

Marriage Registration Act, 2028 (1971)

Date of Authentication and Publication

2028.6.6 (Sep. 22, 1971)

Amendments:

- | | |
|---|----------------------------|
| 1. Administration of Justice Act, 2048 (1991) | 2048.2.16 ((May 30, 1991) |
| 2. Amending some Nepal Acts relating to maintain
Gender Equality Act, 2063 | 2063.7.17 (Nov. 3, 2006) |

An Act made to provide for the Registration of Marriage

Preamble: Whereas, it is expedient to provide for legal provisions to conclude the marriage through registration and to register the marriage to provide legal certainty as per the need of the changing society,

Be it enacted by His Majesty's King Mahendra Bir Bikram Shah Dev with the advise and consent of *Rastriya Panchayat*.

Chapter-1

Preliminary

- Short Title, Extent and Commencement:** (1) This Act may be called as "Marriage Registration Act, 2028 (1971)"
(2) This Act shall come into force all over Nepal and to all Nepalese Citizens residing in aboard.
(3) This Act shall come into force from Poush 1, 2028 (Dec. 16, 1971))
- Definitions:** Unless the subject or context otherwise provides, in this Act,-
 - "Marriage Registration Officer" means the officer appointed or designated pursuant to Section 3.
 - "Prescribed" means prescribed in the Rules framed under this Act.
- Marriage Registration Officer:** For the purpose of this Act, Government of Nepal may appoint or designate one or more Marriage Registration Officers for

every District of Nepal or foreign country, place or area by Notification published in Nepal Gazette.*

Chapter-2

Marriage through Registration

4. **Marriage may be concluded:** Except otherwise prohibited to get marriage pursuant to prevailing law, the following male and female may conclude marriage pursuant to this Act,-
- (a) In case any of the male or female does not have husband or wife,
 - (b) In case one of the male or female has not gone mad, and
 - (c) In case both the male and female have completed the age of twenty years.
5. **Application for Marriage:** (1) The male and female, who are interested to conclude a marriage under this Act, shall submit an application at least fifteen days earlier, in a prescribed format before the Marriage Registration Officer.
- (2) To submit an application pursuant to Sub-section (1), both the male or female or one of them must have resided in the area (jurisdiction) of the concerned Marriage Registration Officer, since at least fifteen days before to submit such application.
6. **Marriage Application Detail Register:** (1) The Marriage Registration Officer shall maintain the detail of the application, received pursuant to Section 5, in the marriage application detail register so prescribed and shall also keep the application in the official record. Such application detail register shall be shown to the person interested to inspect the register without charging any fees.
- (2) The Marriage Registration Officer shall make a decision regarding whether or not to conclude the marriage, within seven days upon receiving the application pursuant to Section 5.
- (3) In case, the Marriage Registration Officer denies to conclude the proposed marriage, for finding it in against of the prevailing law, any of the

* Officer has been designated by a Notification of 2028.8.17.

• Amended by Amending Some Nepal Acts to maintain Gender Equality Act, 2063.

proposed party to the marriage may file an appeal before the concerned [◇]Court of Appeal within thirty days of such denial. In such case, the decision of the [◇]Court of Appeal shall be final and the Marriage Registration Officer shall proceed as per the decision of the [◇]Court of Appeal.

7. Procedure to be followed by the Marriage Registration Officer in aboard in case of any doubt:

Notwithstanding anything contained in this Act, the Marriage Registration Officer stationed in aboard has any doubt regarding the proposed marriage, such officer shall forward the matter to the Government of Nepal for decision and proceed as per the decision of the Government. In such case, marriage shall not be concluded unless the decision of the Government of Nepal is received.

8. Procedure of Marriage: (1) Before concluding a marriage pursuant to this Act, the parties to the marriage and at least three witnesses shall sign a deed of declaration (affidavit) in a prescribed format and submit it to the Marriage Registration Officer and the Marriage Registration Officer shall also put signature in this document.

(2) Whether any religious, ethnic or dynastic custom, tradition, usage or practice has been followed or not or it has to be followed or not, to conclude a valid marriage pursuant to this Act, the parties to the marriage shall address the following statement in front of the Marriage Registration Officer and witnesses who have signed in the deed of declaration (affidavit):

Ihereby, accept/agree to you.....as my legal husband/wife.

