

The Assam Compulsory Registration of Muslim Marriages and Divorces Bill, 2024

A
BILL

Preamble to provide for compulsory registration of Muslim marriages and divorces in the State of Assam and to protect the rights of married Muslim women and man for matters connected therewith or incidental thereto

It is hereby enacted in the Seventy-fifth year of the Republic of India as follows,

Short title, extent and commencement

1. (1) This Act may be called the Assam Compulsory Registration of Muslim Marriage and Divorces Act, 2024.
- (2) It shall extend to the whole of the State of Assam.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,—
 - (a) “Appellate Authority” means the District Registrar and the Registrar General of Marriage appointed under the Registration Act, 1908;
 - (b) “Court” means District Court with civil jurisdiction or any other civil Court;
 - (c) “Government” means the Government of Assam;
 - (d) “Marriage” means marriage between two Muslim persons whether contracted before or after commencement of this Act and includes remarriage in the event of death of any of the spouses or on dissolution of a marriage and includes “Nikah” or any other ceremony by which two persons are made husband and wife following Muslim Personal law and Islamic rituals;
 - (e) “Marriage and Divorce Registrar” means all registering officers appointed under the Registration Act, 1908 within their respective jurisdiction and includes such officer or officers as may be notified in the Official Gazette by the Government;
 - (f) “Registrar” means the District Registrar appointed under the Registration Act, 1908;
 - (g) “Registrar General of Marriage” means the Inspector General of Registration, Assam appointed under the Registration Act, 1908;
 - (h) “Register” means a register of marriages and divorces maintained under this Act;
 - (i) “prescribed” means prescribed by the rules made under this Act.

Central Act
No 16 of
1908

Central Act
No 16 of
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Registration of marriage

3. (1) Notwithstanding anything contained in any other law, usage to the contrary, any muslim marriage solemnized within the territory of Assam whether before or after the commencement of this Act, other than a marriage solemnized under the Special Marriage Act, 1954 shall be registered within the territory of the state, if the following conditions are fulfilled, namely:-

Central Act
No. 43 of
1954

- (i) a ceremony of marriage has been performed between the parties and they have been living together as husband and wife since the solemnization of the marriage;
- (ii) the parties have been residing within the district of the Marriage and Divorce Registrar for at least 30 days preceding the date of marriage;
- (iii) the parties of the marriage have completed eighteen years of age in case of girls and twenty one years in case of boys on the date of solemnization of the marriage;
- (iv) the marriage has been solemnized on free consent of both the parties;
- (v) neither party to the marriage is incompetent or insane or of unsound of mind at the time of solemnization of marriage;
- (vi) the parties are free from any kind of legal disability i.e., the parties shall not be within the prohibited degree of relationship as per Shariat or Muslim Law.
- (vii) the application of Marriage shall be in such form as may be prescribed which shall be accompanied by the following documents,-
 - (a) identity of the parties to the marriage;
 - (b) age of the parties;
 - (c) place of residence of the parties.

(2) Both the parties to the Marriage solemnized shall submit a declaration confirming the fulfillment of conditions specified in sub-section (1) above, in the Schedule-I which shall be authenticated with the signatures of two witnesses from the side of Bride and Bridegroom.

Notice of marriage

4. When a marriage is solemnized or intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing as in the Schedule-II to the Marriage and Divorce Registrar of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given.

Marriage Notice Book and publication

5. (1) The Marriage and Divorce Registrar shall keep all notices given under section 4 with the records of his office and shall also forthwith enter a true copy of every such notice in such book as may be prescribed

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for that purpose, to be called the Marriage Notice Book, and such book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

- (2) On receipt of notice of marriage from the parties or intended parties the Marriage and Divorce Registrar shall cause every such notice to be published by affixing a copy thereof to some conspicuous place in his office.
- (3) Where either of the parties to a marriage or an intended marriage is not permanently residing within the local limits of the district of the Marriage and Divorce Registrar to whom the notice has been given under section 4, the Marriage and Divorce Registrar shall also cause a copy of such notice transmitted to the Marriage and Divorce Registrar of the district within whose limits such party is permanently residing, and that Marriage and Divorce Registrar shall thereupon cause a copy thereof to be affixed at some conspicuous places in his office.

