

## **Foreign Marriage Rules, 1970**

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## **Foreign Marriage Rules, 1970**

<sup>1</sup>1. Notification No. G.S.R. 1274 dated 19th August 1970, Published in the Gazette of India, Part II Sec. 3(i), dated 05.9.1970. In exercise of the powers conferred by Section 28 of the Foreign Marriage Act, 1969 (33 of 1969), and in supersession of the Special Marriage (Diplomatic and Consular Officers) Rules, 1955, published with the notification of the Government of India in the Ministry of External Affairs No. SRO 1679, dated the 29th July, 1955, the Central Government hereby makes the following rules, namely-

### **1. Short title :-**

These rules may be called The Foreign Marriage Rules, 1970.

### **2. Definitions :-**

In these rules, unless the context otherwise requires-

(a) "Act" means the Foreign Marriage Act, 1969 (33 of 1969);

(b) "form" means a form appended to these rules;

(c) "Marriage Officer" means a person appointed under Sec. 3 of the Act to be a Marriage Officer;

(d) "section" means a section of the Act.

**3. Particulars regarding name, etc., of Marriage Officer to be displayed in his office building :-**

Every Marriage Officer shall arrange to have his name, designation and the working hours of his office to be written in English, Hindi and the language of the country, place or area in which he functions as such, and displayed in a conspicuous part of the building in which his office is situated.

**4. Notice of intended marriage :-**

(1) When a marriage is intended to be solemnized under the Act by or before a Marriage Officer, the parties to the intended marriage shall give notice thereof in writing in the form specified in the First Schedule to the Act to such Officer either in person or by registered post.

(2) The notice shall be accompanied by a statement containing the following particulars:

(i) Present addresses of the parents of the parties to the intended marriage.

(ii) Name or names of the country or countries in which the parties are ordinarily resident.

(iii) State or States in India to which the parties or, as the case may be, the Indian party, to the marriage belong or belongs.

**5. Payment of fee :-**

(1) Where the notice is delivered in person, the fee prescribed therefor in Rule 15 shall be paid in cash to the Marriage Officer.

(2) Where the notice is sent by registered post, the fee shall be remitted by money order at the remitter's expense and the receipt issued to the remitter by the post office through which the remittance is made shall be attached to the notice.

**6. Procedure after notice :-**

(1) As soon as the notice is 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.

(2) If the notice is in conformity with the requirements 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 normal index attached.

(3) 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 for this purpose, if they are not present.

(4) "The Marriage Officer shall have every item of rectification attested by both parties.

#### **7. Publication of notice :-**

The Marriage Officer shall cause the notice to be published-

(a) by affixing a true copy thereof under his seal and signature to some conspicuous place in his office;

(b) by forwarding true copies thereof under his seal and signature to the parents of the parties to the marriage; and

(c) by publishing it in a newspaper having circulation-

(i) in the State or States in India to which the parties, or, as the case may be, the Indian party, to the marriage belong or belongs; and

(ii) in the country or countries in which the parties are ordinarily resident.

#### **8. Procedure for inquiry into objection :-**

(1) If any objection to the solemnization of the intended marriage (together with the fee prescribed therefor in Rule 15) is received by the Marriage Officer, he shall record the nature of the objection in his Marriage Notice Book and fix the date and time for inquiry into the objection and cause notice thereof to be given in Form I to the person who has made the objection and also the parties to the intended marriage.

(2) On the date suffixed or on any other date to which the inquiry may be adjourned, the Marriage officer shall make an inquiry into the objection and record in his own hand in the manner prescribed in the Code of Civil Procedure, 1908 (5 of 1908), the evidence given.

#### **9. Time and place of solemnization :-**

The intended marriage may be solemnized at any time during office hours of the Marriage Officer or at any other time convenient to him-

(a) at the official house of residence of the Marriage Officer, or

(b) at the office in which the business of the Marriage Officer is transacted, or

(c) at such other place within a reasonable distance from such official house or office as the Marriage Officer may in his discretion approve: Provided that additional fees as specified in Rule 15 shall be payable for the solemnization of any marriage at a place referred to in Clause (c).

