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# **DISCREPANCIES REGARDING COMPULSORY REGISTRATION OF MARRIAGES UNDER DIFFERENTIAL MARRIAGE ACTS AND POTENTIAL DEVELOPMENTS IN SAME, IF A UCC WERE TO BE INTRODUCED**

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## **ABSTRACT**

Marriage registration is an important legal procedure, as it provides a legal recognition to the marriage. However, Indian culture sees marriage through a religious lens as a sacred practice and social and spiritual understanding between two persons, due to which the legality can often be overlooked. India is a secular state, and the constitution guarantees everyone the freedom to practise any religion, with each religion having its own set of marital rituals. Marriage has historically been regarded as a religious sacrament in our country, and as such, the registration of a marriage has had no real meaning or significance to several people in the country. Most marriages in India are yet unregistered as people don't feel the need to register their marriages as long as the rituals have taken place, and those who consider registration find it simpler to avoid the long and unnecessarily tedious process of registration. The Constitution of India, under Article 21, recognises the right to marry and the freedom to choose one's life partner as a fundamental right. Nevertheless, despite this recognition, the state has not been able to set up an efficient consistent system for marriage registration. Marriage registration in India is governed by various personal laws that apply to different faiths. This research paper discusses the requirement for marriage registration in India under various religious acts.

## [I] What is Registration of Marriage?

Registration of marriage refers to the act of getting a marriage recorded to any authority such as a marriage registrar, officiating priest, clergyman, minister of religion, Kazis who are required to keep a record of such marriages and has been permitted by the government to issue marriage certificate.<sup>1</sup> Registration of marriage provides evidence of marriage having taken place and a rebuttable presumption that marriage has been solemnized between the parties.<sup>2</sup> Registration serves as a documentary record and proof that the parties have been married to one another, even though it is not a sufficient condition for determining a marriage's validity in India. Registration of a marriage is not the same as court marriage. If a marriage is completed devoid of customs, under the SMA<sup>3</sup>, it shall be done in the presence of an officer, in which case 30 days' time is given and after 30 days, the certificate is issued by the marriage officer. This is known as a court marriage. On the other hand, if a marriage is done in accordance with all required religious customs, after applying to the registrar's office, the proof in the form of a certificate is obtained, and the marriage is a Registered Marriage. The process of marriage registration involves a few simple steps, which vary slightly depending on the state or union territory where the marriage is being registered. The basic steps are inclusive of filling out the application form, submission of documents, verification of documents, and ultimately issuance of certificate.

## [II] Necessity of Registration of Marriages.

Until the landmark judgement of *Seema v Ashwani*<sup>4</sup>, except four statutes applicable to States of Maharashtra, Gujarat, Karnataka, Himachal Pradesh and Andhra Pradesh registration of marriages was not compulsory in any of the other States. Since registration of marriage was not a requirement in most states for a valid marriage, the main question that arises is why is it necessary or beneficial to register a marriage?

For a variety of causes, marriage registration is crucial. Firstly, it gives the marriage legal recognition. A legally binding document representing a registered marriage can be cited as proof in the event of disputes between the couple's. Secondly, it defends women's rights.

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<sup>1</sup> Gupta Surya, REGISTRATION OF MARRIAGES ACADEMIA.EDU, <[https://www.academia.edu/32102551/Registration\\_of\\_marriages](https://www.academia.edu/32102551/Registration_of_marriages) (last visited Apr 19, 2023)>

<sup>2</sup> *Seema v Ashwani Kumar*, (2006) 2 SCC 578.

<sup>3</sup> Special Marriage Act, 1954.

<sup>4</sup> *Seema v Ashwani Kumar*, *supra note 2*.

Women who do not register after getting married may have trouble getting insurance, property rights, and other social and financial benefits. Thirdly, it aids in reducing the number of child marriages. The couple's age can be verified on a registered marriage certificate, which can be used to restrict child marriages.

