

MARRIAGE AND REGISTRATION UNDER
SPECIAL MARRIAGE ACT: A SOCIO – LEGAL
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Introduction

The Special Marriage Act, 1954 provides for a civil marriage of two Indians, without the necessity of renouncing their respective religion. The Act provide 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. The Act also offers an option to register marriages performed as per one’s own personal laws.¹ This provision of subsequent registration enables parties to avail of secular and uniform remedies despite the solemnization of marriage through performance of religious ceremonies. This aids them in overcoming the constraints posed in their own personal laws.

The Special Marriage Act provides with the some conditions for marriage under section 4. The conditions mentioned in the section 4 of Specific Marriage Act are somewhat similar to that of section 5 of Hindu Marriage Act. Prior to the marriage, a notice of intention to marry must be given to the Registrar of Marriages.² The marriage is contracted at the civil registry in the presence of marriage officer appointed by the state and three witnesses as mentioned in the Act.³ No religious rituals or ceremonies are required from the marriage to be completed. It’s upon the party that they want to do marriage rituals or not. On the other hand, marriage rituals constitute the important element of the marriage under Hindu Marriage Act without which a marriage ends up becoming a void marriage i.e. void ab initio.

The Special Marriage Act 1954 wholly changes the situation in respect of prohibited degrees in marriage. One of the conditions for an intended civil marriage to be solemnized under this Act is that “the parties are not within the degrees of prohibited relationship” [Section 4 (d)]. The Act makes a provision for relaxation of the rule of prohibited degrees in marriage i.e. the parties can marry if custom governing one of the parties permits such a marriage between them.⁴ Relaxation of the net of prohibited degrees on the ground of custom is also permissible under Hindu Marriage Act, but it does not require a gazette notification by the State Government in this regard with is required under the Specific Marriage Act.

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¹ Chapter III, Section 15, The Special Marriage Act, 1954.

² Chapter II, Section 5, The Special Marriage Act, 1954.

³ Chapter II, Section 13, The Special Marriage Act, 1954.

⁴ Chapter II, Section 4(d), The Special Marriage Act, 1945

The marriage solemnized under Specific Marriage is registered and a certificate for marriage is given to the parties. The certificate shall be signed by the parties to the marriage and witnesses. Later the certificate deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized.

Marriage and Its Registration under Special Marriage Act

Under the Special Marriage Act, 1954 any ‘two persons’ can perform a marriage. The inter – religious or inter – communal marriages are possible in India only under the Special Marriage Act, 1954. Under the Act a marriage has to be in a civil marriage form, though parties are free to perform any other additional ritual or religious ceremonies if they want to.⁵

The Act provides with conditions relating to solemnization of special marriage under Section 4. Firstly, neither party should have a spouse living at the time of the marriage.⁶ Secondly, the physical and mental capacity of the both the parties should be as per the section requires.⁷ Thirdly, the age of the parties i.e. the male has completed the age of twenty one and the female has complete the age of eighteen.⁸ Fourthly, the parties are not within the degree of prohibited relationship provided that custom governing one of the parties permits such a marriage between them.⁹ Violation of any of the conditions mentioned above will provide void status to the marriage.

The Special Marriage Act 1954 wholly changes the situation in respect of prohibited degrees in marriage. One of the conditions for an intended civil marriage to be solemnized under this Act is that “the parties are not within the degrees of prohibited relationship”¹⁰. The expression “degrees of prohibited relationship” is defined in Section 2 (b) of the Act as “a man and any of the persons mentioned in Part I of the First Schedule and a woman and any of the persons mentioned in Part II of the said Schedule.” Thus, the Act incorporates its own list of prohibited degrees in marriage, separate for men and women. Thus all first cousins – paternal and maternal, parallel and cross – are placed by the Special Marriage Act in the category of prohibited marital relationship. The Act, however, does not place any second cousin in its two lists of prohibited degrees in marriage. The Act gives relaxation provided that custom governing one of the parties permits marriage between them. For example under Muslim personal law marriage between the first cousins is allowed.

The Special Marriage Act, 1954 requires certain preliminaries to the solemnization of marriage. The marriage under this Act is essentially civil marriage and is required to complete the civil formalities. Parties who intend to get married under the Special marriage Act shall give a notice in writing in the specified form to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given.¹¹ The Marriage

⁵ Chapter II, Section 12(2), the Special Marriage Act, 1954.

⁶ Chapter II, Section 4(a), the Special Marriage Act, 1954.

⁷ Chapter II, Section 4(b), the Special Marriage Act, 1954.

⁸ Chapter II, Section 4(c), the Special Marriage Act, 1954.

