

## THE ORISSA SPECIAL MARRIAGE RULES, 1955

1.
  - 1) These Rules may be called the Orissa Special Marriage Rules, 1955.
  - 2) They shall extend to the whole of the State of Orissa.
  - 3) They shall come into force at once.
2. In these Rule –
  - 1) "the Act" means the Special Marriage Act, 1954, (Central Act 43 of 1954).
  - 2) "Section" means a section of the Act.
  - 3) "Marriage Officer" means a Marriage Officer appointed under sub-section (1) of Section 3 of the Act.
  - 4) "Registrar General" means the Registrar General appointed under Act, VI of 1886.
  - 5) "Marriage Notice Book" means the Marriage Notice Book prescribed under section-7 of the Act.
  - 6) "Marriage Certificate Book" means the Marriage Certificate Book prescribed under Section 13 of the Act.
3. (1) Every Marriage Officer shall cause his name, designation, and the regular working hours of his office to be written in English and in the language or languages of the district and exhibited in a conspicuous part of the building in which his office is situated.  
(2) All registrations at the office shall be made on working days during office hours according as the office sits from 10.30 A.M. to 4.30 P.M. or 7.00 A.M. to 12.30 P.M. or otherwise.
4. Notice of intended marriage under the Act shall be given to the Marriage Officer by both the parties either in person or by registered post and fees prescribed thereof under Rule – 10, shall be paid in the former case in person and in the latter case by postal money order at the expense of the remitter and the postal receipts shall be attached in the notice.
5. (1) The marriage Officer on receipt of such notice shall scrutinize if the notice is in conformity with the requirement of the act and if so shall assign to it distinctive serial number which shall run concurrent with the calendar year and put the date on receipt and his signature and designation under it and shall enter it in the Marriage Notice Book in Form I which shall be a bound book, the pages of which are machine numbered consecutively with a nominal index attached to it. If the notice is not in conformity with the requirements of the Act, it shall be got rectified if the parties are present or returned to them by registered post forthwith for

rectification and retransmission within a date to be fixed. Any erasure or alteration in a notice shall be attested by the full signatures of both the parties to the notice.

(2) A true copy of the notice under the seal and signature of the Marriage Officer shall be displayed in a conspicuous place in his office for thirty days before the registration of the marriage.

6. (1) Where an objection to the solemnization of an intended marriage together with the fees prescribed therefore in Rule-10 has been received and recorded by the marriage officer he shall, unless by an order in writing recorded in the Marriage Notice Book, he rejects the objection summarily on the ground that the objection doesn't contravene any of the conditions laid down in Section 4, enquire into the objection on a day to be fixed by him, not later than thirty days from the date of receipt of such objection. He shall send a copy of the objection to the parties to the intended marriage giving them notice of the date and the time fixed for the enquiry in Form – II.

(2) At the time of recording the objection, the Marriage Officer shall ascertain from the objector, whether he has any document on which he relies or whether he desires any witness or witnesses to be examined on his behalf. If the objector states that he has, the Marriage Officer shall require the objector to produce the documents or the witnesses on the day fixed for enquiry. If necessary and the objector so desires the Marriage Officer shall issue summons to the witnesses cited by the objector in Form – III, on payment of process fees prescribed therefore in Rule – 10 and the reasonable expenses of traveling and subsistence to the witnesses. The enquiry relating to the objections including the production of documents and the examination of witnesses shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in Section – 8. If either the documents are not produced or the witnesses do not turn up in time, the Marriage Officer may take a decision without waiting for them, subject to however to the provisions of Section –9 of the Act.

(3) On the day fixed for enquiry or any adjourned date, the Marriage Officer shall record in his own hand the evidences given in the course of the enquiry, his decisions on the objection and the reasons thereof.

(4) If the Marriage Officer is satisfied that the objection is baseless, he shall register the marriage, otherwise the registration shall be refused and the reasons for such refusal shall be entered in the register of refusals, which shall be maintained by him in Form-IV. The order shall be communicated to the parties concerned, including the objector.