There is a general agreement among governments as to the practical advantages of registration of marriages. Compulsory registration of marriages operates as an effective check on child marriages and offers a reliable proof of marriage. It ensures the legitimacy and protection of the rights of inheritance of children. As has been pointed out by a U.N. representative, in modern states for participation in security benefits, evidence of marriage is often required, usually certificate of registration of marriage.<sup>5</sup>

In the affidavit filed on behalf of the National Commission for Women it has been indicated as follows: "That the Commission is of the opinion that non-registration of marriages affects the most and hence has since its inception supported the proposal for legislation on compulsory registration of marriages. Such a law would be of critical importance to various women related issues such as:

- (a) prevention of child marriages and to ensure minimum age of marriage.
- (b) prevention of marriages without the consent of the parties.
- (c) Check illegal bigamy/polygamy
- (d) Enabling married women to claim their right to live in the matrimonial house, maintenance, etc.
- (e) Enabling widows to claim their inheritance rights and other benefits and privileges which they are entitled to after the death of their husband.
- (f) Deterring men from deserting women after marriage.
- (g) Deterring parents/guardians from selling daughters/young girls to any person including a

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<sup>5</sup> B Sivaramayya, Convention On Consent To Marriage, Minimum Age For Marriage And Registration Of Marriages 1962, With Special Reference To India, 8 Journal Of The Indian Law Institute , 402-412 (1966)

foreigner, under the garb of marriage."<sup>6</sup>

The Law Commission of India's recommendations were motivated by the idea of improving the status of women who lacked the knowledge necessary to appreciate the advantages of such a prospect. "In a report submitted to the Centre, the commission headed by former Supreme Court judge, Justice B.S. Chauhan, said that the lack of provisions for compulsory registration of marriages had proven disastrous for women and deprived them of societal recognition and legal security. The Commission also recommended that "fraudulent marriages are on the rise especially among non-resident Indians. Compulsory registration can serve as a means to ensure that conditions of a valid marriage have been performed."<sup>7</sup>

### [III] Is Registration of Marriage Compulsory in India?

Initially in India only four states had passed laws making registration of marriages mandatory. The first was Himachal Pradesh that made registration compulsory through the Himachal Pradesh Marriages Registration of Marriages Act, 1996<sup>8</sup>. Further the statute of The Bombay Registration of Marriages Act, 1953<sup>9</sup> mandated registration in the jurisdiction of Maharashtra and Gujrat, requiring under section 4<sup>10</sup> of the act that every marriage which is contracted in an area to which the provision of this act extends will have to be compulsorily registered irrespective of the personal laws under which the parties have married. The Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976<sup>11</sup> and The Andhra Pradesh Compulsory Registration of Marriages Act, 2002<sup>12</sup> made marriage registrations compulsory in the states of Karnataka and Andhra Pradesh respectively.<sup>13</sup>

Through the case of *Seema v. Ashwini Kumar* (2006) the Supreme Court held that, "It is evident from narration of facts though most of the States have framed rules regarding registration of marriages, registration of marriage is not compulsory in several States. If the record of marriage is kept, to a large extent, the dispute concerning solemnization of marriages between two persons is avoided. Accordingly, we are of the view that marriages of all persons

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<sup>6</sup> *Seema v Ashwani Kumar*, *supra note 2*.

<sup>7</sup> Make registration of marriages compulsory, *The Hindu*, July 04, 2017.

<sup>8</sup> Himachal Pradesh Marriages Registration of Marriages Act, 1996.

<sup>9</sup> Bombay Registration of Marriages Act, 1953.

<sup>10</sup> Bombay Registration of Marriages Act, 1953.

<sup>11</sup> The Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976.

<sup>12</sup> The Andhra Pradesh Compulsory Registration of Marriages Act, 2002.

