The Tamil Nadu Registration of Marriages Act, 2009

Act 21 of 2009

Keyword(s):

District Register, Marriage, Priest, Registrar

Verified RealEstate™

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 5th August 2009 and is hereby published for general information:—

ACT No. 21 OF 2009.

An Act to provide for compulsory registration of all marriages in the State of Tamil Nadu and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Tamil Nadu Registration of Marriages Act, 2009.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "District Registrar" means a District Registrar of Marriages appointed under sub-section (2) of section 4;

(*b*) "Government" means the State Government;

(*c*) "marriage" includes all marriages performed by persons belonging to any caste or religion under any law for the time being in force, or as per any custom or usage in any form or manner and also includes remarriage;

(*d*) "memorandum" means a memorandum of marriage referred to in section 5;

Central Act XXV of 1955.

(*e*) "priest" means any person who performs a marriage or any person present in the marriage referred to in section 7-A of the Hindu Marriage Act, 1955;

(*f*) "Registrar" means a Registrar of Marriages appointed under sub-section (3) of section 4;

(*g*) "Registrar-General" means the Registrar-General of Marriages appointed under sub-section (1) of section 4;

(*h*) "State" means the State of Tamil Nadu.

Marriages to be compulsorily registered.

3. Every marriage performed on and from the date of commencement of this Act shall be registered under this Act notwithstanding the fact that the said marriage had been entered in the marriage registers governed by any other personal laws of the parties to the marriage or custom or usage or tradition.

Appointment of Registrar-General, District Registrar and Registrar of Marriages.

4. (1) The Government shall, by notification, appoint a person to be the Registrar-General of Marriages for the State of Tamil Nadu.

(2) The Government shall, by notification, appoint a person to be the District Registrar of Marriages for each District for carrying out the purposes of this Act.

(3) The Government shall, by notification, appoint such number of persons as it thinks necessary, to be the Registrar of Marriages for such local areas as may be specified in the notification, and one or more Registrars may be appointed for one or more such areas for carrying out the purposes of this Act.

(4) Every District Registrar and Registrar shall exercise such powers and perform such duties as may be prescribed and shall be under the general supervision and control of the Registrar-General.

Memorandum of marriage.

5. (1) The parties to a marriage shall prepare a memorandum in such Form as may be prescribed in duplicate and shall deliver it in person or send in the manner as may be prescribed, to the Registrar of the area where the marriage is performed within ninety days from the date of the marriage:

Provided that the memorandum may be delivered or sent to the Registrar within a further period of sixty days after the expiry of the said ninety days with the payment of additional fee as may be prescribed.

Verified RedEstate ™

(2) Nothing in the proviso to sub-section (1) shall affect the liability of any person to any penalty under clause (a) of sub-section (1) of section 14.

Signature on memorandum and fees to be paid.

6. Every memorandum referred to in section 5 shall be signed by the parties to the marriage and by the priest and two witnesses and shall be accompanied by such fee as may be prescribed.

Power to refuse registration of marriage.

7. (1) Where the Registrar, before whom the memorandum is delivered or sent under section 5 on scrutiny of the documents filed with the memorandum or, on the other facts noticed or brought to his notice, is satisfied or has reason to believe that,—

(*a*) the marriage between the parties is not performed in accordance with the personal laws of the parties, or any custom or usage or tradition; or

(*b*) the identity of the parties or the witnesses or the persons testifying the identity of the parties and the performance of the marriage is not established beyond reasonable doubt; or

(*c*) the documents tendered before him do not prove the marital status of the parties,

he may, after hearing the parties and recording the reasons in writing, refuse to register the marriage and may,—

(i) call upon the parties to produce such further information or documents as deemed necessary, for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him, or

(ii) if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.

(2) Where, on further verification as provided in sub-section (1), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons therefor.

Appeal to District Registrar.

