28]

Quarterly report of Registration of marriages under section 8 for the—

- * First quarter January to March, 20
- * Second quarter April to June 20
- * Third quarter July to September 20
- * Fourth quarter October to December 20

| Cert. Sl. No. & Dt. | Name of parties | Marital status | Age | Occupation | Present address | Permanent address | Notice / Application Sl. No. | Cumulative figure upto last quarter of this calendar year |
|---------------------------|--------------------|-------------------|-----|------------|--------------------|----------------------|------------------------------------|---|
| | | | | | | | | |

Date :—

Signature and designation seal of the
Hindu Marriage Registrar.

Contact No :

SCHEDULE - K

[See clause (e) of sub-rule (1) of rule 28]

Annual Report of marriages registered for Sri
Hindu Marriage Registrar for district
of the Hindu Marriage Act, 1955, for the Calendar year 20.....

| Year | Annual Physical report for the Calendar Year 20 | Number of marriages registered under section 8 of the Hindu Marriage Act, 1955. | Number of marriages under section 8 for the last calendar year 20..... | Remarks |
|------|---|--|--|---------|
| (1) | (2) | (3) | (4) | (5) |
| | | | | |

Date :

Full signature and designation with seal
of the Hindu Marriage Registrar

SCHEDULE L

[See clause (f) sub-rule (1) of rule 28]

Annual Statement of State Government share of fees deposited with the
Reserve Bank of India or Treasury / Sub-Treasury linked Banks for the
financial year 20 — 20

| Report for the financial year | Sl. No. | Date of Deposit | Amount of deposit | Challan No. and date | Remarks (trends of increase) |
|----------------------------------|---------|-----------------|----------------------|-------------------------|------------------------------------|
| | | | | | |

All Total :- Rs. (in words) Rupees (in figure)

Date :

Signature and Designation Seal of
Hindu Marriage Registrar.

Contact No. —

SCHEDULE - M

[See sub-rule (1) of rule 29]

Submission of records on completion of Hindu Marriage Register.

To
The Registrar General of Marriages, West Bengal,
11A, K. S. Roy Road,
Panchayat Bhawan (2nd Floor),
Kolkata- 700 001.

The following Hindu Marriage Register / books as mentioned in column 2 have been exhausted. As such the same along with related notices or applications and completed related Application Register / Receipt Book / Cash Book, lapses and other related papers are submitted to you in the detailed mentioned below:-

| Sl. No. | Hindu Marriage Register No. and pages | Number of Applications | Receipt Book | Cash Book | Application Books | Lapsed Applications |
|---------|---------------------------------------|------------------------|--------------|-----------|-------------------|---------------------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

| Objection papers | Others if any |
|------------------|---------------|
| (9) | (10) |
| | |

Date :

Signature and designation seal of Hindu Marriage
Registrar

SCHEDULE - N

[See sub-rule (4) of rule 26]

Certificate of belonging to B.P.L Category to be issued by Secretary/ Executive Assistant of Gram Panchayat or the Executive Officer of the Municipality or the Executive Engineer of the Borough Committee of the Municipal Corporation.

To Whom it may concern

This is to certify that Shri/Smt. (name of the party) son/daughter of residing at (present address) belongs to the BPL category and his/her name is recorded in serial No. of the latest Below Poverty List published on

Date :

Signature, with full name, and designation seal of—

Office seal :

Secretary/Executive Assistant of Gram Panchayat

or

Executive Officer of Municipality

Or

Executive Engineer of Borough

No. of Municipal Corporation

SCHEDULE - O

(See sub-rule (3) of rule 8)

Identity Card of non-official Hindu Marriage Registrar.

No.

Date

Space for affixing self signed passport photograph of
non-official Hindu Marriage Registrar
duly attested by *Gazetted Officer*.

This is to certify that Sri / Smt., son of / daughter of
Sri / Smt. of
P. O. P.S. district
of whom particulars are given here in is a non-official Hindu Marriage Registrar for the
..... (Jurisdiction) as per rule 8 (3) of the West Bengal Hindu Marriage Registration Rules, 2010.

Signature and designation seal
of the Registrar General
of Marriages, West Bengal.

Office Seal

By order of the Governor,

K Y S MANHAS,
Principal Secretary to the Govt. of West Bengal.

Order

Ordered that the above Notification be published in the Official Gazette.

Handwritten: Copy forwarded to all P.O.s for information & Compliance
Stamp: District Registrar, Purba Medinipur, 10.08.10

K Y S MANHAS,
Principal Secretary to the Govt. of West Bengal.