<sup>13</sup> Gupta, *supra note 1*.

who are citizens of India belonging to various religions should be made compulsorily registrable in their respective States, where the marriage is solemnized”<sup>14</sup> J. Pasayat examined the usefulness of registration citing the proof of marriage. It is true that in many matrimonial cases the existence of marriage is denied. If the marriage is registered, it may provide evidence of the marriage having taken place and would provide a rebuttable presumption. This in turn will have great evidential value in matters relating to marriage disputes. No doubt, in many respects it would be beneficial for the community if the marriages are compulsorily registered.<sup>15</sup>

Following this there was enactment of the Tamil Nadu Registration of Marriages Act, 2009<sup>16</sup>, Punjab Compulsory Registration of Marriages Act, 2012<sup>17</sup> and Delhi government by legislating The Delhi (Compulsory Registration of Marriage) order, 2014, all of which inculcated the principle of compulsion of registration of marriages irrespective of personal religious laws. However, despite the 2006 Supreme Court judgement several states are yet to pass laws relating to the same.

The directions issued by the Supreme Court in Smt. Seem Kumar assume a lot of importance in this respect. For the first time the Indian Supreme Court has called upon the states and the centre to require by law, registration of marriages in India irrespective of caste and religion of the parties. In order to strengthen its views, the court commanded to its aid the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), which together with two declaratory statements stipulate that marriages should be registered. Indeed, India has agreed on principle that compulsory registration of marriages is highly desirable. However, it has made a reservation saying that it is not practical in a vast country like India with its variety of customs, religions and level of literacy.<sup>18</sup>

In the case of *Seema v Ashwani Kumar*<sup>19</sup> it is noteworthy to see the rapid societal progression through an issue cropped up in a transfer petition of which the court rightly took cognizance, identifying the problem and confronting authorities dealing with matrimonial disputes. It is a matter of satisfaction that all states and the union territories have demonstrated that they

<sup>14</sup> *Seema v Ashwani Kumar, supra note 2.*

<sup>15</sup> K. N Chandrasekharan Pillai, *Regulating Marriage And Divorce – Need For A Comprehensive Legislation*, 48 Journal Of The Indian Law Institute , 106–111 (2006).

<sup>16</sup> Tamil Nadu Registration of Marriages Act, 2009

<sup>17</sup> Punjab Compulsory Registration of Marriages Act, 2012

<sup>18</sup> Pillai *supra note no 15.*

<sup>19</sup> *Seema v Ashwani Kumar, supra note 2.*

support marriage registration as being highly desirable. The court could, therefore, issue instructions for legislation without being criticized on the ground of violating the norm that court shall not issue direction for legislation. The court has located the power of the state in list III of the VIIth schedule of the Constitution, which in entry 30 helps the states to legislate on vital statistics including registration of births and deaths. It has also found that registration of marriages would go within the ambit of the expression "vital statistics".<sup>20</sup> In the case of *Najma v. Registrar General of Marriages & Anr*<sup>21</sup>, the court observed that matrimonial disputes will substantially decrease if the marriage is registered.

#### [IV] Case Laws Following Seema V. Ashwani

The Punjab and Haryana High Court stated in the case of *Baljit Kaur v. State of Punjab*<sup>22</sup>, reiterated the ratio in Seema case, stating that making marriage registration mandatory would lessen disputes pertaining to the solemnization of marriages. The court pointed out that "...if the record of marriage is kept then, to a large extent, the disputes concerning solemnization of marriages between two persons, are avoided. It would also rescue the woman because non-registration of marriages affects the woman to a greater measure. Registration of marriage furnishes evidence of marriage having been taken place and would provide a rebuttable presumption to that effect. The registration of marriage has a great evidentiary value in the matter of custody of children, right of children born from the wedlock of two persons whose marriage is registered and the age of parties to the marriage."<sup>23</sup>

Similar to this, the Bombay High Court upheld the existence of a marriage certificate and, on the basis of that, decided in favour of a valid marriage in *Sushma W/o Hemant Rao Bodas v. Malti W/o Madhukar Machile*<sup>24</sup>. The court also mentioned the importance of marriage certificates as evidence in succession proceedings.

