

*THE KERALA
SPECIAL MARRIAGE RULES, 1958*

[Section 50]

In exercise the powers conferred by Section 50 of the Special Marriage Act, 1954 (Central Act 43 of 1954), the Government of Kerala hereby make the following Rules

1.
 - (1) These rules may be called the Kerala Special Marriage Rules 1958
 - (2) They extend to the whole of the State of Kerala
 - (3) They shall come into force on the First day of February 1958.

2. In these rules:-
 - (a) the Act means the Special Marriage Act, 1954 (Central Act 43 of 1954)
 - (b) Form means a Form appended to these rules
 - (c) Section means a section of the Act...

3. 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 of languages of the District and displayed in a conspicuous part of the building in which his office is situated.

4.
 - (a) Notice of any intended marriage under the act shall be given in writing in the form specified in the Second Schedule to the Act, to the Marriage Officer by both the parties intending to enter into the Marriage either in person or by registered post.

 - (b) Where the notice is delivered in person, the fee prescribed thereof in Rule 10 shall be paid directly in cash to the marriage Officer. Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter expense and receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.

C) As soon as the notice has been received by the Marriage Officer, a distinctive serial number shall be entered on it and such number and the date of receipt of the notice shall be attested by the signature of the Marriage Officer. If the notice is in conformity with the requirement of the Act, it shall be entered in the Marriage Notice Book which shall be a bound volume, the pages of which are machine,-numbered consecutively, with a nominal index attached. If the notice is not in conformity with the requirements of the Act it shall be got rectified by the parties if they are present, or returned to them by post for rectification and retransmission within a date to be fixed. Every item of rectification shall be attested by both the parties.

(d) The Marriage Officer may for the purpose of satisfying himself that the parties to a marriage have completed the age specified in Section 4(c) require them to produce birth certificate or any other satisfactory evidence to prove their age.

5. A true copy of the notice under the seal and signature of the Marriage Officer shall be exhibited in a conspicuous place in his office.

6. (a) Where an objection to the solemnization of an intended marriage together with the fee prescribed therefor in Rule 10 has been received and recorded by the Marriage Officer, he shall, unless by the order in writing he rejects the objection summarily on the ground that the objection is not based on contravention of any of the conditions specified in Section 4 enquire into the objection on a day to be fixed by him. The day so fixed shall not be later than thirty days from the date of the objection.

(b) The Marriage Officer shall, at the time of recording the objection, ascertain from the objector whether he has any documents on which he relies or whether he desires any witnesses or witness 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 witness on the day fixed for the enquiry. If the objector desires that summonses shall be issued to the witnesses to appear and give evidence or to produce any document, the Marriage Officer

shall issue such summonses to the witnesses cited, on payment of the process fee prescribed therefor in Rule 10 and the reasonable expenses of travelling and subsistence of the Witnesses. The enquiry relating to the objection including the production of documents and the examination of witness shall be completed and the decision of the Marriage Officer arrived at within the period of thirty days specified in Section 8, If within the prescribed period, the documents are not produced and witnesses do not appear before the Marriage Officer, the Marriage Officer shall take a decision without waiting for the production of such documents or the appearance of such witnesses.

- (c) The Marriage Officer shall also give notice of the date and time fixed for the enquiry to the parties to the intended marriage.
 - (d) The notice or summons to any party or witness under this rule shall be in Form 1 or 11, as the case may be, and shall be sent by registered post.
 - (e) On the date fixed for the enquiry or on any adjourned date, the Marriage Officer shall record in his own hand the evidence given in the course of enquiry, his decision on the objection and the reason therefor.
7. (a) An application under Section 16 for the registration of a marriage celebrated in other forms shall be in Form III
- (b) Such application shall be presented to the Marriage Officer by any one of the parties in person or sent to him by registered post.
 - (c) Notice of the application under sub-rule (a) shall 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 the marriage should be preferred by the objector in person orally or in writing to the Marriage Officer within thirty days from the date on which the notice is exhibited

(d) Any objection received within the said period together with the fee prescribed therefore in Rule 10 shall be recorded and the enquiry in respect there to made as nearly 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 and every authenticated copy of a certificate issued to the parties shall bear this number and the date, month and the year in which the certificate was entered.

