

AS INTRODUCED IN THE RAJYA SABHA
ON 27TH APRIL, 2007

Bill No. XI of 2007

THE COMPULSORY REGISTRATION OF MARRIAGES BILL, 2007

A

BILL

to provide for the compulsory registration of all marriages solemnized in the country at district and national level with a view to preventing child marriages; bigamy or polygamy; helping women in their rights of maintenance and custody of child and enabling widow to claim inheritance and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2007.

Short title,
and
commencement.

(2) It shall come into force with immediate effect.

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

Definitions.

(a) “appropriate Government” means in case of a State, the Government of that State and in other cases the Central Government;

(b) “competent authority” means an office or an officer designated for the purpose of registration of marriages under section 4;

(c) “National Register of Marriages” means a register of marriages maintained by the Central Ministry of Law and Justice containing details of all the marriages solemnized in the country;

(d) “prescribed” means prescribed by rules made under this Act.

Registration
of marriage.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnized in the country after the commencement of this Act shall be registered within forty-five days of solemnization of marriage in such manner as may be prescribed.

(2) It shall be the responsibility of the father of the person getting married and the person himself to get the marriage registered with the competent authority.

Appointment
of competent
Authority.

4. (1) The appropriate government shall, by notification in the Official Gazette, appoint a competent authority where no such authority exists, for registration of marriages, in each district within its jurisdiction:

Provided that the appropriate Government, depending upon the size of the district, may appoint one authority for two or more districts or may appoint more authorities for one district.

(2) The competent authority shall maintain a Register of marriage containing such particulars and details as may be prescribed and shall also keep the same in electronic form.

(3) The Central Government shall prescribe the documents relating to solemnization of marriage that may be required to be furnished for the registration of the marriage.

(4) After the registration of the marriage under the provisions of this Act, a marriage certificate shall be issued to the marriage couple giving such details as may be prescribed.

(5) It shall be the duty of each competent authority to forward the details of the register of marriage to the Central Government for the purposes of entry into National Register of Marriages in such a manner as may be prescribed.

5. (1) The Central Government shall maintain at the Central level a National Register of Marriages wherein all the information relating to solemnization of marriages received from all districts shall be entered.

(2) The Central Government shall ensure that the National Register of Marriages is also available to public in electronic form.

Marriage to
be null and
void if not
registered.

6. Notwithstanding anything contained in any other law from the time being in force or any custom, the marriage performed after the commencement of this Act shall be null and void if not registered within forty-five days of solemnization of marriage.

Penalty.

7. If a person fails to register his marriage within the prescribed period or gives false information in registering his marriage, he shall be liable for punishment which may extend to one month or fine which extend to ten thousand rupees:

Provided that such a person shall be debarred from all benefits under various schemes of appropriate Governments or their undertakings.

Central
Government
to provide
funds.

8. The Central Government shall, after due appropriation made in this behalf, provide such sums of money as it may think fit for being utilized for the purposes of this Act.

Power to
remove
difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Overriding
effect of
the Act.

11. The Central Government, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

In our country, solemnization of marriage is considered to be one of the pious social ceremony. Ancient literature assigns great value to the solemnization of marriage between two individuals. With the degeneration in the social values, instances of abuse of the institution of marriage are on the rise. Many times unscrupulous husbands altogether walk out of their marriage leaving their wives in lurch, in order to avoid providing maintenance, custody of children or share in property. Every year, lakhs of marriages are performed in our country, mostly in traditional way. Most of these marriages have no official record, as hardly a few of these marriages are registered. Recently, the Supreme Court ruled that all marriages should be registered in order to prevent child marriages, check bigamy or polygamy, help women to exercise their rights of maintenance and custody of children and enable widows to claim inheritance. There is no Central law at present to provide for compulsory registration of marriages in the country, though some States have enacted laws for compulsory registration of marriage. The need for a uniform law is long over due. Therefore, it is high time that a law on compulsory registration of marriage is enacted.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall appoint a competent authority for registration of marriages. The expenditure in relation to Union Territories in this regard shall fall on the Central Government. Clause 8 of the Bill provides that the Central Government shall provide required funds for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore will be required for the purpose. Non-recurring expenditure to the tune of rupees five crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **11** of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

RAJYA SABHA

A

BILL

to provide for the compulsory registration of all marriages solemnized in the country at district and national level with a view to preventing child marriages; bigamy or polygamy; helping women in their rights of maintenance and custody of child and enabling widow to claim inheritance and for matters connected therewith or incidental thereto.

(Shri Vijay J. Darda, M.P.)