



# TAMIL NADU GOVERNMENT GAZETTE

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## Part IV—Section 1

### Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF TAMIL NADU**

Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 30th June 2009 is published together with Statement of Objects and Reasons for general information:—

**L.A. BILL No. 14 OF 2009**

***A Bill to provide for compulsory registration of all marriages in the State of Tamil Nadu and for matters connected therewith or incidental thereto.***

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of Republic of India as follows:—

Short title  
extent and  
commence-  
ment.

1. (1) This Act may be called the Tamil Nadu Registration of Marriages Act, 2009.—
- (2) It extends to the whole of the State of Tamil Nadu.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

- (a) "District Registrar" means a District Registrar of Marriages appointed under sub-section (2) of section 4;
- (b) "Government" means the State Government;
- (c) "marriage" includes all marriages performed by persons belonging to any caste or religion under any law for the time being in force, or as per any custom or usage in any form or manner and also includes remarriage;
- (d) "memorandum" means a memorandum of marriage referred to in section 5;
- (e) "priest" means any person who performs a marriage or any person present in the marriage referred to in section 7-A of the Hindu Marriage Act, 1955;
- (f) "Registrar" means a Registrar of Marriages appointed under sub-section (3) of section 4;
- (g) "Registrar-General" means the Registrar-General of Marriages appointed under sub-section (1) of section 4;
- (h) "State" means the State of Tamil Nadu.

Central Act  
XXV of 1955.

Marriages  
to be  
compulsorily  
registered.

3. Every marriage performed on and from the date of commencement of this Act shall be registered under this Act notwithstanding the fact that the said marriage had been entered in the marriage registers governed by any other personal laws of the parties to the marriage or custom or usage or tradition.

Appointment of  
Registrar-  
General,  
District  
Registrar and  
Registrar of  
Marriages.

4. (1) The Government shall, by notification, appoint a person to be the Registrar-General of Marriages for the State of Tamil Nadu.
- (2) The Government shall, by notification, appoint a person to be the District Registrar of Marriages for each District for carrying out the purposes of this Act.
- (3) The Government shall, by notification, appoint such number of persons as it thinks necessary, to be the Registrar of Marriages for such local areas as may be specified in the notification, and one or more Registrars may be appointed for one or more such areas for carrying out the purposes of this Act.
- (4) Every District Registrar and Registrar shall exercise such powers and perform such duties as may be prescribed and shall be under the general supervision and control of the Registrar-General.

5. (1) The parties to a marriage shall prepare a memorandum in such Form as may be prescribed in duplicate and shall deliver it in person or send in the manner as may be prescribed, to the Registrar of the area where the marriage is performed within ninety days from the date of the marriage:

Memorandum of marriage.

Provided that the memorandum may be delivered or sent to the Registrar within a further period of sixty days after the expiry of the said ninety days with the payment of additional fee as may be prescribed.

(2) Nothing in the proviso to sub-section (1) shall affect the liability of any person to any penalty under clause (a) of sub-section (1) of section 14.

6. Every memorandum referred to in section 5 shall be signed by the parties to the marriage and by the priest and two witnesses and shall be accompanied by such fee as may be prescribed.

Signature on memorandum and fees to be paid.

7. (1) Where the Registrar, before whom the memorandum is delivered or sent under section 5 on scrutiny of the documents filed with the memorandum or, on the other facts noticed or brought to his notice, is satisfied or has reason to believe that,—

Power to refuse registration of marriage.

(a) the marriage between the parties is not performed in accordance with the personal laws of the parties, or any custom or usage or tradition; or

(b) the identity of the parties or the witnesses or the persons testifying the identity of the parties and the performance of the marriage is not established beyond reasonable doubt; or

(c) the documents tendered before him do not prove the marital status of the parties,

he may, after hearing the parties and recording the reasons in writing, refuse to register the marriage and may,—

(i) call upon the parties to produce such further information or documents as deemed necessary, for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him, or

(ii) if deemed necessary, also refer the papers to the local police station within whose jurisdiction the parties reside, for verification.

(2) Where, on further verification as provided in sub-section (1), the Registrar is satisfied that there is no objection to register the marriage, he may register the same. If in the opinion of the Registrar, the marriage is not fit for registration, he may pass an order of refusal in writing, recording the reasons therefor.