8. (1) Any person aggrieved by the order of the Registrar under section 7 may, within a period of thirty days from the date of receipt of such order, appeal to the District Registrar in such manner as may be prescribed:

Provided that the District Registrar may, within a further period of thirty days, admit an appeal presented after the expiration of the first mentioned period of thirty days if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the first mentioned period.

(2) The District Registrar, after giving an opportunity of being heard to the party affected and after recording the reasons in writing, direct the Registrar to register the marriage or confirm the order of the Registrar.

Appeal against the order under section 8.

9. Any person aggrieved by the order of the District Registrar made under section 8 may, within a period of thirty days from the date of receipt of the order, appeal against such order to the Registrar-General and the decision of the Registrar-General on such appeal shall be final and thereupon the Registrar shall act in conformity with such decision.

Issue of cerfiicate and maintaining register.

10. (1) On registration of the marriage, the Registrar shall issue a certificate of registration of marriage to the parties in such form as may be prescribed.

(2) Every Registrar shall maintain a register of marriages, in such form and in such manner as may be prescribed.

(3) On receipt of the memorandum of marriage under section 5, the Registrar shall file the same in the register.

Search of marriage register.

11. (1) Subject to any rules made in this behalf by the Government including the rules relating to payment of fee, any person may,—

(*a*) cause a search to be made by the Registrar for any entry in the register of marriages; and

(*b*) obtain an extract from such register relating to marriages.

(2) All extracts given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.

Register to be open for public inspection.

12. The register of marriages shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall, on application, be given by the Registrar to the applicant on payment of such fee as may be prescribed.

Responsibility of employer, etc. of verification of marriage registration certificate.

13. No employer or a Government or quasi-Government Authority or Company or Public Sector Undertaking or Local Authority shall carry out any change in their office record or in any office documents, such as change in the marital status or change of nomination, of its employee or in their dealings with any person, customer or client unless the employee or, as the case may be, the applicant, applying *for* carrying out or recording of such change, submits a certified copy of the certificate of registration of marriage issued under section 10.

Penalties.

14. (1) Any person who—

(*a*) omits or neglects to deliver or send the memorandum as required by section 5; or

(*b*) makes any statement in the memorandum which is false in any material particular, and which he knows or has reason to believe to be false; or

(*c*) contravenes any of the provisions of this Act, or rules made thereunder,

shall, on conviction, be punished with fine which may extend to one thousand rupees.

(2) The Registrar who willfully fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.

Penalty for secreting, destroying or altering register.

15. Any person secreting, destroying or dishonestly or fraudulently altering the register of marriage or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.

Sanction for prosecution.

16. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorized by the Registrar- General by general or special order, in this behalf.

Offences by companies.

17. (1) If any person committing an offence under this Act is a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been

committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For this purpose of the section,—

(*a*) 'company' means a body corporate and includes a firm or other association of individuals; and .

(*b*) 'director' in relation to a firm, means a partner in the firm.

Protection of action taken in good faith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a rule or order made thereunder.

Registrar, etc. to be public Servant.

19. The Registrar-General, every District Registrar and Registrar and other officers while acting or purporting to act in pursuance of the provisions of this Act or rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Central Act XLV of 1860.

Power to remove difficulties.

20. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the *Tamil Nadu Government Gazette,* make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties:

Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Power of Government to give direction.

21. The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Registrar, District Registrar and to the Registrar-General, as it may thinks fit for the effective implementation of the provisions of this Act and they shall comply with such direction.

Operation of other laws not affected.

22. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Non-registration not to invalidate marriage.

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

Power to make rules.

24. (1) The Government may make rules for carrying out all or any of the purposes of this Act.

(2) (*a*) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(*b*) All notifications issued under this Act shall be published in the *Tamil Nadu Government Gazette* and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

Verified © PedEstate™

(3) Every rule or order made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification.

(By order of the Governor)

S. DHEENADHAYALAN,
Secretary to Government,
Law Department.

Verified RealEstate™