7. (1) An application under Section -16 for the registration of a marriage celebrated in other forms shall be in Form-V.
- (2) Such application shall be presented to the Marriage Officer by any one of the parties in person or sent to him by registered post along with the fees prescribed there for in Rule-10
- (3) Notice of the application under sub-rule-(1) be given by the Marriage Officer by exhibiting a true copy thereof under his seal and signature in a conspicuous place outside his office. The notice shall also state that objections if any to the registration of marriage may be preferred by any person in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited.
- (4) Any objection received within the said period together with the fees prescribed therefore in Rule-10 shall be recorded and the enquiry in respect thereto made as early as possible in the manner prescribed in Rule-6.
8. The Marriage Officer may on application by both the parties to the marriage, solemnize the same at any place outside his office, provided the additional fee prescribed therefore in Rule-10 is paid and the hour is not unreasonable.
9. The Marriage Certificate Book shall be a bound volume, the pages of which are machine numbered consecutively with a nominal index attached. Every marriage certificate entered therein during each calendar year shall be consecutively numbered.
10. The following fees shall be levied by the Marriage Officer :-
- i. For every notice of intended marriage or application for the registration of a marriage or application for the registration of a marriage (to be paid by the parties to the marriage): Rs 20.00
  - ii. For recording an objection (to be paid by the objector): Rs 20.00
  - iii. For every enquiry into an objection (to be paid by the objector): Rs 100.00
  - iv. For every notice and for every summons to a witness to appear and give evidence or to produce a document to be paid by the objector: Rs 25.00
  - v. For solemnizing or registering a marriage (to be paid by the parties to the marriage) : Rs 50.00
  - vi. For a certified copy of an entry –
    - (a) in the Marriage Notice Book other than an entry relating to an objection
    - (b) in the Marriage Certificate Book (to be paid by the applicant)

- vii. For a certified copy of an entry in the Marriage Notice Book other than a notice or of any other proceedings not already provided for (to be paid by the applicant): Rs 20.00
- viii. For solemnizing a marriage at any place outside the office of the Marriage Officer in addition to the fees in entry (v) (to be paid by the parties to the marriage): Rs 100.00

NOTE – This fee may be appropriated by the Marriage Officer. No traveling or other allowances shall however be claimed in addition.

- ix. For making a search (to be paid by the applicant)
  - (a) if the entry is of the current year : Rs 10.00
  - (b) if the entry is related to any previous year or years for each year of search :  
: Rs 10.00

The fees prescribed above shall be paid either in person or remitted by money order to the Marriage Officer.

- 11. A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and Rules. The receipt book shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine numbered consecutively.
- 12. All fees received by the marriage Officer except the fees mentioned in entry (viii) above shall be remitted into the Local Treasury being credited to Government under the Head "XI-Registration- Miscellaneous – Fees under the Special Marriage Act."
- 13. Copies of entries in the Marriage Certificate Book which Marriage Officer are required to send under Section – 48 of the Act to the Registrar General of Births, Deaths, and marriage shall be certified in Form-VI and shall send once in every quarter of the year during the first week of January, April, July, and October for entries relating to the preceding three months, a certificate to this effect shall be sent to the said Registrar-General.
- 14. An annual alphabetical index of all marriage registered under this Act shall be prepared and maintained in the Office of the Marriage Officer and the Registrar General in Form-VII.
- 15. Forms and books shall be supplied free of cost to the Marriage Officer by the Registrar General.

16. The Books and forms shall be prescribed as given below :-

(i)	Marriage Notice Book	Permanent
(ii)	Declaration	Permanent
(iii)	Marriage Certificate Book	Permanent
(iv)	Index	Permanent
(v)	Refusal register	12 years
(vi)	Notice of Registration	12 years
(vii)	Notice of objections and enquiry	12 years
(viii)	Receipt Book	03 years