10. The following fees shall be levied by the Marriage Officer:-

		Rs	np
(i)	For every notice of intended marriage or application for the registration of a marriage to be paid by the parties to the marriage	3	0
(ii)	For recording an objection (to be paid by the objector)	2	0
(iii)	For every enquiry into an objection (to be paid by the objector)	50	0
(iv)	For every notice and for every summons to a witness to appear and give evidence or produce a document (to be paid by the objector)	0	50
(v)	For solemnizing or registering a marriage (to be paid by the parties to the marriage)	10	0
(vi)	For a certified copy of an entry- (a) In the Marriage Notice Book other than an entry relating to an objection, or (b) In the Marriage Certificate Book (to be paid by the applicant)	2	0

(vii)	For a certified copy of an entry in the Marriage Notice Book other than a notice or of any other proceeding not already provided for (to be paid by the applicant)	2	0
(viii)	For solemnizing a marriage at any place outside the office of the Marriage Officer, in addition to the fee in entry (v) (to be paid by the parties to the marriage)	15	0
Note:-	This fee may be appropriated by the Marriage Officer. No travelling allowance 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-	0	50
	(b) if the entry related to any previous year or years	1	0

(for each such year)

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

A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and the rules, The receipt books shall be bound volumes of one hundred leaves each with foils and counterfoils which shall be machine-numbered consecutively.

All moneys received by the Marriage Officer except the fee mentioned in entry (viii) above shall be remitted into the local treasury.

- 10.** Copies of entries in the Marriage Certificate Book which Marriage Officers are required to send under Section 48 to the Registrar General of Births, Deaths and Marriages shall be certified in Form IV and shall be sent at intervals of three months on or as nearly as possible after, the 1st of January, April, July and October in each year. Should no entries have been made in

the book during the preceding three months a certificate to this effect shall be sent to the said Registrar-General.

- 11.** The Registrar-General of Births, Deaths and Marriages shall cause indexes of copies of entries in Marriage Certificate Books received by him in a bound register the pages of which are machine-numbered consecutively. Separate Registers may be maintained for each Marriage Officer or separate pages in the same Register may be allotted for each Marriage Officer.
- 12.** Copies of the entries from Marriage Certificate Books received in accordance with Rule 11 will be arranged in a file book in the chronological order. Separate file book will be maintained for each Marriage Officer.
- 13.** The Register of indexes referred to in Rule 12 shall at all reasonable times be open for inspection on payment of a fee of annas eight if the reference relates to the current year of a fee or rupee one if the reference related to any other year.
- 14.** Copies of the entries from Marriage Certificate Books kept in the file book may be given to any person who apply for them on the payment of a fee of rupees two.
- 15.** A copy of the entry given under Rule 15 shall be certified by the Registrar General of Births, Deaths and Marriages and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.
- 16.** The Registrar-General of Births, Deaths and Marriages shall exercise a general superintendence over all Marriage Officers in the State.

FORM-I

[(See Rule 6 (d))

NOTICE

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

In the Matter of the Special Marriage Act, 1954, and

In the matter	}	intended marriage between
of the		_____
		application to register the marriage between

A B

And

C D	}	(give names and addresses)
E F		Objector.

To

notice of an intended marriage

WHEREAS _____

An application for the registration of the marriage between AB and CD was received by the Marriage Officer..... on, whereas E F has preferred certain objection (set out overleaf) to the Solemnization/ an enquiry into the matter of the said objection onday of.....20.....at his office, you are hereby required to the 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, the inquiry 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 such 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.

(set out the Objection
on the reverse of this
notice)

Station
Date

(Seal)

(Signature)
Marriage Officer

FORM II
(See Section 6(d))
SUMMONS TO WITN

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 (give names and addresses)

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 hereunder, on the..... day of..... 20..... at.....am./pm.

If you fail to comply with this summons without lawful excuse, you will be subject to the consequences of nonattendance 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 inquiry will be made and decided in your absence.

Given under my hand and seal.

Sation

Date

Marriage Officer

(Seal)

FORM III

(See Rule 7 (a))

**APPLICATION FOR REGISTRATION OF A MARRIAGE UNDER SECTIONS 15 OF
THE SPECIAL MARRIAGE ACT, 1954, (CENTRAL ACT, 43 OF 1954)**

1. Names of parties

AB (Husband)

(CD(Wife)

2. Age or Date of Birth

Husband.

Wife

3. Permanent dwelling place, if any.....

4. Present dwelling Place.....

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

6. A ceremony of marriage was performed between A B and C D on.....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 mention in this application.
- (ii) neither of us, is an idiot or lunatic
- (iii) both of us have completed the age of twenty on years on the date of this application.
- (iv) we are not within the degree of prohibited relationship.

our marriage was celebrated before the commencement of the Special Marriage Act, 1954 (Central Act 43 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 Actaforesaid,

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

Date.....

Signature.

FORM IV
(See Rule 11)

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.

Or

Certified that no entries have been made in the Marriage certificate Book in this Office during the three months ending

Station.

Signature

Date