Objection to marriage

6. (1) Any person may, before the expiration of thirty days from the date on which any such notice has been published under section 4, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 3.
- (2) After the expiration of thirty days from the date on which notice of an intended marriage or marriage has been published under section 4, the marriage may be solemnized and registered as the case may be unless it has been previously objected to under sub-section(1) above.
- (3) If objection has been received, the Marriage and Divorce Registrar shall record the nature of the objection in writing in the Marriage Notice Book, and read over and explain, if necessary, to the person making the objection and take signature of the person from whom objection has been received.

Procedure on receipt of objection

7. (1) If an objection is made under section 6 to an intended marriage or solemnized marriage the Marriage and Divorce Registrar shall not solemnize the marriage or shall not register the marriage until he has inquired into the matter of the objection, if satisfied that it ought not to prevent the solemnization of the marriage or the objection is withdrawn by the person making it, the Marriage and Divorce Registrar shall within thirty days from the date of receipt of the objection inquire into the matter of the objection and arrive at a decision.
- (2) If the Marriage and Divorce Registrar upholds the objection and refuses to solemnize the marriage, either party to the intended marriage may, within a period of thirty days from the date of such refusal, prefer a first appeal to the District Registrar within the local limits of whose jurisdiction the Marriage and Divorce Registrar has his office, and on such appeal, if the decision of the District Registrar is not satisfactory, either party to the marriage may make a

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second appeal to the Registrar General of Marriage whose decision shall be final and the Marriage and Divorce Registrar shall act in conformity with the decision of the said Registrar General of Marriage.

Procedure for registration

8. (1) Parties to an intended marriage or to a solemnized marriage, within 30 days of the solemnization of their marriage, shall apply with fees as may be prescribed before the Marriage and Divorce Registrar of the District within which one of the parties reside, along with the declaration and notice signed by both the parties as in the Schedule-I and Schedule-II.
- (2) Every Marriage and Divorce Registrar shall, on receipt of an application signed by both the parties to the marriage for the registration of their marriage under this Act, verify the correctness and authenticity of all the documents mentioned under section 3 and shall give the public notice for objections as in the Schedule-II allowing a period of thirty days for giving objections and after hearing any objections, if received within next thirty days, he shall, if satisfied that all condition of marriage are fulfilled, enter a certificate of the marriage in the Marriage Certificate Book as in Schedule-III and such certificate shall be signed by both the parties and witnesses.
- (3) The Marriage and Divorce Registrar shall endeavour to complete the process of registration of marriage and issue marriage certificates within thirty days after the expiry of the notice period if objections have not been received, and if objections have been received it shall be completed within an outer limit of sixty days from the date of receipt of application with all particulars and fulfilling all the requirements prescribed under this Act.

Power and Responsibilities of the Marriage and Divorce Registrar

9. (1) The Marriage and Divorce Registrar shall not ordinarily refuse to register a marriage or divorce under this Act without having valid and sufficient reasons :

Provided that if there are sufficient grounds exist to refuse registration in any case, the Registrar shall pass a reasoned order and forthwith furnish copy of such order, free of cost, to the applicants.

- (2) If the Marriage and Divorce Registrar, during scrutiny of the documents has found that either of the parties to the marriage solemnized is a minor, he or she shall immediately report the same and transmit all relevant records to the jurisdictional Child Marriage Prohibition Officers appointed under the provisions of Prohibition of the Child Marriage Act, 2006 for collecting further evidence for the effective prosecution of persons contravening the provisions of the said Act and for initiating appropriate legal action.
- (3) For the purpose of this Act, the Marriage and Divorce Registrar s shall have all the powers vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

Central Act
No. 6 of
2007

Central Act
No 5 of
1908

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- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) discovery and inspection;
- (c) compelling the production of documents;
- (d) reception of evidence of affidavits; and
- (e) issuing commissions for the examination of witnesses;

Any proceeding before the Marriage and Divorce Registrars shall be deemed to be a judicial proceeding within the meaning of sub-section (1) of section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Central Act
No. 46 of
2023

Explanation:- For the purpose of enforcing the attendance of any person to give evidence, the local limits of the jurisdiction of the Marriage and Divorce Registrars shall be within the local limits of his notified jurisdiction.