**10. Manner of registration of marriages :-**

Registration of a marriage under Section 17 shall be effected by the Marriage Officer by entering a certificate of the marriage in Form II in the Marriage Certificate Book.

**11. Appeals to the Central Government :-**

An appeal to the Central Government under Sub-sec. (3) of Section 11 or Sub-sec. (4) of Section 17 shall be in the form of a memorandum which shall be accompanied by a certified copy of-(i) the notice of the intended marriage, or, as the case may be, of the application for registration of the marriage; (ii) the statement of the reasons for which the Marriage Officer refused to solemnize or, as the case may be, register the marriage.

**12. Language for purposes of Sec. 24 :-**

The language for purposes of Sub-clause (ii) of Clause (b) of Sub-sec. (1) of Section 24 shall be English, Hindi or any other language approved by the Marriage Officer.

**13. Transmission of copies of entries in marriage records :-**

The Marriage Officer shall send to the Secretary to the Government of India, Ministry of External Affairs, New Delhi, three true copies certified in Form III of all entries of corrections made by him in the Marriage Certificate Book at intervals of three months on, or as early as possible after, the 1st day of January, April, July and October in each year and one such copy shall be transmitted by the said Secretary to the Registrar General or to each of the Registrar General of Births, Deaths and Marriages of the State or States in India to which the parties to the marriage belong.

#### **14. Form of Marriage Certificate Book :-**

(1) 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 the certificate issued to the parties shall bear the number and state, months and year, in which the certificate was entered.

(2) For the removal of doubts it is hereby provided that the Marriage Certificate Book maintained under the Special Marriage (Diplomatic and Consular Officer) Rules, 1955, may be continued to be used with necessary adaptations as the Marriage Certificate Book for the purposes of these rules and the Act.

#### **15. Scale of fees :-**

(1) The following fee shall be levied by Marriage Officers:-

(i) for every notice of intended marriage, Rs. 39.50 (to be paid by the parties to the marriage).

(ii) for recording an objection, Rs. 15.75 (to be paid by the person making the objection);

(iii) for every inquiry into an objection, Rs. 78.75 (to be paid by the person making the objection);

(iv) for every notice to the parties to an intended marriage, of the date and time fixed for inquiry into an objection, Rs. 3.25 (to be paid by the person making the objection);

(v) for solemnizing a marriage, Rs. 78.75 (to be paid by the parties to the marriage);

(vi) for solemnizing a marriage at a place referred to in Rule 9(c) (to be paid by the parties to the marriage), Rs. 31.50 in addition to the fee of Rs. 78.75 referred to in item (v) above;

(vii) for registration by Consular Officer of a marriage solemnized in accordance with the local laws (in addition to the fee for attendance), Rs. 78.75 (to be paid by the parties desiring registration);

(viii) for receiving notice of a caveat at Rs. 78.75;

(ix) for certificate by Marriage Officer of notice having been given

and posted up, Rs. 15.75;

(x) for a certified copy of reasons recorded under Section 11 or Section 17 for refusal to solemnize or, as the case may be for refusal to register, a marriage, Rs. 8.00 (to be paid by the applicant);

(xi) for certified copy of an entry (to be paid by the applicant)-

(a) in the Marriage Notice Book, Rs. 8.00 or

(b) in the Marriage Certificate Book, Rs. 8.00;

(xii) for certification of a document referred to in Sub-sec. (1) of Section 24 , Rs. 3.25:

(xiii) for making a search (to be paid by the applicant)-

(a) if the entry is of the current year Rs. 8.00 or

(b) if the entry relates to any previous year or years, Rs. 15.75.

(2) A receipt duly signed by the Marriage Officer shall be issued for all fees received by him under the Act and these 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 shall be credited to such head of account as the Central Government may specify in this behalf.