GOVERNMENT OF INDIA

MINISTRY OF LAW AND JUSTICE

LEGISLATIVE DEPARTMENT

R A J Y A S A B H A

UNSTARRED QUESTION No. 1231

TO BE ANSWERED ON FRIDAY, THE 25TH NOVEMBER, 2016.

CENTRAL LAW FOR COMPULSORY REGISTRATION OF MARRIAGES

1231. SHRI DILIPBHAI PANDYA

Will the Minister of LAW AND JUSTICE be pleased to state:

1. whether in October 2007, the Supreme Court had set a fresh three months deadline for States and Union Territories to frame necessary rules to make registration of marriages compulsory irrespective of religion, and took exception to some States making such registration only compulsory only for Hindus;
2. whether Government has urged the States to comply with the order of the Supreme Court;
3. the number of States which have so far introduced such legislation; and
4. whether in view of the Supreme Court’s judgement, Government is considering to have a Central Law for compulsory registration of marriages?

A N S W E R

MINISTER OF STATE FOR LAW AND JUSTICE AND

ELECTRONICS AND INFORMATION TECHNOLOGY

(SHRI P.P. CHAUDHARY)

1. The Supreme Court *vide* its Order dated the 25th October, 2007 in the case of Smt.Seema Vs Ashwani Kumar AIR 2006 SC 1158 has directed that the States and Union Territories who have not acted in line with the directions given on 14.2.2006 shall forthwith do it and in no case later than three months from that day.

(b) The Government has sought the comments of the State Governments and Union territory administrations on the compliance of directions of the Supreme Court in the aforesaid case.

(c) Information received from the State Governments and Union territory administrations is annexed herewith.

(d) Yes, Sir.