- (4) The Marriage and Divorce Registrar shall exercise such other powers as may be prescribed.
- Marriage Certificate
- 10. (1) When the marriage is solemnized, the Marriage and Divorce Registrar on completion of registration procedure shall issue a marriage certificate as in Schedule-III to be kept in a book called Marriage Registrar Book under his hand, seal and signature for that purpose and such certificate shall be signed by the parties to the marriage and their witnesses.
 - (2) The Certificate issued by the Marriage and Divorce Registrar shall be the conclusive evidence of the solemnization of the fact that the marriage has been solemnized and all formalities of signature of both the parties and witness have been complied.
- Marriage Registrar
- 11. Marriage and Divorce Registrar means the registering officers appointed under the Registration Act, 1908 :
Provided that the State Government may by notification published in the Official Gazette, designate any other officer or officers as Marriage and Divorce Registrar, as may deem fit for the whole or any part of the State.
- Registration of divorces
- 12. (1) Whenever any marriage is dissolved or divorced effected either by way of decree of a court of competent jurisdiction or otherwise, parties to such divorces may make an application to the jurisdictional Marriage and Divorce Registrar for registration of such divorce under the provisions of this Act, within one month of such divorce being effected.
 - (2) On receipt of such application, the Marriage and Divorce Registrars shall-
 - (a) satisfy himself whether or not such divorce was effected, by the person or persons by whom the divorce is claimed to have been effected;
 - (b) satisfy himself as to the identity of the person appearing before him and claiming that the divorce has been effected;

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If the Marriage and Divorce Registrar is satisfied on the above points and not otherwise, he shall make an entry of the divorce in the Divorce Register Book :

Provided that no such entry shall be made otherwise than in the presence of the applicants who seek registration and after obtaining their signature.

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|---------------------------------------|-----|--|
| Maintenance of Register | 13. | (1) Every Marriage and Divorce Registrar shall keep a Register of Marriages as in the Schedule-IV and a separate Register of Divorces as in Schedule-V shall be maintained within the respective jurisdiction of the Marriage and Divorce Registrar in the manner as may be prescribed. |
| | | (2) The Registrar General shall cause to be printed and supplied sufficient number of Registers for the purpose of making entries of marriages and divorces. |
| Inspection, Search and Certified copy | 14. | The Register of Marriages and Divorces mentioned in sub-section (1) of section 13 shall at all time, be open for inspection and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given to any person, on payment of such fees as may be prescribed. Every such register shall be an evidence of the truth of the statements therein contained. |
| Power of Superintendence | 15. | The Registrar General of Registration shall exercise a general superintendence over offices of the Marriage and Divorce Registrar and shall have power to frame regulations from time to time, consistent with the provisions of this Act and rules framed there-under, for the guidance of the Marriage and Divorce Registrar s and their offices. |
| Periodical returns | 16. | Every Marriage and Divorce Registrar shall sent quarterly return to the Registrar General of Marriage in such form and manner as may be prescribed, regarding the entries of marriages and divorces in the Registers kept by such Marriage and Divorce Registrar. |
| Appeals | 17. | Any person, aggrieved by any order of a Marriage and Divorce Registrar refusing to register a marriage or divorce under this Act within 30 days from the date of the order, may file an appeal against that order to the District Registrar within whose jurisdiction the office of Marriage and Divorce Registrar is located. The Appellate Authority shall dispose of such appeal within a period of 30 days from the date of receipt of such application of appeal by revising or altering the order by passing appropriate direction. If the applicant is not satisfied with the order of the Appellate Authority he or she may make a second appeal before the Registrar General of Marriage within sixty days from the date of receipt of the order. The decision of the Second Appellate Authority shall be final and the Marriage and Divorce Registrar against whom the application was made shall act in conformity with the order or direction of the Second Appellate Authority. |