⁹ Chapter II, Section 4(d), the Special Marriage Act, 1954.

¹⁰ Chapter II, Section 4(d), the Special Marriage Act, 1954.

¹¹ Chapter II, Section 5, the Special Marriage Act, 1954.

Officer is required to keep all the notices with the record of his office and to enter a true copy of every such notice in Marriage Notice Book and the Book is open to all for inspection.¹² The notice of marriage is also to be published by the Marriage Officer.¹³ Before the expiration of thirty days from the date on which the notice was published any person can object to the marriage that it would contravene any of the conditions mentioned in section 4 of the act.¹⁴ After the expiry of thirty days from the date on which the notice was published the marriage may be solemnized. Before the marriage is solemnized the parties and three witnesses shall sign a declaration in the form give below, and the declaration shall be counter signed by the Marriage Officer.¹⁵ Thus the marriage is solemnized after completing all the steps mentioned above.

Section 13 of the Special Marriage Act, 1954 provides compulsory registration of the marriage without which a marriage cannot be regarded as valid. Section 13 states that after the marriage has been solemnized the Marriage Officer shall enter a certificate in the Marriage Certificate Book and this shall be signed by the parties to the marriage and the three witnesses and this shall be conclusive evidence of the marriage. Section 15 provides registration of marriages celebrated in other forms. For registration of marriage the parties have completed the age of twenty one years at the time of registration.¹⁶ Thus creating an age barrier for the registration of marriage.

The unique feature of the Special Marriage Act, 1954 is that any marriage solemnized in any other form under any other law, Indian or foreigner, between any two persons may be registered under the Act¹⁷ on the fulfillment of certain conditions¹⁸. The conditions are –

1. a ceremony of marriage has been performed between the parties and they have been living together as husband and wife ever since;
2. neither party has at the time of registration more than one spouse living;
3. neither party is an idiot or a lunatic at the time of registration;
4. the parties have completed the age of twenty-one year at the time of registration;
5. the parties are not within the degrees of prohibited relationship;
6. the parties have been residing within the district of the Marriage Officer for a period of not less than thirty days immediately preceding the date on which the application is made to him for registration of the marriage.

Personal Laws – Marriage and Its Registration Per Se

The various personal laws have different procedure for their marriage and follow different rituals and religious ceremonies for the solemnization of the marriage.

¹² Chapter II, Section 6(1), the Special Marriage Act, 1954.

¹³ Chapter II, Section 6(2), the Special Marriage Act, 1954.

¹⁴ Chapter II, Section 7, the Special Marriage Act, 1954.

¹⁵ Chapter II, Section 11, the Special Marriage Act, 1954.

¹⁶ Chapter II, Section 15(d), the Special Marriage Act, 1954

¹⁷ Chapter III, the Special Marriage Act, 1954.

¹⁸ Chapter III, Section 15, the Special Marriage Act, 1954.

Hindu Law

Under Hindu Marriage Act, 1955 conditions for the solemnization of marriage are provided under section 5. Conditions mentioned in Section 5(i), (ii), (iii) and (iv) is somewhat similar to that of conditions mentioned in section 4 of the Special Marriage Act, 1954 with subtle variance. Violation of condition mentioned in section 5(iii)¹⁹ of Hindu Marriage act, 1955 will not make the marriage void while the violation of section 4(c) of the Special Marriage Act, 1954 will make the marriage void under Section 24(1)(i)²⁰ of the Special Marriage Act, 1954. section 5(iv) and (v) of Hindu Marriage act, 1955 and section 4(iv) of the Special Marriage Act, 1954 defines the degree of prohibited relationship but the Special Marriage Act, 1954 provides relaxation in the degree of prohibited relationship.

Section 7 provides with ceremonies of the marriage and performance of the certain religious rituals and ceremonies is mandatory²¹. Without these rites and ceremonies marriage under Hindu Marriage Act will be not be a valid marriage.

Under Section 8 of the Hindu Marriage Act 1954, there exists a provision for registration of marriages. However, it's left to the contracting parties to either solemnize the marriage before the sub-registrar or register it after performing the ceremony in conformity with Hindu beliefs. For facilitating the proof of Hindu marriages, the state government may make rules for the registration of marriages.

Muslim Law

According to the Muslim notion of marriage, the nature of marriage is contractual. A system of private registration of marriages with the kazis has always prevailed among the Indian Muslims. Though in principle Islamic law does not require a ritual solemnization of marriage, among the Muslims of India marriages are invariably solemnized by religious officials known as the "kazi". The short ceremony performed by the kazi, known as "nikah", begins with formally obtaining consent of the parties – first of the bride and then of the groom – and ends with recitation from the Holy Quran followed by prayers. In Muslim law all first cousins both on the paternal and maternal sides are outside the ambit of prohibited degrees in marriage.

