

THE DELHI REGISTRATION OF MARRIAGES BILL, 2012

A

BILL

to provide for the registration of all marriages solemnized in the National Capital Territory of Delhi and for certain other matters connected therewith.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Sixty-third Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

Short title, extent and commencement. - (1) This Act may be called the Delhi Registration of Marriages Act, 2012.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

2. **Definitions.**- In this Act, unless the context otherwise requires, -

(a) "Delhi" means the National Capital Territory of Delhi;

(b) "Government" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 and designated as such under article 239 AA of the Constitution;

(c) "marriage" means a marriage solemnized or entered into in any form or manner and includes remarriage;

(d) "marriage register" means a register of marriages maintained under this Act containing such particulars and details as may be prescribed;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Principal Registrar of Marriages" means the Principal Registrar of Marriages appointed by the Government for a specified revenue area called as "district" under sub-

section (1) of section 4 of this Act and includes an Additional Principal Registrar of Marriages appointed under sub-section (1) of section 4 of this Act ;

(g) "Registrar General of Marriages" means the Registrar General of Marriages appointed by the Government under section 3 of this Act;

(h) "Registrar of Marriages" means a Registrar of Marriages appointed by the Government under section 5 of this Act and includes the Registrar General of Marriages, Principal Registrars of Marriages and Additional Principal Registrars of Marriages;

CHAPTER- II

ESTABLISHMENT OF REGISTRARS

3. **Registrar General of Marriages.-** (1) There shall be a Registrar General of Marriages for Delhi who shall be appointed by the Government by notification in the official Gazette.

(2) The Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging, under the superintendence and direction of the Registrar General of Marriages, such of his functions as he may from time to time, authorize them to discharge.

(3) The Registrar General of Marriages shall be the Chief Executive Authority in Delhi for carrying into execution the provisions of this Act and the rules and orders made thereunder subject to the directions, if any, given by the Government.

4. **Principal Registrars of Marriages. -** (1) The Deputy Commissioner of each revenue area of Delhi (hereafter called as "district") shall be the Principal Registrar of Marriages for such district and the Government may also appoint such number of Additional Principal Registrars of Marriages, as it thinks fit, who shall, subject to the general control and direction of the Principal Registrar of Marriages, discharge such functions of the Principal Registrar of Marriages as he may, from time to time, authorize them to discharge.

(2) The Principal Registrar of Marriages shall be responsible for carrying into execution in the district the provisions of this Act and the orders issued in this regard by the Registrar General of Marriages, from time to time.

5. **Registrars of Marriages.-** The Government shall appoint, by notification in the official Gazette, a Registrar of Marriages for any designated area including local area or cantonment area, who may be endowed with such duties and functions under this Act as are conferred upon him.

CHAPTER-III

REGISTRATION OF MARRIAGES

6. **Every marriage to be registered.-** (1) After the commencement of this Act, every marriage, solemnized or contracted in Delhi, or solemnized or contracted out of Delhi at any place in the country, by a person who, normally resides in Delhi, shall be registered in the manner provided in this Act, within a period of sixty days from the date of marriage;

Provided that a marriage registered under any other law relating to registration of marriages for the time being in force, need not be registered under this Act:

Provided further that a marriage may be registered under this Act if it is not prohibited by the law applicable to the parties to the marriage.

(2) It shall be the responsibility of each of the parties to a marriage to get the marriage registered with the concerned Registrar of Marriages.

(3) Failure of the party to apply for registration of a marriage shall be punishable under section 17 of this Act.

7. **Submission of application for registration.-** (1) One or both of the parties to a marriage or any person authorized by the parties to the marriage, may apply for registration of a marriage in the Memorandum along with the fees as may be prescribed by the Government in this regard:

Provided that the Government may, by notification in the official Gazette, exempt any categories or classes of persons from the payment of the registration fee under this sub-section.

(2) The memorandum for registration shall be submitted in duplicate in the prescribed form duly signed by the parties to a marriage along with at least one witness from each side, to the Registrar of Marriages of the area, within a period of sixty days from the date of the marriage.