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- Penalties for making false certificate
18. (1) Every person making or signing or attesting any such certificate containing a statement which is false and which he either knows or believes to be false, shall be punished with an imprisonment for a term which may extend upto two (2) years or with fine which may extend upto ten thousand rupees or with both and if the act amounts to forgery as defined under section 337 of the Bharatiya Nyaya Sanhita, 2023, then such person shall also be liable, on conviction thereof, to the penalties provided under the said section of the Code.
- (2) No court shall take cognizance of any offence punishable under this Act, except upon a complaint in writing made by the Marriage and Divorce Registrar of the area concerned or by an officer authorized by the Registrar General of Marriages as the case may be.
- Penalty for solemnizing marriage contrary to section 4
19. Whoever knowingly and willfully registers, any marriage solemnized, contrary to and in violation of the conditions of section 3 shall on conviction thereof, be punished with simple imprisonment for a term which may extend to one years and with fine which may extend to fifty thousand rupees.
- Penalty for secreting, destroying or altering register
20. Any person secreting, destroying or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Bharatiya Nyaya Sanhita, 2023.
- Trial of offences by Judicial Magistrates
21. Any offence under this Act shall be tried summarily by a Judicial Magistrate of First Class in accordance with the procedure as laid down in Bharatiya Nagarik Suraksha Sanhita, 2023.
- Condonation of delay of registration
22. In case of default to get the marriage registered within the period of thirty days after submission of application for registration or in cases of default to apply for registration where the parties to a marriage are prevented from applying for registration, the jurisdictional Marriage and Divorce Registrar shall have the power to condone the delay not exceeding thirty (30) days from the date fixed or chosen by the parties subject to payment of such additional fees as may be prescribed and thereafter register the marriage :
- Provided that the Registrar General of Marriage shall have the power to allow registration of marriage at any time, in exceptional circumstances, if he is satisfied that undue hardships shall be caused to the parties, subject to payment of fees at the rate of double the fees that shall be required for allowing registration under this section.
- Public Servant
23. All officers including Registrar General of Marriage, District Registrar, Marriage and Divorce Registrar and other officers appointed or designated as such under this Act shall be deemed to be public servants within the meaning of sub-section (28) of section 2 of Bharatiya Nyaya Sanhita 2023.

Central Act
No 45 of
2023

Central Act
No 45 of
2023

Central Act
No 46 of
2023

Central Act
No. 46 of
2023

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- Protection of action taken in good faith
24. No suit, prosecution or other legal proceedings shall lie against the Government, the Registrar General of Marriage, any District Registrar or Marriage and Divorce Registrar or any person exercising any power or performing any duty under this Act or any rules or notifications made thereunder.
- Power to make rules
25. The State Government may by notification in the Official Gazette, make rules to carry out the purposes of this Act of the following matters, namely :-
- (a) the form of application of marriage as under clause (vii) of sub-section (1) of section 3;
 - (b) the form and manner of maintaining the Marriage Notice Book under sub-section (1) of section 5;
 - (c) the powers and responsibilities of the District Registrar and Marriage and Divorce Registrar under sub-section (4) of section 9 of the Act;
 - (d) the manner in which the Registers of Marriages and Divorces and records are to be kept and the preservation of such Registers and records as required under sub-section (1) of section 13;
 - (e) the fees to be prescribed under section 14 of the Act;
 - (f) form of periodical returns of marriages and divorces under section 16 of the Act;
 - (g) the fees to be paid under sub-section (1) of section 8 and section 22 of the Act;
 - (h) any other matters necessary to give effect to the provisions of this Act.
- Provisions not to be derogatory to existing laws
26. The provisions of this Act shall be in addition to and not in derogation of the provisions of the prevailing Muslim personal laws.

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Schedule-I

[see section 3 (2) and section 8 (1)]

DECLARATION OF MARRIAGE

Date: _____

We do hereby swear that the information given are true to the best of our knowledge and do hereby affirm and sign as a conclusive evidence of our intended marriage or solemnization of marriage as per Muslim custom and usage existing in the State of Assam.

Date of marriage :

Place of marriage :

(Full Address)

Name of Bride : (a) Father's Name/Mother's Name: (b) Her age at the time marriage: (c) Usual place of residence. (e) Address: (f) Status of bride at the time of marriage (Whether unmarried/ widow/divorced) Signature of Bride	Name of Bridegroom : (a) Father's Name/Mother's Name: (b) His age at the time of marriage: (c) Usual place of residence. (e) Address: (f) Status of bridegroom at the time of marriage (Whether unmarried/widower/divorced) Signature of Bridegroom
(1) Witnesses: (a) Name. (b) S/o, W/o, D/o. (c) Age (d) Usual place of residence (e) Address: Signature of Witness	(1) Witnesses: (a) Name. (b) S/o, W/o, D/o. (c) Age (d) Usual place of residence . (e) Address: Signature of Witness
(2) Witnesses: (a) Name. (b) S/o, W/o, D/o. (c) Age (d) Usual place of residence (e) Address: Signature of Witness	(2) Witnesses: (a) Name. (b) S/o, W/o, D/o. (c) Age (d) Usual place of residence (e) Address: Signature of Witness

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Schedule -II
(See section 4)

Notice of Marriage Solemnized or Intended Marriage

To

The Marriage and Divorce Registrar of the.....District.