**Annexure**

**STATUS**

**REGISTRATION OF MARRIAGES**

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| 1. | Andhra Pradesh | The Government of Andhra Pradesh has enacted the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 and has also notified Andhra Pradesh Compulsory Registration of Marriages Rules, 2003 under said Act making the registration of marriages compulsory to all persons irrespective of their religion. |
| 2. | Arunachal Pradesh | The State Government has informed that they have enacted the Arunachal Pradesh Recording of Marriage Act, 2008 and rules, namely the Arunachal Pradesh Recording of Marriage Rules, 2009 have also been notified for the purpose. |
| 3. | Assam | The Government of Assam has fully complied with the order of the Apex Court through amendment of the Hindu Marriage Rule, 1961 and thereby bringing out the Hindu Marriage (Assam Amendment) Rule, 2008, making Hindu Marriage compulsorily registrable. Besides this by the enactment of the Assam Moslem Marriage Divorces Registration (Amendment) Act, 2010 registration of Muslim Marriages and Divorces are compulsory in the State of Assam. |
| 4. | Bihar | The State of Bihar has framed the Bihar Marriage Registration Rules, 2006 with effect from 11.08.2006 which provides for compulsory registration of all marriages solemnized in the State of Bihar.  |
| 5. | Chhattisgarh | The Chhattisgarh Administration has informed that the Chhattisgarh Compulsory Registration of Marriages Rules, 2006 to provide for compulsory registration of marriages to all communities in the State.  |
| 6. | Goa | The Portuguese Law (Civil Registration Code) existing in the State of Goa, provides for compulsory registration of marriages irrespective of religion. Hence enactment of new legislation is not necessary in the State of Goa. |
| 7. | Gujarat | The Gujarat Registration of Marriages Act, 2006 enacted by the State Government has been brought into force from 1st January, 2008 under the said Act to provide for the compulsory registration of marriages. |
| 8. | Haryana | The State Government of Haryana has enacted the Haryana Compulsory Registration of Marriages Act, 2008 to provide for the compulsory registration of marriages in the State. |
| 9. | Himachal Pradesh | The State Government has enacted the Himachal Pradesh Registration of Marriages Act, 1996 and necessary rules have also been notified for registration of all the marriages in the State.  |
| 10. | Jammu & Kashmir | There are three laws which govern the marriages of different communities in the State, namely the Jammu and Kashmir Christian Marriages and Divorce Act, 1957, the Jammu and Kashmir Muslim Marriages Registration Act, 1981 and the Jammu and Kashmir Hindu Marriages Act, 1980. Under the Jammu and Kashmir Christian Marriages and Divorce Act, 1957, every marriage in the Christian community is required to be registered compulsorily and every such marriage is being registered as per the provisions of the Act. As far as Muslims Marriages are concerned, the same are to be compulsorily registered under the Jammu and Kashmir Muslim Marriages Registration Act, 1981, within thirty days from the date of conclusion of Nikah ceremony. However this Act is yet to be enforced due to certain reservations expressed by religious leaders of the community and the general public. As far as Hindu Marriages are concerned, section 8 of the Jammu and Kashmir Hindu Marriages Act, 1980 provides for registration of Hindu Marriages in accordance with rules that are required to be framed under the said Act. However, rules have not been framed so far under the said Act. On the directions of the Hon’ble Supreme Court in case Seema Vs. Ashwani Kumar draft rules styled as the Jammu and Kashmir Hindu Marriage Registration Rules, 2009 were framed and submitted to the Cabinet for approval. The Cabinet constituted a Cabinet sub-committee to examine various aspects of the proposed rules and to submit its recommendations to the Cabinet for consideration. The Cabinet sub-committee discussed the issues/draft rules in its various meetings but the deliberations remained inconclusive. It has decided in its last meeting to seek views from the religious leaders of the community in respect of the draft rules in view of the sensitiveness involved.Steps are being taken to implement the directions of the Hon’ble Supreme Court in letter and spirit.  |
| 11. | Jharkhand | The State Legislature has passed the Jharkhand Registration of Marriages Bill, 2012 to provide for the registration of marriages in the State and forwarded the same to the assent of the President. However, the State Government has withdrawn the said Bill. |
| 12. | Karnataka | The Government of Karnataka has notified the Karnataka Marriage (Registration and Miscellaneous Provisions) Rules, 2006 with effect from 18.4.2006 under the Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976. The State Government has also taken action to implement the Judgment in Karnataka with a few additions and amendments to the existing Acts. Finalizations of the Compulsory Registration of Marriage Rules are under process. The Sub Registrars of Stamps and Registration Department and village Accountants of Revenue Department have been appointed as Marriage Registration Officers in their respective jurisdiction. The Inspector General of Registration and Commissioner of Stamps is appointed as Chief Registrar of Marriages. |
| 13. | Kerala | The Government of Kerala has notified the Kerala Registration of Marriage(Common) Rules, 2008 *vide* notification number G.O.(P) No. 1/2008/Law dated 29.02.2008 and published in the Kerala Gazette Extraordinary No.423 dated 29.02.2008 making all the marriages in the State compulsorily registrable irrespective of religion of the parties. |
| 14. | Madhya Pradesh | The Government of Madhya Pradesh has framed the Compulsory Registration of Marriage Rules, 2008 and published in the Madhya Pradesh (Extra- Ordinary) dated 23rd January, 2008.  |
| 15. | Maharashtra | The Government of Maharashtra has framed the Maharashtra Regulation of Marriage Bureaus and Registration of Marriage Act, 1998 which was enforced from 15.5.1999. This Act shall not apply to marriages contracted under the Special Marriage Act, 1954, the Indian Christian Marriage Act, 1872 and the Parsi Marriage and Divorce Act, 1936. |
