

Bill No. 138 of 2009

THE COMPULSORY REGISTRATION OF MARRIAGES BILL, 2009

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

to provide for the compulsory registration of all marriages solemnized in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2009.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires, "appropriate Government" means in the case of a State, the Government of that State, and in all other cases, the Central Government.

Definition.

3. Notwithstanding anything contained in any other law for the time being in force, or in any custom or usage to the contrary, every marriage solemnized in the country shall be compulsorily registered within one month from the date of marriage.

Compulsory registration of Marriages.

4. The marriages shall be registered,—

(i) in the office of Gram Panchayat in rural areas; and

(ii) with the Sub-Registrar or Tehsildar, or such municipal authority, as may be authorized by the State Government in this behalf, in the Urban areas:

Marriage to be registered with designated authorities.

Provided that where there is no Gram Panchayat, the marriages shall be registered with the nearest Sub-Registrar or Tehsildar or any other authority, which may be authorized by the appropriate Government in this behalf.

Particulars to be entered in the marriage register.	5. (1) The particulars of the marriage to be entered in the marriage register to be maintained by the Gram Panchayat, Sub-Registrar or Tehsildar or municipal authority, as the case may be, and the form and manner in which such particulars shall be entered, shall be such as may be prescribed.	5
	(2) The appropriate Government shall also prescribe the documents relating to solemnization of marriage to be furnished at the time of registration of marriage for record.	
	(3) The designated officer or authority shall, if satisfied with the documents and details furnished by either party to the marriage for registration of marriage, issue a marriage certificate to such person.	10
Marriage without registration to be null and void.	6. Any marriage which is not registered within thirty days of its solemnization shall not be treated as a valid marriage and shall be null and void.	
Act not to be in derogation of other laws.	7. The provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.	15
Power to make rules.	8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	
	(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule 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.	20 25

STATEMENT OF OBJECTS AND REASONS

There are a number of people who are married and are not registered with any Government agency. There have been reports that a large number of men desert women after solemnising the marriage. Thus, women are being unnecessarily harassed. There are people who marry their daughters to the foreigners for monetary considerations, but such women are often deserted later on. A number of such cases have come to the notice of the Central and State Governments. A large number of foreigners come and marry in this country only to desert their wives later.

There are a number of States where child marriages are still taking place and there is no check on such marriages by the Central Government or the State Governments. These marriages are mostly unsuccessful. Many women organizations in the country have opposed such practice and have demanded that the Government should check child marriages.

As there is no such law making registration of marriages compulsory, it is necessary that the Central Government and the State Governments should make a provision to register all the marriages that have taken place in their respective jurisdictions. So, all marriages, in whatever form they are solemnized, should be compulsorily registered to save women from harassment. Even the Supreme Court has urged the Central Government and the State Governments to enact such a law.

Hence this Bill.

NEW DELHI;
November 12, 2009.

SUPRIYA SULE

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides that the designated officer or authority shall, if satisfied with the documents and details furnished by either party to the marriage for registration of marriage, issue a marriage certificate to such person. While expenditure in respect of marriages registered with authority of the State Governments will be borne by the respective State Governments, the expenditure in relation to Union territories in this regard shall be borne by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees one hundred crore is likely to be involved for the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill.

As the rules will relate to the matters of detail only, the delegation of legislative power is, therefore, of a normal character.

LOK SABHA

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(Shrimati Supriya Sule, M.P.)