9. Marriage to be concluded within a time frame: A marriage has to be concluded within three months in case it has been so decided pursuant to Section 6 or it has been finally decided by the Government of Nepal in case it was so forwarded to the Government pursuant to Section 7 and in case a marriage is not concluded within that time frame one has to submit a new application for the marriage.

[◇] Amended by Administration of Justice Act, 2048.

10. **Registration of Marriage:** (1) The Marriage Registration Officer shall register the marriage concluded pursuant to Section 8 in the marriage register so prescribed and the parties to the marriage, witnesses and Marriage Registration Officer shall put signature on such register.

(2) Such registration shall be the evidence of a marriage concluded under this Act.

(3) After the conclusion of such marriage, the Marriage Registration Officer shall issue a Marriage Registration Certificate to the parties to the marriage in a prescribed format.

Chapter-3

Registration of other Marriages

11. **Registration of other Marriages:** (1) Any marriage or marital relation concluded pursuant to the custom, tradition, usage or practice under any religion, ethnicity or dynasty, after the commencement of this Act, may be registered under this Act in case such marriage does not contradict the provisions of this Act.

(2) The couple intending to register a marriage concluded pursuant to Sub-section (1) shall submit an application in the prescribed format before the concerned Marriage Registration Officer, where they are being resided since fifteen days.

(3) The provisions of Section 6 and Section 7 shall also apply in relation to the application submitted pursuant to Sub-section (2).

(4) The Marriage Registration Officer shall register the marriage into the marriage register maintained in the prescribed format mentioning the details of the marriage, in case such marriage or marital relation is decided to be registered upon the completion of the procedure of Sub-section (3) and the couple, witnesses and the Marriage Registration Officer shall put signature in the marriage register.

(5) In the course of the registration of the marriage pursuant to Sub-section (4), the date of marriage or marital relation shall be mentioned and the name, age,

and sex of the children, who got birth after such date, shall also be mentioned in the register.

(6) The registration made pursuant to Sub-section (4) shall be an evidence of a marriage between the couple.

(7) After such registration, the Marriage Registration Officer shall issue a Marriage Registration Certificate to the couple in a prescribed format.

Chapter-4

Miscellaneous

12. **Saving**: Anything mentioned in this Act shall not cause any adverse effect to the legality of any marriage concluded so far or to be concluded in the future pursuant to the custom, tradition, usage or practice.
13. **Punishment to the Marriage Registration Officer for violation of law**: In case the Marriage Registration Officer knowingly cause to conclude a marriage or register any marriage contrary to this Act or cause to violate any procedure prescribed in this Act or Rules framed thereunder to conclude or register a marriage, such officer shall be punished with an imprisonment upto Six months or fine upto One Thousand Rupees or the both.
14. **Punishment for declaring or writing false statement or such witness**: A person who gives statement to establish marriage while such marriage was not so concluded or knowingly makes false declaration or gives false statement in writing or a person who accepts to be an witness in such cases shall be punished with an imprisonment upto Three months or a fine upto Five Hundred Rupees or the both.
15. **Correction**: The Marriage Registration Officer, if finds appropriate to correct any detail mentioned in the marriage register, may correct, without making any cross off in the content itself rather putting the detail into the side of the register book, in front of the parties to the marriage or in front of two dependable witnesses in case parties to the marriage have already been dead or absent and such officer shall sign and cause to put the signature of the parties to the marriage or the witnesses as the case may be.

16. Power to frame Rules: (1) To meet the objectives of this Act, the Government of Nepal may frame Rules.

(2) Without prejudice to the generality of the powers conferred by Sub-section (1) such Rules particularly may provide for any of the following matters:

- (a) In relation to the appointment or power, function, duty and area(Jurisdiction) of the Marriage Registration Officer,
- (b) Application form, registration book, format of the certificate and modalities to fill up the forms under this Act,
- (c) In relation to providing copy of the application, certificate and other documents and the fees therefor.

Note: Words modified by the "Some Nepal Laws Amendment Act, 2063

"Government of Nepal" Instead of "His Majesty's Government of Nepal"