MUSLIM MARRIAGES REGISTRATION ACT, 1981

(Act No. XXII of 1981)

THE JAMMU AND KASHMIR MUSLIM MARRIAGES REGISTRATION ACT, 1981
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 THE

JAMMU AND KASHMIR MUSLIM MARRIAGES REGISTRATION ACT, 1981

(Act No. XXII of 1981)

An Act to provide for the Registration of Muslim Marriages and for matters connected therewith.

Be it enacted by the Jammu and Kashmir State Legislature in the Thirty-second Year of the Republic of India as follows :—

1.*Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Muslim Marriages Registration Act, 1981.

(2) It shall extend to the [1][whole of the Union territory of Jammu and Kashmir].

[2](3) It shall come into force on such date as the Government may, by notification in the [3][Government Gazette] appoint and different dates may be appointed for different areas of the [4][Union territory of Jammu and Kashmir].

2.*Definitions.*—In this Act, unless the context otherwise requires,—(a) "Schedule" means a Schedule to this Act ;

(b) "Sub-Registrar" means a Sub-Registrar appointed under [5][the Registration Act, 1908 (16 of 1908)] ;

(c) "Sub-district" means a sub-district formed under [5][the Registration Act, 1908 (16 of 1908)].

3. *Registration of marriages.*—(1) Every marriage contracted between Muslims after the commencement of this Act, shall be registered as hereinafter provided, within thirty days from the conclusion of the *Nikah* Ceremony.

(2) In the case of each such marriage, the duty of causing it to be registered is hereby imposed upon the following persons concerned in the marriage :—1.Substituted by S.O. 1229(E) dated 31.03.2020 for "whole of the State".

2.This Act is yet to be enforced.

4.Now Union territory of Jammu and Kashmir.

5.Substituted for "the Registration Act, Samvat 1977" by S.O. 1229(E) dated 31.03.2020.

(a) the bridegroom or the person who consented to the marriage on his behalf ;

(b) the bride or the person who consented to the marriage on her behalf ; and

(c) the person who conducted the *Nikah* Ceremony.

(3) It shall be the duty of the person specified in sub-section (2) to deliver personally or by registered post a copy of *Nikah-Nama* or where no *Nikah-Nama* is written, a copy of memorandum in the

form contained in the Schedule duly filled in by the person specified in caluse (c) of sub-section (2) to the Sub-Registrar of the Sub-district in which the marriage is contracted.

(4) There shall be recorded on every copy of Nikah-Nama or memorandum, as the case may be, the amount of dower prompt and deferred separately as also the manner of payment thereof.

4. *Maintenance and preservation of Register and Nikah-Namas etc.*—Every Sub-Registrar shall—

(i) preserve in his office copies of all *Nikah-Namas* and memoranda received under section 3 and shall maintain a Register to be called a Register of Muslim Marriages ; and

(ii) record or cause to be recorded under his signatures in the Register of Muslim Marriages the particulars of all *Nikah-Namas* and memoranda received by him during each calendar year.

5. *Person conducting the Nikah Ceremony to record his particulars.*—Every person who conducts the *Nikah* Ceremony shall record on the *Nikah-Nama* or the memorandum, as the case may be, his full name, parentage, age and place of residence.

6. *Inspection.*—The Register of Muslim Marriages maintained by the Sub-Registrar shall at all reasonable times be open for inspection and shall be admissible as evidence as a public document as defined in [1][Indian Evidence Act, 1872 (1 of 1872)].

7. *Non-delivery of Nikah-Nama or memorandum not to invalidate Nikah.*—No Nikah shall be deemed to be invalid solely by reason of the fact

1. Substituted for "Evidence Act, 1977" by S.O. 1229(E) dated 31.03.2020.

that a copy of the *Nikah-Nama* or memorandum, as the case may be, was not delivered to the Sub-Registrar or that the copy of the *Nikah-Nama* or memorandum delivered to the Sub-Registrar was defective.

8. *Penalty for neglecting to comply with the provisions of section 3.*—Any person who willfully omits or neglects to deliver to the Sub-Registrar of the Sub-District a copy of the *Nikah-Nama* or the memorandum, as required by section 3, shall on conviction by a Judicial Magistrate be punished with fine which may extend to three hundred rupees.

9. *Power to make rules.*—(1) The Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for any or all the following matters, namely :—

(a) the form and manner in which *Nikah-Namas* and memoranda shall be maintained under this Act ;

(b) the form and manner in which the registers shall be maintained by the Sub-Registrar under this Act ;

(c) the custody in which the registers and files and other records are to be kept and the manner in which registers, files and records are to be reserved ; and

(d) the form and manner in which the receipt of *Nikah Namas* and memoranda delivered under section 3 shall be acknowledged by the Sub-Registrar.

———

SCHEDULE

[See sections 2 (a) and 3]

1. Place of marriage (with sufficient particulars to locate the place.)

2. (a) Full name of the bridegroom.

(b) His age.

(c) His place of residence.

(d) Address.

(e) Full name of bridegroom's father.

(f) Whether father is alive or dead.

(g) Civil condition of the bridegroom at the time of marriage whether—

Un-married
Widower
Divorced
Married, and if so, how many wives are alive.

(h) Signature or thumb impression of the bridegroom/*Vakil*/ Guardian according as the *Nikah* was performed in person by the bridegroom or through his *Vakil* or Guardian.

3. (a) Full name of the bride.

(b) Her age.

(c) Her place of residence.

(d) Address.

(e) Full name of the bride's father.

(f) Whether father is alive or dead.

(g) Civil condition of the bride at the time of marriage whether—

Un-married
Widow
Divorced.

(h) Signature or thumb impression of the bride/*Vakil*/Guardian according as the *Nikah* was performed in person by the bride or through her *Vakil* or Guardian.

4. (a) Full name of *Nikah-Khan* (that is the person conducting the Nikah Ceremony.)

(b) His age.

(c) Place of residence.

(d) Address.

(e) Signature of the *Nikah-Khan* (i.e person conducting the Nikah Ceremony with date.)

(f) Father's name.

5. (a) Amount of dower fixed.

(b) Manner of payment of dower.

6. Name of witneses with parentage, residence and address.