FORM – 1  
(See Rule – 5)  
MARRIAGE NOTICE BOOK

MALE

FEMALE

(1) Name of the parties

(2) Whether Unmarried/  
Divorced/  
Widower/ Widow

(3) Age

(4) Occupation

(5) Present address

(6) Permanent address

(7) Length of Residence

(8) Date of notice

(9) Nature of Objection

(10) Remarks

Signature of Marriage Officer with date

FORM – II  
(See Rule – 6(1) )

NOTICE

Before the Marriage Officer, ..... (place)

In the matter of the Special Marriage Act, 1954 And

In the matter of the Intended Marriage/ Application to register the Marriage

Between -

A                      B

And

C                      D

E                      F ..... Objector

To

Whereas Notice of an intended Marriage/ an application for the Registration of marriage between A              B and C              D was received by the Marriage Officer on ..... Whereas E      F has preferred certain objections (enclosed herewith/ setout overleaf) to the solemnization/ Registration of the marriage; and Whereas the Marriage Officer will hold an enquiry into the matter of the said objections 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 documents on which you rely 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, te enquiry will be made and decided in your absence.

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

Given under my hand and seal

Station              :

Signature

Date                      :

Marriage Officer

(Set out the objection on the reverse of this notice)

SUMMON TO WITNESS

Before the Marriage Officer .....

IN the matter of the Special Marriage Act, 1954, and

IN the matter of the intended marriage/ application to register the marriage  
Between

A		B
	And	
C		D
E		F ..... Objector

To

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 before me or the cause to be produced before me the document specified hereunder on/ the ..... day of ..... 20..... at ..... A.M./ P.M. A sum of Rs..... Being your traveling and other expenses for one day is herewith sent.

If you fail to comply with this summons without lawful cause 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 the default of your appearance on the aforesaid day, the enquiry will be made and decided in your absence.

Given under my hand and seal.

Date :

Marriage Officer

FORM – IV  
[ See Rule – 6(f) ]

Serial No.	Name of the Parties	Reasons for refusal	Date of Communica tion of order	Date of filing appeal, if any and the result of such appeal
1	2	3	4	5

Place  
Date

Signature of Marriage Officer

FORM – V  
[ See Rule – 7(1) ]

Application for registration of a Marriage under Section 15  
of the Special Marriage Act, 43 of 1954

1. Name of the parties

Husband :

Wife :

2. Age or Date of Birth

Husband :

Wife :

3. Permanent dwelling place, if any :

4. Present dwelling place :

5. Relationship, if any, of the parties before marriage

6. A ceremony of marriage was performed between

.....  
.....  
at ..... and we declare that we have been  
living together as husband and wife ever since the date noted above

We hereby declare that –

- (i) Neither of us has more than one spouse living on the date mentioned in this application nor shall have such at the time of registration.
- (ii) Neither of us is an idiot or lunatic.
- (iii) Both of us have completed the age of twenty one years on the date of registration.
- (iv) We are not within the degrees of prohibited relationship. Our marriage was celebrated before the commencement of the Special Marriage Act, XLIII of 1954, and according to the law, custom, or usage having the force of law, governing each of us, a marriage between us is permitted though we are within the degrees of prohibited relationship according to the Act aforesaid.

Note : Score out whichever is not applicable.

- (v) We have been residing within the jurisdiction of the Marriage Officer  
....., at ....., for a period of not less than thirty days  
immediately preceding the date of this application.

We also declare that all the above particulars are true to the best of our knowledge and belief.

Station :

Signatures

Date:

Husband :

Wife :

FORM – VI  
[See Rule – 14]  
ANNUAL ALPHABETICAL INDEX OF MARRIAGES

Serial No.	Name	Father's name and address	Marriage Certificate Book		
			Serial No.	Volume No.	Page No.
1	2	3	4	5	6

FORM – VII  
[ See Rule – 13 ]

FORM OF CERTIFICATE

Certified that the above entries from the Marriage Certificate Book in this Office bearing serial number ....., are true copies of all the entries in the Marriage Certificate Book kept by me for the three months ending on .....

OR

Certified that no entries have been made in the Marriage Certificate Book in this office during the three months ending on .....

Station  
Date

(Signature)  
Marriage Officer

FORM – VII