8. (1) Any person aggrieved by the order of the Registrar under section 7 may, within a period of thirty days from the date of receipt of such order, appeal to the District Registrar in such manner as may be prescribed:

Appeal to District Registrar.

Provided that the District Registrar may, within a further period of thirty days, admit an appeal presented after the expiration of the first mentioned period of thirty days if he is satisfied that the appellant had sufficient cause for not presenting the appeal within the first mentioned period.

(2) The District Registrar, after giving an opportunity of being heard to the party affected and after recording the reasons in writing, direct the Registrar to register the marriage or confirm the order of the Registrar.

9. Any person aggrieved by the order of the District Registrar made under section 8 may, within a period of thirty days from the date of receipt of the order, appeal against such order to the Registrar-General and the decision of the Registrar General on such appeal shall be final and thereupon the Registrar shall act in conformity with such decision.

Appeal against the order under section 8.

10 (1) On registration of the marriage, the Registrar shall issue a certificate of registration of marriage to the parties in such form as may be prescribed.

Issue of certificate and maintaining registrar.

(2) Every Registrar shall maintain a register of marriages, in such form and in such manner as may be prescribed.

(3) On receipt of the memorandum of marriage under section 5, the Registrar shall file the same in the register.

- Search of marriage registrar. 11 (1) Subject to any rules made in this behalf by the Government including the rules relating to payment of fee, any person may,—
- (a) cause a search to be made by the Registrar for any entry in the register of marriages; and
- (b) obtain an extract from such register relating to marriages.
- (2) All extracts given under this section shall be certified by the Registrar and shall be admissible in evidence for the purpose of proving the marriage to which the entry relates.
- Register to be open for public inspection. 12. The register of marriages shall, at all reasonable times, be open to inspection and the certified extracts therefrom shall, on application, be given by the Registrar to the applicant on payment of such fee as may be prescribed.
- Responsibility of employer, etc. of verification of marriage registration certificate. 13. No employer or a Government or quasi-Government Authority or Company or Public Sector Undertaking or Local Authority shall carry out any change in their office record or in any office documents, such as change in the marital status or change of nomination, of its employee or in their dealings with any person, customer or client unless the employee or, as the case may be, the applicant, applying for carrying out or recording of such change, submits a certified copy of the certificate of registration of marriage issued under section 10.
- Penalties 14. (1) Any person who—
- (a) omits or neglects to deliver or send the memorandum as required by section 5; or
- (b) makes any statement in the memorandum which is false in any material particular, and which he knows or has reason to believe to be false; or
- (c) contravenes any of the provisions of this Act, or rules made thereunder, shall, on conviction, be punished with fine which may extend to one thousand rupees.
- (2) The Registrar who willfully fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or with both.
- Penalty for secreting, destroying or altering register. 15. Any person secreting, destroying or dishonestly or fraudulently altering the register of marriage or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.
- Sanction for prosecution. 16. No prosecution for an offence punishable under this Act shall be instituted except by an officer authorized by the Registrar- General by general or special order, in this behalf.
- Offences by companies. 17. (1) If any person committing an offence under this Act is a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly:
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- Explanation*—For the purpose of the section,—
- (a) 'company' means a body corporate and includes a firm or other association of individuals; and
- (b) 'director' in relation to a firm, means a partner in the firm.

Central Act XLV of 1860.	<p>18. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a rule or order made thereunder</p>	Protection of action taken in good faith.
	<p>19. The Registrar-General, every District Registrar and Registrar and other officers while acting or purporting to act in pursuance of the provisions of this Act or rules made thereunder shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.</p>	Registrar, etc. to be Public servant.
	<p>20. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order publish in the <i>Tamil Nadu Government Gazette</i>, make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties:</p>	Power to remove difficulties.
	<p>Provided that no order shall be made after the expiry of a period of two years from the date of commencement of this Act.</p>	
	<p>21. The Government may, from time to time, issue such directions ~ not inconsistent with the provisions of this Act, to the Registrar, District Registrar and to the Registrar-General, as it may think fit for the effective implementation of the provisions of this Act and they shall comply with such direction.</p>	Power of Government to give direction.
	<p>22. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.</p>	Operation of other laws not affected
	<p>23. No marriage performed in this State to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act.</p>	Non-registration not to invalidate marriage.
<p>24. (1) The Government may make rules for carrying out all or any of the purposes of this Act.</p>	Power to make rules.	
<p>(2) (a) All rules made under this Act shall be published in the <i>Tamil Nadu Government Gazette</i> and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.</p>		
<p>(b) All notifications issued under this Act shall be published in the <i>Tamil Nadu Government Gazette</i> and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.</p>		
<p>(3) Every rule or order made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, order or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, order or notification.</p>		