(3) The memorandum for registration of a marriage may also be submitted after the expiry of the prescribed period of sixty days, upon payment of such fees as may be prescribed by the Government in this regard.

(4) Nothing in sub-section (3) shall affect the liability under section 17 of this Act of any person who has willfully omitted or neglected to apply in prescribed form within the period specified in sub-section (2) of this section.

8. **Place of registration of marriages.-** The Registration shall ordinarily be effected in the office of the Registrar of Marriages -

(a) in whose jurisdiction either or both parties to the marriage normally, reside, or

(b) in whose jurisdiction the marriage is solemnized if none of the parties normally reside in Delhi.

9. **Registration of marriages solemnized or contracted in foreign country.**- Where a marriage is solemnized or contracted in a foreign country by citizens of India or either of them is an Indian citizen who normally resides in Delhi preceding his or her marriage, such marriage may be registered under this Act.

10. **Registration of marriages solemnized or contracted prior to commencement of this Act:** Any marriage solemnized or contracted before the commencement of this Act, by the persons who normally resides in Delhi, if not already registered under any other law, may be registered under this Act.

11. **Marriage to be registered upon application.**- (1) On receipt of such memorandum in the prescribed form, the Registrar of Marriages shall scrutinize the memorandum and other documents attached with the memorandum, if any, or other facts noticed or brought to his notice.

(2) In case, the identity of the parties or the witnesses or the persons testifying the identity of the parties and the solemnization of the marriage is not established beyond reasonable doubt, the Registrar of Marriages may call upon the parties to produce such further information or documents as deemed necessary for establishing the identity of the parties and the witnesses or correctness of the information or documents presented to him.

(3) On scrutiny of memorandum and other documents presented to him or on further verification as provided in sub-section (2), if the Registrar concerned is satisfied that there is no objection to registration of the marriage, he shall make an entry of the same in the marriage register maintained by him and shall also keep the same in electronic form;

Provided that in the case of a marriage solemnized in a foreign country, the Registrar of Marriages shall satisfy himself -

(a) that the marriage has been solemnized in accordance with the laws of that country between the parties, of whom, at least, one was a citizen of India; and

(b) that at the time of registration, the marriage satisfies all the conditions laid down in section 4 of the Foreign Marriages Act, 1969 (33 of 1969).

(4) After making entry in the marriage register under sub-section (3), the Registrar of Marriages shall issue a Certificate of registration of marriage to the parties, free of charge, under his hand and seal in such form as may be prescribed.

(5) The Registrar of Marriages shall send the duplicate copy of the memorandum to the Principal Registrar of Marriages.

12. **Furnishing of information by Marriage Officer under other laws.**- It shall be the duty of every Marriage Officer appointed under any law relating to solemnization of marriages to furnish information in respect of marriages solemnized by him to the Principal Registrar of Marriages.

13. **Refusal to Register Marriage.** - The Registrar shall not refuse to register any marriage for which a duly filled up and signed memorandum has been received by him except in the following cases, namely:-

(a) when the memorandum does not contain all the information that is required to be furnished therein or the identity of the parties or the witnesses or the persons testifying the identity of the parties and the solemnization of the marriage is not established beyond reasonable doubt or

(b) when the bride has not completed 18 years of age or the groom has not completed 21 years of age, as the case may be, or

(c) where either party makes a categorical statement before the Registrar that he or she was forced into the marriage and that the marriage was performed without his or her free consent:

14. **Appeal .-** (1) Any person aggrieved by the refusal of the Registrar of Marriages to register marriage may, within a period of thirty days from the date of receipt of order of refusal, appeal to the Additional Principal Registrar of Marriages in such manner as may be prescribed:

Provided that the Additional Principal Registrar of Marriages may entertain an appeal after the expiry of the said period of thirty days if he is satisfied that there was sufficient cause for not presenting it within that period.