In pursuance of the report in the matter of Seema (Supra), the Government of National Capital Territory of Delhi issued an executive order 21.04.2014, namely, 'The Delhi (Compulsory Registration of Marriage) Order, 2014' which explicitly made rules regarding compulsory registration of marriages between a male having completed 21 years and a female having

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<sup>20</sup> Pillai, *supra note 15*.

<sup>21</sup> *Najma v. Registrar General of Marriages & Anr* (2010)

<sup>22</sup> *Baljit Kaur v. State of Punjab* (2008) 151 PLR 326

<sup>23</sup> *Baljit Kaur v. State of Punjab* (2008) 151 PLR 326

<sup>24</sup> *Sushindu W/o Hemant Rao Bodas v. Malti W/o Madhukar Machile* (2009) Bom LR 3974

completed 18 years of age, with at least one of the parties being an Indian citizen. This registration law is to be applied irrespective of religion, caste and creed of the parties. It requires the parties to compulsorily apply for registration within 60 days of solemnization. It also lays down the consequences of non-registration of marriage within prescribed period, inclusive of a fine of rupees one thousand, imposed by the marriage officer. However, such laws do not tantamount to validity of marriage as the same would be subject matter of the respective laws.<sup>25</sup>

The court in relation to registration of child marriages including marriages between females below the age of 18 years and males not having completed 21 years, has mandated registration as well. In the matter of Punarjani Charitable Trust V/s State of Kerala & Ors, High Court of Kerala, order dated 12.02.2019, the court held "...the registration of even the child marriages, in our perception, would ensure that there is better transparency and adequate proof to penalise the offenders under the Prohibition of Child Marriage Act."<sup>26</sup> Further the court also stated, "...Over and above these provisions of the statute, it would also be desirable for the State Government to instruct the Marriage Registration Officers to intimate the Child Marriage Prohibition Officers, the registration of any marriage which might involve a child, as defined under Section 2 (a) of the Prohibition Act, 2006, so that, appropriate steps can then be taken by the Child Marriage Prohibition Officer to prosecute offenders"<sup>27</sup>

## [V] Religious Personal Laws and Registration.

India has two systems of law, one territorial and one personal. For example, the Special Marriage Act<sup>28</sup> applies to all people in the territory of India. The fact that some persons or categories of persons are excluded from the provisions of the Act, does not change its nature to personal. On the other hand, the Hindu Succession Act<sup>29</sup> applies to Hindus, and is therefore personal. Hinduism is by far the religion adhered to by the majority and Hindu personal law in India has been codified to a large extent.<sup>30</sup> Following are the rules of registration under certain

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<sup>25</sup> Revenue department order,  
<http://revenue.delhi.gov.in/wps/wcm/connect/510e5d004437afedb907bf6677e59639/MARRIAGE-ORDER-ENGLISH%2BVERSION.pdf?MOD=AJPERES&lmod=1517722391&CACHEID=510e5d004437afedb907bf6677e59639> (last visited Apr 19, 2023)>

<sup>26</sup> Punarjani Charitable Trust vs State of Kerala (2019)

<sup>27</sup> Punarjani Charitable Trust vs State of Kerala (2019)

<sup>28</sup> Special Marriage Act, 1954.

<sup>29</sup> The Hindu Succession Act, 1956.

<sup>30</sup> MP Jain Outlines of Indian legal history (5ed 1990) 632-642 for a history of the codification of Hindu law in India.

personal and secular laws as applicable in India.

In India, the registration of marriages is governed by different personal laws applicable to different religions. The Hindu Marriage Act, 1955<sup>31</sup>, the Special Marriage Act, 1954<sup>32</sup>, the Indian Christian Marriage Act, 1872<sup>33</sup>, and the Muslim Dissolution of Marriage Act<sup>34</sup> are some of the significant personal laws governing marriage registration in India. The objective of these laws is to regulate the marriage customs and practices of different communities and to provide legal recognition to the marriage.

Despite the existence of these laws, the registration of marriages in India remains alarmingly low. The low rate of registration of marriages can be attributed to various reasons such as lack of awareness, religious and cultural beliefs, and the absence of a uniform law.