**FINANCIAL MEMORANDUM**

The Bill provides for appointment of Registrars and Registrar General.

The Bill when enacted would involve expenditure from the Consolidated Fund of the State. It is however not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred per annum as a result of the proposed legislation.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clauses 1(3), 4, 5, 6, 8, 10, 20, 21 and 24 of the Bill empower the Government to issue notifications and directions or to pass orders or to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

**STATEMENT OF OBJECTS AND REASONS**

The Supreme Court, in its order in *Seema vs Ashwani Kumar* AIR 2006 SC 1158 has observed that the effect of non-registration would be that the presumption which is available from registration of marriage would be denied to a person whose marriage is not registered. The Supreme Court of India is of the view that marriages of all persons who are citizens of India belonging to various religions should be made compulsorily registrable in the respective States, where the marriage is solemnized.

2. Therefore, in order to provide for the compulsory registration of all marriages of all persons who are the citizens of India belonging to various religions in the State, it is considered necessary to make a new law to ensure effective implementation of the compulsory registration of the marriages in this State. Accordingly, the Government have decided to undertake legislation for the purpose.

3. The Bill seeks to give effect to the above decision.

**DURAI MURUGAN,**

*Minister for Public Works and Law.*

**M. SELVARAJ,**

*Secretary.*





Under rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 30th June 2009 is published together with Statement of Objects and Reasons for general information:—

**L.A. BILL No. 15 OF 2009**

**A Bill to amend the Anna University, Tirunelveli Act, 2007.**

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Anna University, Tirunelveli (Amendment) Act, 2009.

Short title and commencement.

(2) It shall be deemed to come into force on the 17th March 2008.

2. In section 56 of the Anna University, Tirunelveli Act, 2007 (hereinafter referred to as the principal Act), in sub-section (1), for the expression “one year” the expression “two years”, shall be substituted.

Amendment of section 56.

3. Notwithstanding anything contained in the principal Act, the committees constituted under sub-section (5) of section 56 or continued as such committees during the period commencing on the 17th March 2008 and ending with the date of publication of the Anna University, Tirunelveli (Amendment) Act, 2009 in the *Tamil Nadu Government Gazette* shall be deemed to have been validly constituted or continued in accordance with law, and any power exercised or duty performed by such committees during that period shall be deemed to have been validly exercised or performed by the said committees, as if the principal Act as amended by this Act had been in force at all material times.

Validation.

Tamil Nadu  
Act 28 of  
2007.

**STATEMENT OF OBJECTS AND REASONS**

As per sub-section (1) of Section 56 of the Anna University, Tirunelveli Act, 2007 (Tamil Nadu Act 28 of 2007), it shall be the duty of the first Vice-Chancellor to make arrangements for constituting the Syndicate, Academic Council and such other authorities of the University within six months from the date of his appointment or such longer period, not exceeding one year as the Government may, by notification specify. Further, sub-section (5) of the said Section 56 of the said Act enables the first Vice-Chancellor to appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under that Act and the statutes, until such time an authority is duly constituted under the said sub-section (1) of section 56. The period contemplated in the said sub-section (1) of section 56 has already expired. The Syndicate, Academic Council and other authorities of the University were not constituted before the said period and the temporary committees appointed by the Vice-Chancellor are exercising the powers and performing the duties of the authorities. The Government have, therefore, decided to provide a further period of one year to constitute the authorities of the University, by amending sub-section (1) of section 56 of the said Act. The Government have also decided to validate the powers exercised and duties performed by the temporary committees.

2. The Bill seeks to give effect to the above decisions.

**DR. K. PONMUDY,**  
*Minister for Higher Education.*

**M. SELVARAJ,**  
*Secretary.*