(2) The Additional Principal Registrar of Marriages may, after giving an opportunity of being heard to the parties affected and after recording the reasons therefore in writing, direct the Registrar of Marriages to register the marriage or confirm the order of refusal passed by the Registrar of Marriages.

(3) Any person aggrieved by the refusal of the Additional Principal Registrar of Marriages under sub-section (2) may, within a period of thirty days from the date of receipt of order, appeal against such order to the Principal Registrar of Marriages in such manner as may be prescribed.

(4) The Principal Registrar of Marriages may, after giving an opportunity of being heard to the parties affected and after recording the reasons in writing, direct the Registrar of Marriage to register the marriage or confirm the order of refusal passed by the Registrar of marriage.

(5) The decision of the Principal Registrar of Marriages in such appeal shall be final and thereupon the Registrar of Marriages shall act in conformity with such decision.

CHAPTER-IV

MAINTENANCE OF MARRIAGE REGISTER AND CORRECTION THEREOF

15. **Correction or cancellation of entry in the marriage register.**- If it is found to the satisfaction of the Registrar of Marriages that any entry of a marriage in any register kept by him under this Act is erroneous in form or substance, or has been fraudulently or improperly made, he may subject to such rules as may be made by the Government with respect to the conditions on which and the circumstances in which such entries may be corrected or cancelled, correct the error or cancel the entry by suitable entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and thereto add the date of the correction or cancellation.

16. **Register to be open for public inspection.**- The marriage register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts therefrom shall, on application, be given by the Registrar on payment by the applicant of the fee prescribed for each such extract.

CHAPTER-V

PENALTIES

17. **Provision for punishment of offences.**- Any party to the marriage who-

(a) wilfully omits or neglects to apply for registration of the marriage in the prescribed memorandum as required under sections 6 and 7 of this Act shall, on conviction, be punished with fine which may extend to ten thousand rupees;

(b) makes any statement in the memorandum which is materially false, and which he knows or has reason to believe to be false, shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine, which may extend to five thousand rupees or with both.

18. **Penalty for desecrating, destroying or altering marriage register.**- Any person desecrating, destroying, or dishonestly or fraudulently altering the marriage register or record or any part thereof, shall, on conviction be punished with imprisonment for a term which may extend to one year, and shall also be liable to fine.

CHAPTER-VI

MISCELLANEOUS

19. **Failure to apply for registration not to affect the legal validity of a marriage:-** Failure to register a marriage which was validly entered into shall not detract from the legal validity of the marriage.

20. **Registrars of Marriage to be Public Servants.-** All Registrars of Marriages shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

21. **Overriding effect of the Act.-** The provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

22. **Protection of action taken in good faith.-** No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and rule made thereunder.

23. **Court competent to try offences under this Act.-** No court other than the court of Metropolitan Magistrate shall try an offence under this Act.

24. **Power to delegate.-** The Government may by notification in the official Gazette, direct that any power exercisable by it under this Act, may also be exercised by such officer as may be mentioned therein, subject to such conditions, if any, as may be set out.

25. **Power to make rules.-** (1) The Government may, after previous publication and by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely :-

(a) the terms and conditions of appointment; and duties and powers of the Registrar General of Marriages, Principal and Additional Principal Registrars of Marriages, Registrars of Marriages, and other officers and staff appointed to assist them;

(b) the directions which may be given by the Government to the Registrar General of Marriages for carrying into execution the provisions of this Act;

(c) the form of Memorandum in which application for registration of marriage shall be submitted and supporting documents required;

- (d) the rate of fee payable in respect of application for registration of marriage submitted within and after the prescribed period of sixty days;
- (e) the rate of additional fee to be accompanied with the application for registration of marriage at a place outside the office of the Registrar of Marriages;
- (f) the form and manner of issue of certificate of registration of marriage;
- (g) the manner of appeal against the order of refusal of the Registrar of Marriages;
- (h) the form and manner in which registers or records, required to be kept by or under this Act, shall be maintained;
- (i) the custody in which the registers and records are to be kept the preservation of such registers and records and the conditions and circumstances in which any erroneous entry of a marriage register may be corrected or cancelled;
- (j) the rate of fee or certified extracts to be given from a marriage register;
- (k) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi 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, the House agrees in making any modification in the rule or agrees 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.

