

In the database: on registration of marriages

In October, the Supreme Court held that that [sexual intercourse by a man with his wife who is below 18 years of age is rape](#). The judgment was interpreted as a strong warning against child marriage. Similarly, in July 2017, the Law Commission of India suggested amendments in the Registration of Births and Deaths Act, 1969 to make registration of marriages compulsory, like births and deaths, as an effective antidote to social evils like child marriage, bigamy and gender violence.

Instead of a standalone legislation to make marriages compulsory, the Commission recommended changes in the 1969 Act which would act as a “guiding principle” for States to legislate under Entry 5 of the Concurrent List of the Seventh Schedule to the Constitution taking into consideration the size of the population and sheer diversity of customary forms of marriage. However, State laws on the subject should be confined to the procedural, and not substantive.

The inclusion of marriages in the Births and Deaths Act would supplement the domain of family laws that already exist. It would not aim to remove, abolish or amend specific religious/cultural practices and laws that are accepted under personal laws prevailing in India.

The wedding certificate

The Commission suggested that the Registrar who is responsible for the registration of births and deaths be responsible for the registration of marriages as well. The Amendment Bill should provide that if the birth or marriage or death is not registered within the specified time limit, then the Registrar shall, on the payment of a late fee, register the death or birth (a) within a period of 30 days; (b) within one year, only with the written permission of the prescribed authority; and (c) after one year, only on an order of a First Class Magistrate. It provides for a penalty of 5 per day in case of delay in registration of “marriage without a reasonable cause”.

If the Registrar finds that any entry of a marriage in the register kept by him is erroneous or fraudulent or improper, he may correct or cancel the entries after hearing the parties concerned, subject to State government rules.

In a marriage solemnised abroad, and in which one of the parties is Indian, the Registrar shall verify it was conducted as per the laws of that country and the marriage satisfies conditions laid down in Section 4 of the Foreign Marriage Act, 1969.

The Commission called for village panchayats, local civil bodies and municipalities to create awareness about compulsory registration of marriages and to make marriage certificates mandatory for getting benefits or welfare like agricultural loans.

The definition of harassment needs to be constantly updated, and the process for justice made more robust

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