#### [v.i] Special Marriage Act<sup>35</sup>

The SMA<sup>36</sup> provides for civil marriage that would enable individuals to get married outside of their respective community mandates, many community-based laws did not provide for inter-community or inter – caste marriages. Many a time marriage outside of one's own caste or religion results in social ostracism. The Act provides legitimacy to such marriages. It ruled out caste or religious barriers to marriage and provided a purely secular and non – ritualistic ceremonial marriage. The Act prevails not only in cases of inter – religious or inter – caste marriages, or love marriages but is also applicable on same religion marriages.<sup>37</sup> Laws regarding registration of marriage are majorly found in the Special Marriage Act, 1954<sup>38</sup>, which has jurisprudence mainly over inter-religious marriages. A marriage must be registered in accordance with Section 13 of the Special Marriage Act<sup>39</sup> in order for it to be considered valid. According to Section 13, the Marriage Officer must enter a certificate into the Marriage Certificate Book after the marriage has been solemnised. This certificate must be signed by the parties to the marriage and the three witnesses, and it serves as conclusive proof of the union.

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<sup>31</sup> The Hindu Marriage Act, 1955.

<sup>32</sup> Special Marriage Act, 1954.

<sup>33</sup> Christian Marriage Act, 1872

<sup>34</sup> Dissolution of Muslim Marriages Act, 1939

<sup>35</sup> Special Marriage Act, 1954.

<sup>36</sup> Special Marriage Act, 1954.

<sup>37</sup> Ritu Singh, Marriage And Registration Under Special Marriage Act: A Socio – Legal Study, Ii (International Monthly Journal, I.S.S.N 2321 6417.

<sup>38</sup> Special Marriage Act, 1954.

<sup>39</sup> Special Marriage Act, 1954.

The mandatory requirements for registration of marriage are given under s.15<sup>40</sup> of the Special Marriage Act<sup>41</sup>. The parties must have reached age of 21 years at the time of registration in order for the marriage to be registered. Consequently, a restriction on age is imposed on marriage registration. Parties to the marriage need to be present after submission of the documents so that public notice can be issued for inviting objections, of which one copy is published on the notice board of the office and copy of same is further provided to both the parties through registered post. Registration of marriage is done 30 days after the date of notice after deciding any objection that may have been received during that period by the Magistrate.<sup>42</sup> Therefore registration of marriages is a pre requisite for marriages to be declared as valid under the SMA<sup>43</sup>

#### [v.ii] Hindu Marriage Act<sup>44</sup>

Section 7 of the HMA<sup>45</sup> provides for the conditions of solemnization of valid marriages. Section 8 of the Hindu Marriage Act<sup>46</sup> states that the state government may make rules relating to the registration of marriages between two Hindus solemnised in the ceremonial form. The obvious and immeasurable advantage of registration is that it facilitates proof of the factum of marriage in disputed cases. The Act does not lay down any rules relating to registration but merely empowers the state government to make rules providing for registration of Hindu marriages.<sup>47</sup> Parties can get their marriage registered if they are willing, however non-registration of marriage will not affect the validity of a Hindu marriage in any way.<sup>48</sup> As seen in the Supreme Court judgement of Rathnamma v. Sujathamma, 2019<sup>49</sup> The Hindu Marriage Act<sup>50</sup> only deals with registration of marriage that have already been solemnized. The registration itself does not make a marriage valid, it is the solemnization thereof which brings about marriage. Further the Madras High Court in the case of Kanagavalli And 4 Others vs

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<sup>40</sup> Special Marriage Act, 1954.

<sup>41</sup> Special Marriage Act, 1954.

<sup>42</sup> Ashu Dhiman & Saloni Anand, Need For A Uniform Law On Compulsory Registration Of Marriage In India, VIII Review of Research UGC approved Journal No. 48514 (2019)

<sup>43</sup> Special Marriage Act, 1954.

<sup>44</sup> The Hindu Marriage Act, 1955.

<sup>45</sup> The Hindu Marriage Act, 1955.