26. **Power to remove difficulty.**- (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the House of Legislative Assembly.

STATEMENT OF OBJECTS AND REASONS

In our country, marriage is treated as an institution. Indian Culture spanning all religions assigns great value to the solemnization of marriage between two individuals. But, of late, there are numerous instances of abuse of the institution of marriage. It has been seen that many times unscrupulous husband altogether deny marriage leaving their wives in the lurch, be it for seeking maintenance custody of children or inheritance of property. Then, there are States where child marriages are rampant without any check. Every year, lakhs of marriages are performed in our country, mostly as social marriages conducted by performing the prescribed religious rituals, in a traditional way. Most of these marriages have no official record, as hardly a few of these marriages are registered. Recently, the Supreme Court, moved by the plight of women fighting for their rights under wedlock, ruled that all marriages should be registered in order to prevent child marriage, check bigamy or polygamy, help women to exercise their right of maintenance from the husband and custody of children's and enable widows to claim inheritance. There is no such law at present to provide for compulsory registrations of marriage in the country, except four states, namely, Maharashtra, Gujarat, Karnatka and Himachal Pradesh which have enacted laws for compulsory registrations of marriages. The proposal for a uniform Central Law for the country has been pending for the last 15. years

Therefore, it is high time that a law on compulsory registration of marriages to be applicable in the National Capital Territory of Delhi is made.

The Bill seeks to achieve the aforesaid objectives.

(A.K. WALIA)
Minister of Revenue

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Delhi Registration of Marriages Bill, 2012 confers on the Government the power to make rules, with previous publications, in respect of the following matters, namely :-

- (a) the terms and conditions of appointment; and duties and powers of the Registrar General of Marriages, Principal and Additional Principal Registrars of Marriages, Registrars of Marriages, and other officers and staff appointed to assist them;
- (b) the directions which may be given by the Government to the Registrar General of Marriages for carrying into execution the provisions of this Act;
- (c) the form of Memorandum in which application for registration of marriage shall be submitted and supporting documents required;
- (d) the rate of fee payable in respect of application for registration of marriage submitted within and after the prescribed period of sixty days;
- (e) the rate of additional fee to be accompanied with the application for registration of marriage at a place outside the office of the Registrar of Marriages;
- (f) the form and manner of issue of certificate of registration of marriage;
- (g) the manner of appeal against the order of refusal of the Registrar of Marriages;
- (h) the form and manner in which registers or records, required to be kept by or under this Act, shall be maintained;
- (i) the custody in which the registers and records are to be kept the preservation of such registers and records and the conditions and circumstances in which any erroneous entry of a marriage register may be corrected or cancelled;
- (j) the rate of fee or certified extracts to be given from a marriage register;
- (k) any other matter which is required to be, or may be, prescribed.

The matters in respect of which rules may be made are matters of administrative detail and procedure and, as such, the delegation of legislative power is of a normal character.

FINANCIAL MEMORANDUM

As thousand of marriages would be registered after the registration of marriage is made compulsory after enactment of the Act, the following paraphernalia has to be in place :-

1. 100 Officers.
2. 100 offices and supporting staff, equipment etc.
3. Mechanism for maintenance of the huge data base (on the lines of Voter I.Card).

Hence, it is estimated that the following amount would be required infrastructure for registration of marriages.

(A) Rs.20 crore recurring expenditure.

(B) Rs.1 crore non-recurring expenditure.

The Delhi Registration of Marriages Bill, 2012 also proposed that the fees for registration are to be prescribed by rules framed under the Act and should not be more than Rs.10/- if the marriage is registered within the prescribed time limit of sixty days and Rs.50/- if registered thereafter. A fine of Rs.10000/- for non registration of marriage shall be imposed.