

## COMPULSORY REGISTRATION OF MARRIAGES: NATIONAL AND STATE LEVEL LAWS

## A COMPARATIVE TABLE

The following table draws attention to the salient provisions of laws in India concerning registration of marriages. It is not an exhaustive compilation of all laws in India dealing with marriage registration:

Name of Legislation	Whether Registration is Compulsory, and if yes, for which Community	Effects of Registration and Non Registration	Penalty for Non Registration	Days within which to Register	Whether Certificate of Registration is Evidence of the Marriage
<b>National Level Legislation enacted prior to <i>Seema vs. Ashwani Kumar</i><sup>1</sup></b>					
Special Marriage Act, 1954	YES [under section 13 (1), 16] – for any person marrying under this Act	All children born after the date of the marriage ceremony shall in all respects be deemed to be and always to have been the legitimate children of their parents. (section 18)	A person guilty of signing false declaration or certificate is liable u/s 199 of the IPC (section 45)  Penalty for wrongful act of marriage officer : simple imprisonment of one year and/or fine of Rs 500/- [section 46(3)]	30 days following public notice (section 16)	YES [section 13(2)]
Hindu Marriage Act 1955	NO. It is discretionary for state governments to make rules for registration of Hindu marriages [section 8(1)]	Failure to register does not render the marriage invalid [section 8(5)]	Fine of Rs 25/- for any person contravening any rule if such a rule is made under section 8(1) [section 8 (2)]	N.A	YES. Under section 8 (4) ‘ The Hindu Marriage Register ...shall be admissible as evidence of the statements therein contained..’

<sup>1</sup> Transfer Petition (Civil) 291/2005

In addition to the 2 legislations outlined in the Table, section 54 of the Indian Christian Marriages Act 1872 and section 6 of The Parsi Marriage and Divorce Act 1936 make registration of marriages compulsory.

**State Level Legislation enacted prior to *Seema vs. Ashwani Kumar*<sup>2</sup>**

<b>Legislation</b>	<b>Whether Registration is Compulsory, and if yes, for which Community</b>	<b>Effects of Registration and Non Registration</b>	<b>Penalty for Non Registration</b>	<b>Days within which to Register</b>	<b>Whether Certificate of Registration is Evidence of the Marriage</b>
Bombay Registration of Marriages Act 1953	YES (section 4) – applicable to every marriage contracted in an area in which provisions of this Act have been brought into force – but not to marriages contracted under the Special Marriages Act 1954, The Indian Christian Marriage Act 1872, or Parsi Marriage Act 1936 (section 14)	Failure to register does not render the marriage invalid (section 7)	Fine of Rs 200/- (section 8)  Penalty for Registrar for failing to file Memorandum – rigorous imprisonment of 3 months and/or Rs 500/- fine (section 9)	30 days from date of marriage (section 5)	Not specified in the Act
The Karnataka Marriages (Registration and Miscellaneous Provisions) Act 1976	YES (section 3) – every marriage contracted in the state shall be registered	Failure to register does not render the marriage invalid (section 8)	Imprisonment of 3 months and/or fine of Rs 500/- (section 17) Penalty for Registrar: Imprisonment of 3 months and/or fine of Rs 500/- (section 18)	30 days from date of marriage (section 5)	Not specified in the Act
The Himachal Pradesh Registration of Marriages Act 1996	YES (section 6) – Every marriage contracted in Himachal Pradesh	Failure to register does not render the marriage invalid (section 12)	Fine of Rs 200/ - (section 16) Penalty for Registrar: Imprisonment of 3 months and/or fine of Rs 500/- (section 17)	30 days from date of marriage (section 7)	Not specified in the Act

<sup>2</sup> Registration of marriages was kept optional under the Rules made by most of the States including the West Bengal Hindu Marriage Registration Rules 1958, Andhra Pradesh Hindu Marriage Registration Rules 1965, Karnataka Registration of Hindu Marriages Rules 1966, and Uttar Pradesh Hindu Marriage Registration Rules 1973 (Law Commission of India, Report No 211, October 2008). The Goa 'family laws' (also known as Goa Civil Code) provide for compulsory registration of marriage. In addition, there are Muslim Marriage and Divorce Registration Acts in force in six States providing for voluntary registration of marriages and divorces among the local Muslims. These states are: West Bengal, Bihar, Jharkhand, Assam, Orissa and Meghalaya (Law Commission of India, Report No 211, October 2008)

**State Level Legislation enacted following *Seema vs. Ashwani Kumar***

<b>Legislation</b>	<b>Whether Registration is Compulsory, and if yes, for which Community</b>	<b>Effects of Registration and Non Registration</b>	<b>Penalty for Non Registration</b>	<b>Days within which to Register</b>	<b>Whether Certificate of Registration is Evidence of the Marriage</b>
The Arunachal Pradesh Recording of Marriage Act 2008	YES – applicable to ‘all’ marriages in the state recognized under personal laws or custom (section 3)	Failure to register does not render the marriage invalid (section 10)	Penalty of Rs 1,000/- [section 8 (2) of The Arunachal Pradesh Recording of Marriage Rules 2009]	60 days from date of marriage [section 2(a)]	Not specified in the Act
Bihar Marriage Registration Rules 2006	YES – applicable for ‘every couple’ (rule 3)	Not stated  The Registrar is empowered to not give a marriage registration number if s/he finds ‘apparent objection in registering the marriage’ [rule 5(5)].	Any person who does not get his/her marriage registered within 30 days of solemnization of marriage shall be liable to pay a fine of Rs. 100/- upto 90 days and thereafter for Rs.50/- for each month delay, up-to a maximum of Rs. 1000/- only. In case of couple being guilty, fine amount shall be payable by the husband [section 12(1)]. Penalty on Public Servant: liable for dismissal from service (section 13).	30 days from solemnization of marriage (rule 3)	This registration shall be rebuttable proof of the marriage having taken place (rule 4)
The Mizoram Compulsory Registration of Marriages Act 2007	YES (section 3) Applicable to ‘every marriage contracted in the State’. Marriage includes all the marriages contracted by persons belonging to	Failure to register does not render the marriage invalid (section 12)	Penalty for Registrar: Simple imprisonment of 3 months and/or fine of Rs 500 (section 13) Any person who willfully omits or neglects to get his or her marriage	30 days (section 6)	Not specified

	any caste, tribe or religion, and the marriages contracted as per any custom, practices or traditions, and also includes re-marriages [section 2(a)].		registered: simple imprisonment of six months and/or fine of Rs 1000/- [section 14(3)].		
Tamil Nadu Registration of Marriages Act 2009	YES (section 3) – applicable to ‘all marriages’ which 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 [section 2 (c)]	Failure to register does not render the marriage invalid (section 23)  The Registrar has the power to refuse registration of marriage under section 7 (1) if the marriage between the parties is not performed in accordance with the personal laws of the parties, or any custom or usage or tradition [section 7 (1) (a)]	Fine of Rs 1000/- (section 14) Penalty for Registrar – imprisonment of 3 months and/or fine of Rs 1000/- [section 14(2)]	90 days from date of marriage [section 5 (1)].	Not specified