<sup>46</sup> The Marriage Act, 1955.

<sup>47</sup> Mulla, D.F., Mulla: Hindu Law. Satyajeet A. Desai, ed, 21st ed., New Delhi: Lexis Nexis Butterworths, 2013. p1340

<sup>48</sup> Gupta, *supra note 1*

<sup>49</sup> Rathnamma v. Sujathamma CIVIL APPEAL NO. 3050 OF 2010

<sup>50</sup> The Hindu Marriage Act, 1955.

Saroja And 3 Others<sup>51</sup>, 2001 stated that “Section 8 has made the registration optional and Section 8(5) specifically provides that the validity of any Hindu Marriage shall not be affected by the failure to register. At the time of enactment of Hindu Marriage Act<sup>52</sup>, there was an opportunity for the Legislature to provide for compulsory registration, but it failed to do so.”<sup>53</sup> The mere registration of an agreement of a marriage is not sufficient to prove marriage Even though registration of marriages is mandatory in most states, failure to register a marriage performed under the Hindu Marriage Act does not affect its validity, but spouses may be subject to monetary fines. Therefore, most Hindu Marriages remain unregistered till date.

#### **[v.iii] Parsi Marriage and Divorce Act<sup>54</sup>**

Section 6 of the act states the procedure for registration after solemnization. The marriage certificate must be signed by the officiating priest, the contracting parties, and two witnesses who were present during the wedding. The officiating priest will then send the certificate, along with a two-rupee fee that the husband must pay, to the Registrar of the location where the marriage was solemnised.<sup>55</sup> Therefore, resulting in obligatory registration of marriages under this personal religious law.<sup>56</sup> Section 12 of the Parsi Marriage and Divorce Act<sup>57</sup> penalises non-registration of marriage. Any priest who neglects either to so certify a marriage or to transmit its copy to the Marriage Registrar will be punishable with simple imprisonment up to three months, or with fine up to a hundred rupees, or with both. Similar to the HMA<sup>58</sup>, the Parsi Marriage and Divorce Act, 1936<sup>59</sup> makes necessary Registration of Marriages but non – registration does not affect the validity of a marriage.

#### **[v.iv] Indian Christian Marriage Act, 1872<sup>60</sup>**

Indian Christian Marriage Act 1872<sup>61</sup> is the law regulating the consecration of marriages

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<sup>51</sup> Kanagavalli And 4 Others vs Saroja And 3 Others (2001) AIR 2002 Mad 73.

<sup>52</sup> The Hindu Marriage Act, 1955.

<sup>53</sup> Kanagavalli And 4 Others vs Saroja And 3 Others (2001) AIR 2002 Mad 73

<sup>54</sup> Parsi Marriage and Divorce Act, 1936.

<sup>55</sup> Christa Rautenbach, *Phenomenon of personal laws in India: some lessons for South Africa*, 39 THE COMPARATIVE AND INTERNATIONAL LAW JOURNAL OF SOUTHERN AFRICA , 241–264 (2006).

<sup>56</sup> Parsi Marriage and Divorce Act, 1936.

<sup>57</sup> Parsi Marriage and Divorce Act, 1936

<sup>58</sup> The Hindu Marriage Act, 1955.

<sup>59</sup> Parsi Marriage and Divorce Act, 1936.

<sup>60</sup> Christian Marriage Act, 1872

<sup>61</sup> Christian Marriage Act, 1872

amongst the Christian Community in India and according to Christian culture, marriage is seen as a gift from God, which one should never take for granted. Necessary registration of Marriages under this Act is laid down in section 5 and 7 of the Act. The Indian Christian Marriage Act of 1872<sup>62</sup>, originally passed by the British-Indian government, governs the registration of Christian marriages. The Indian Christian Marriage Act<sup>63</sup> mandates that only churches and in the presence of a priest or minister may Christian marriages be performed. As soon as the marriage is complete, the priest or church father issues the couple their marriage certificate. Section 27 of The Indian Christian Marriage Act<sup>64</sup> also states that all marriages solemnised under the Act need to be registered therein.