| 16. | Manipur | The State Government of Manipur has enacted the Manipur Compulsory Registration Act, 2008 to provide for compulsory registration of marriage in the State of Manipur. |
| 17. | Meghalaya | In compliance to the order of the Supreme Court the State Government had notified the Meghalaya Special Marriage Rules, 2006, the Muslim Marriage and Divorces Registration Rules, 2006 and the Meghalaya Hindu Marriage Rules, 2006 which have made all marriages to be compulsorily registered.  |
| 18. | Mizoram | The State Government has enacted the Mizoram Compulsory Registration of Marriages Act, 2007 and also notified the Mizoram Compulsory Registration of Marriages Rules, 2007 to provide for compulsory registration of marriages. Besides this, the State Government has appointed as many as 697 numbers of Registrar of Marriages for the whole of Mizoram.  |
| 19. | Nagaland | The State is yet to implement the Registration of marriages of different religions since the subject matter contradicts the special provision of Article 371-A of the Constitution of India. |
| 20. | Odisha | The State of Orissa have made the marriage of Hindu and Mohammadans compulsorily registrable in the State by amending the Orissa Hindu Marriage Registration Rules, 1960 and Orissa Mohammadan Marriages and Divorces Registration Rules, 1976 *vide* notification number 8816 dated 05.07.2006 and 11984 dated 15.09.2006 respectively.  |
| 21. | Punjab | The Government of Punjab has enacted an Act, namely the Punjab Compulsory Registration of Marriages Act, 2012 (Punjab Act No. 1 of 2013) to provide for the compulsory registration of marriages solemnized under any law governing the parties irrespective of their religion, caste, creed or nationality and for the matters connected therewith or incidental thereto, and has been notified in Extraordinary Gazette dated the 04th January, 2013. |
| 22. | Rajasthan | The State Government has informed that the Rajasthan Compulsory Registration of Marriages Act, 2009 enacted by the State has been notified in Extraordinary Gazette dated 11-09-2009. |
| 23. | Sikkim | The State of Sikkim has issued notification number 10/LR & DM dated 09.08.2007 for compulsory registration of all Indian Citizen Marriages solemnized within the State of Sikkim in compliance with the direction of the Hon’ble Supreme Court of India.  |
| 24. | Tamil Nadu | The Government of Tamil Nadu has enacted an Act, namely the Tamil Nadu Registration of Marriages Act, 2009 (Tamil Nadu Act 21 of 2009) to provide for compulsory registration of all marriages of all persons who are the citizens of India belonging to various religions in the State.  |
| 25. | Telangana | The State Government of Telangana has adapted the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 *as* the Telangana Compulsory Registration of Marriages Act, 2002 (Act 15 of 2002) *vide* G.O. Ms. No. 16, Dept. for Women, Children, Disabled & Senior Citizens (Schemes), dated 23.12.2014 with effect from 23.12.2014. |
| 26. | Tripura | The Tripura Recoding of Marriage Act, 2003 and the Tripura Recording of Marriage Rules, 2006 make registration of marriages compulsory in the State. |
| 27. | Uttar Pradesh | The State Government has informed that draft of the Compulsory Registration of Marriage rules has been prepared and approval of Cabinet is under process.  |
| 28. | Uttarakhand | The Uttarakhand Compulsory Registration of Marriage Bill, 2010 has been passed by the Uttarakhand Legislative Assembly has been assented to by the Governor on 25th March, 2010.  |
| 29. | West Bengal | 1. Compulsory Registration of all Marriages of all religions have been made by amending the existing Marriages Rules in respect of Hindu Marriage Registration Rules, M.M.R. Rules, provisions have also been made in the said Rule for consequence of Non-registration of Marriages by the parties to the marriage. Since provisions are there, for compulsory registration of Marriage in the Christian Marriage Act and Parsi Marriage Act, no amendment had been made in the Rule of the said Act. 2. All the D.M.’s have been directed to encourage the General public to get their marriages registered by holding seminar, awareness programme etc. in the districts by highlighting the need for compulsory Registration of marriage to encourage the members of general public to get their marriages registered with the respective marriage officers.  |
| 30. | Andaman & Nicobar | The Marriage Officer (the Additional District Magistrate) has already been instructed to register the marriages irrespective of any religion in pursuance of the directions passed by the Hon’ble Supreme Court in T.P (Civil) No. 291 of 2005 (Seema Vs. Ashwani Kumar) |
| 31. | Chandigarh Admin. | In compliance with the judgement of the Supreme Court, the Chandigarh Administration has decided that all marriages solemnized in the Union territory of Chandigarh shall be compulsorily registrable in Union territory. The procedure for registration shall be as per the provision contained in the relevant Act/Rules.  |
| 32. | Dadra & Nagar Haveli | The Dadra and Nagar Haveli administration has issued the necessary notification to provide for compulsory registration in the Union territory. |
| 33. | Daman & Diu | Marriage Registration has been made compulsory in the Union territory of Daman & Diu. |
| 34. | Delhi | The executive order regarding compulsory registration of marriage has been issued in compliance of the directions given in the judgment dated 14/2/2006 by the Hon’ble Supreme court of India in the case titled Smt. Seema Vs. Ashwani Kumar in Transfer petition (C) No. 291 of 2005 *vide* order number F.1(12)/DC/MC/2014/4392 dated 21/4/2014 and published in Part-IV of the Delhi Gazette Extraordinary. |
| 35. | Lakshadweep | This administration has made the Lakshadweep Marriage Registration Rules, 2006 and issued Notification to make compulsory registration of marriage of all person irrespective of cast creed and region who are the resident of Union Territory of Lakshadweep. This administration has also appointed Deputy Collectors/Sub Divisional Officers of all islands as Marriage Registration Officers *vide* Notification dated 10.07.2003.  |
| 36. | Puducherry | This administration has made the Puducherry Hindu Marriage (Registration) Rules, 1969 on the 17th February, 1999, to provide for compulsory registration of marriages in the Union territory. |