Before, or immediately after, the ceremony the kazi prepares a nikah-nama (marriage certificate) which gives full details of the parties and is signed by both of them, and by two witnesses. The kazi authenticates the nikahnama by putting his signatures and seal on it. Printed forms of standard nikah-nama in Urdu and Hindi are stocked by all kazis who fill in it

¹⁹ S.5 A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

(iii) the bridegroom has completed the age of one years and the bride, the age of eighteen years at the time of the marriage.

²⁰ (1) Any marriage solemnized under this Act shall be null and void and may, on a petition presented by either party thereto against the other party, be so declared by a decree of nullity if-

(i) any of the conditions specified in clauses (a), (b), (c) and (d) of section 4 has not been fulfilled;

²¹ S. 7(2) – where such rites and ceremonies include the saptapadi (that is the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.

the details of the marriages they solemnize, issue copies to both parties, and always preserve a copy in their records. Under the law of India the nikah-namas issued by the kazis are admissible in evidence.²² Thus Muslim Law provides for private registration by signing a niksh–nama by both the parties and witnesses which can be taken as a proof of marriage.

Christian Law

The Indian Christian Marriage Act 1872 provides that every marriage both parties to which are, or either party to which is, Christian shall be solemnized in accordance with its provisions.²³ The Indian Christian Marriage Act 1872 is obsolete in so far as it makes a distinction between “Christians” (defined as “persons professing Christian religion”) and “Indian Christians” (defined as “Christian descendants of natives of India converted to Christianity as well as such converts”). It also makes separate provisions for followers of various Churches – including Church of England (also called Anglican Church), Church of Scotland and Church of Rome (also called Roman Catholic Church). The Act provides separate rules for the solemnization and registration of marriages of Indian Christians and other Christians, and also for the followers of various Churches.²⁴

Due to the aforesaid classification and distinctions the system of registration of marriages provided by the Act is quite complicated. Marriages may, according to the Act, be solemnized by the following:²⁵

1. Ministers of Church who have received Episcopal ordination;
2. Clergymen of the Church of Scotland;
3. Ministers of Religion licensed under the Act;
4. Marriage Registrars appointed under the Act; and
5. Persons licensed under the Act to grant certificates of marriage between “Indian Christians”.

Indian Christian Marriage Act, 1872, laid down certain conditions²⁶ for the certification of marriage. These are –

1. The age of the man intending to be married shall not be under twenty – one years and age of the woman intending to be married shall not be under eighteen years;
2. Neither of the persons intending to be married shall have a wife or husband still living;
3. In the presence of a person licensed under section 9, and of at least two credible witness other than such person, each of the parties shall say to the other –

²² Government of India, Law Commission of India, Laws on Registration of Marriage and Divorce – A Proposal for Consolidation and Reform.

Accessed from <http://lawcommissionofindia.nic.in/reports/report211.pdf> on 17th March 2015 at 11:24 pm.

²³ Part I, Section 4, Indian Christian Marriage Act, 1872.

²⁴ Government of India, Law Commission of India, Laws on Registration of Marriage and Divorce – A Proposal for Consolidation and Reform.

Accessed from <http://lawcommissionofindia.nic.in/reports/report211.pdf> on 17th March 2015 at 11:24 pm.

²⁵ Part I, Section 5, Indian Christian Marriage Act, 1872.

²⁶ Part VI, Section 60, Indian Christian Marriage Act, 1872.

'I call upon these persons here present to witness that I, AB, in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, CD, to be my lawful wedded wife or husband' or words to the like effect.

Under Christian law marriage with a cousin may be permitted by a special dispensation by the Church. Part IV of the Act (Sections 27-37) contains elaborate provisions for registration of marriages solemnized by Ministers and Clergymen covered by categories (i) to (iii) above. There are in this Part separate registration provisions for marriages of Christians in general and of Indian or Native Christians. Part V of the Act (Sections 38-59) provides rules for solemnization-cumregistration of marriages directly by Marriage Registrars appointed under the Act. Part VI (Sections 60-65) relates to marriages of "Indian Christians" solemnized by licensees under the Act and provides rules for certification.²⁷

This Act, thus, has a very complicated system of registration of marriages solemnized under this Act and it suffers from a tremendous lack of uniformity. The Indian Christian Marriage Act provides for compulsory registration.