We hereby give you notice that a marriage solemnized or intended marriage under the **Assam Compulsory Registration of Muslim Marriages and Divorces Act, 2024**, between us within one month from the date hereof.

Name	Status	Occupation	Age	Dwelling place	Permanent place of dwelling if present place of dwelling is not permanent	Length of residence
Bride	Unmarried Widower Divorcee					
Bridegroom	<u>Unmarried</u> <u>Widow</u> Divorcee					

Signature and Date of

1. Bride.....

2. Bridegroom.....


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Schedule-III

[See section 8(2) and 10 (1)]

Marriage Certificate

I (Name), Marriage Officer (Office name) hereby certify that I have registered the marriage of (Bridegroom) with (bride) on this _____ day of (year) in pursuance of the declaration dated the (date) day of (Month & Year) received/placed before me and the same has been entered as Serial No _____ in Page _____ of the Register of marriage maintained by me for the year _____, in presence of two witnesses and the groom and bride groom.

1. Joint Passport photo of the Bride and Bridegroom.

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2. Signature and Address of Bride and Bridegroom :

Bride :	Bridegroom :

3. Name and Signature of Witnesses

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Counter signed
(.....)
Marriage and Divorce Registrar
(Office Address)

Date of issue :


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20.8.2024

Schedule-IV
[see section 13(1)]

Register of Marriages

Name of the Marriage and Divorce Registrar :-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Sl. No.	Date of receipt	Date of Marriage declaration	Place of Marriage	Bridegroom particulars	Bride particulars	Status of Bridegroom and Bride (whether unmarried/widowed/divorced)	Name of witnesses for Bride with address	Signatures of Bridegroom and bride	Signatures of witnesses	Date and place of registration of marriage	Date of issue of marriage certificate	Signature of Marriage and Divorce Registrar with date and seal affixed	Remarks

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 20.8.2014

Schedule-V
[see section 13(1)]

Register of Divorces

Name of the Marriage and Divorce Registrar:-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
Sl No	Date of receipt	Date of Divorce	Place of Divorce	Particulars of Husband	Particulars of Wife	Name of witnesses for Husband and Wife	Signatures of Husband and Wife	Signatures of witnesses	Date and place of registration of divorce	Date of issue of divorce certificate	Signature of the Marriage and Divorce Registrar with date and seal affixed	Remarks

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ATTORNEY GENERAL
LEGISLATIVE DEPARTMENT
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STATEMENT OF OBJECT AND REASON

The object of the proposal :- The object of the Bill is to provide for compulsory registration of marriages and divorces between parties who are Muslims, within the territory of Assam. It would help in –

- i. Prevention of child marriages and to ensure minimum age of marriage for male is at 21 (twenty one) years and for female is at 18(eighteen) years.
- ii. Prevention of marriages without the consent of the parties.
- iii. Check polygamy.
- iv. Enabling married women to claim their rights to live in the matrimonial house, maintenance etc.
- v. Enabling widows to claim their inheritance rights and other benefits and privileges which they are entitled to after the death of their husband.
- vi. Determining men from deserting women after marriage.
- vii. Strengthening the institution of marriages.



Minister
Revenue & DM, HAD
(Jogen Mohanta) & Minerals Department,
Minister Assam, Dispur

Revenue & D.M. Department

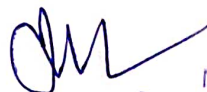


(D. Pegu) Secretary
Secretary Assam Legislative Assembly,
Assam Dispur, Guwahati-6

Assam Legislative Assembly

FINANCIAL MEMORANDUM

The Bill will not require any expenditure from the Consolidated Fund of the State once it come into force.



Minister
Revenue & DM, HAD
(Jogen Mohan) Mines & Minerals Department,
Minister Assam, Dispur
Revenue & D.M. Department

MEMORANDUM OF DELEGATE LEGISLATION

There is no delegation of Legislative powers proposed in the Bill.



Minister
Revenue & DM, HAD
(Jogen Mohan) Mines & Minerals Department,
Minister Assam, Dispur
Revenue & D.M. Department