#### [v.v] Muslim Marriages Registration Act 1981<sup>65</sup>

Registration of marriage in Muslims is compulsory and mandatory, as a Muslim marriage is contractual in nature.<sup>66</sup> According to section 3 of Muslim Marriages Registration Act 1981- “Every marriage contracted between Muslims after the commencement of this Act, shall be registered as hereinafter provided, within thirty days from the conclusion of the Nikah Ceremony”.<sup>67</sup> Nikahnama is a sort of legal document in Muslim marriages which contains the crucial conditions and details of the marriage. The Nikah Namas are prepared and authenticated by the Kazi. According to the Law Commission of India the nikah-namas issued by the kazis are admissible in evidence. Therefore, Muslim Law provides for private registration of marriages by signing a nikah-nama by both the parties and witnesses which can be taken as a proof of marriage.

#### [VI] Potential UCC- Good or Bad?

The UCC debate started as early as 1947 when the Sub-Committee on Fundamental Rights recommended the enactment of a directive principle indicating the government's commitment to a UCC for India. The result was the enactment of article 44 that reads: The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.<sup>68</sup>

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<sup>62</sup> Christian Marriage Act, 1872

<sup>63</sup> Christian Marriage Act, 1872

<sup>64</sup> Christian Marriage Act, 1872

<sup>65</sup> Muslim Marriages Registration Act, 1981.

<sup>66</sup> Rai Diva, et al. MARRIAGE UNDER MUSLIM LAW : ALL YOU NEED TO KNOW iPLEADERS, [https://blog.ipleaders.in/marriage-under-muslim-law/#Valid\\_sahih](https://blog.ipleaders.in/marriage-under-muslim-law/#Valid_sahih). (last visited Apr 19, 2023)

<sup>67</sup> Muslim Marriages Registration Act, 1981.

<sup>68</sup> Rautenbach, *supra note* 27.

The Law commission of India through its 270th report and various judgments of the Honourable Supreme Court of India express that there must be a legislation relating to compulsory registration of marriage. Motive of the Law Commission of India and the Honourable Supreme court of India behind pushing forward the legal provisions for compulsory registration was to preserve the status of women in the society, to prevent harassment of women and matrimonial frauds which are easier to commit due to the absence of matrimonial documents and in turn preserve the status of the children born out of such marriages. With matrimonial documents not in the picture, the women are deceived into marrying without proper ceremonies or with a person who is already married. Not only this, but women are also deprived from achieving social recognition. Compulsory registration of marriage will work as a proof that the conditions of a valid marriage have been fulfilled and will provide women societal recognition and legal security.<sup>69</sup>

The introduction of a UCC will do away with the varying personal laws, giving way to systematic and rigid common registration of marriages. While this seems like a great solution to prevent illegitimate and child marriages, in a country like India with various opposing religions that consider marriage to be a religious sacrament it will take several years of evolution to implement and is surely to be faced by backlash from the people. The registration of marriages under differential religious acts has been a contentious issue in India. Depending on the individuals' religion, different laws govern the registration of marriages in India. Various stakeholders have emphasised the need for a uniform law that governs the registration of marriages in India. The adoption of a uniform law on marriage and divorce was recommended by the Law Commission of India in its 211th report. According to the report, a uniform law would ensure that all marriages are registered and would grant legal recognition to all marriages, regardless of the couple's religious beliefs.

## [VII] Conclusion

In conclusion, the registration of marriages is a necessary process in India and the state laws on registration of marriages in India are designed to ensure that the legal status of a marriage is recognized by the government and that the rights of both partners are protected. The registration of marriages has several benefits, including social security schemes, insurance policies, and legal protection in case of divorce or property disputes. It is essential for couples

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<sup>69</sup> Dhiman, Anand, Need For A Uniform Law On Compulsory Registration Of Marriage In India

to register their marriages within the specified time frame to avail of these benefits and to protect their legal rights even though the mere registration of a marriage does not render the marriage valid.