Parsi Laws

The Parsi Marriage and Divorce Act was first enacted in 1865 which was replaced by a new Act bearing the same caption in 1936. The new Act was amended in some respects in 1988.

Parsi marriages are to be solemnized under the Act by the Parsi priests who are required to certify them in a prescribed form to be signed by the priest, the contracting parties and two witnesses²⁸. The officiating priests are required by the Act to periodically transmit their records to Marriage Registrars appointed under the Act. A priest who neglects either to so certify a marriage or to transmit its copy to the Marriage Registrar will be guilty of an offence punishable with simple imprisonment up to three months, or with fine up to a hundred rupees, or with both.²⁹ Section 3 of Parsi Marriage and Divorce Act, 1936 provide with conditions for the valid marriage. Parsi Marriage and Divorce Act, 1936 makes necessary Registration of Marriages but non – registration does not affect the validity of marriage.

The Special Marriage Act, 1954 aids the citizens in overcoming the constraints posed by their own personal laws. In the light of marriage and its registration, the Special Marriage Act, 1954 proved to be an act which work for the welfare of the citizens and protect their matrimonial rights. Section 7 of the Hindu Marriage Act, 1955 provides ceremonies for a Hindu marriage. In the case of *Kanwal Ram v Himachal Pradesh Administration*³⁰ the court declared that a marriage is not proved unless the essential ceremonies required for its solemnization are proved to have been performed. Thus, rites and ceremonies in Hindu

²⁷ Government of India, Law Commission of India, Laws on Registration of Marriage and Divorce – A Proposal for Consolidation and Reform.

Accessed from <http://lawcommissionofindia.nic.in/reports/report211.pdf> on 17th March 2015 at 11:24 pm.

²⁸Part III, Section 6, Parsi Marriage and Divorce Act, 1936.

²⁹ Part III, Section 12, Parsi Marriage and Divorce Act, 1936.

³⁰ [AIR 1966 SC 614]

marriage proved to be essential requirement of a valid marriage and any fault or mistake on the part of parties at the time of solemnization of the marriage will led to a void marriage. In such cases the Special Marriage Act, 1954 proved to be a rescuer as no such ceremonies are required under the Act. The Registration of the marriage is a sufficient proof of a valid marriage. Violation of condition mentioned in section 5(iii)³¹ of Hindu Marriage act, 1955 will not make the marriage void while the violation of section 4(c) of the Special Marriage Act, 1954 will make the marriage void under Section 24(1)(i). Thus, Special marriage Act, 1954 restrains child marriages.

When talk about Muslim law, it provide for private registration of marriage but there is no provision for official registration. Under Muslim law if a man want to marry his divorced wife again then both the parties had to through a great trauma, as the wife had to go through Idat period of three months; had to marry to some other man, consummate that marriage and then divorce that person, go through Idat period then after she can marry her divorced husband. The Special Marriage Act, 1954 provides platform for couples they can marry under the Act without going through such traumas. Though Indian Christian Marriage Act, 1872 and Parsi Marriage and Divorce Act, 1936 provides for compulsory registration of marriage but they do not allow inter – religion marriage. The Special Marriage Act, 1954 provides them with the platform for solemnization of marriage.

Compulsory registration of marriage under Special Marriage Act, 1954 ensures that the registered marriage cannot be declared as void in any circumstances and children born out of the wedlock will be regarded as legitimate children of their parents. Thus, the Act protects the interest of the parties in marriage and the children born out of that wedlock. Compulsory registration also keeps a check on bigamy and child marriages.

The Socio – Legal Impact through Case Study

A plea for compulsory registration of marriage has been made by the court in several cases. Marriages among Hindus are registered under section 8 of the Hindu marriage act 1955. All marriages shall be registered with the Hindu marriage Registrar or the Additional District Magistrate in each state. Section 8 of the act states that state government shall make rules in respect of registration of marriage and provide particulars to be entered in the Hindu Marriage register. This section applies to Hindus, Jains, and Buddhist. The states of Maharashtra and Gujarat, Karnataka, Himachal Pradesh and Andhra Pradesh have already passed marriage registration acts. Sikhs marriages are registered under Anand marriage act. Parsi marriage and divorce act, 1936 provides for compulsory registration of marriages. The Indian Christian marriage act also provides for compulsory registration of marriage among Christian. In the Muslim society there is a system of private registration of marriages by the kazis. Assam, Bihar, West Bengal, Orissa and Meghalaya provide for voluntary registration of Muslim marriage.

In *Bhaurao Shankar Lokhande v. State of Maharashtra*³² the Apex Court held that that unless the marriage is celebrated or performed with proper ceremonies and due from, it cannot be

³¹ S.5 A marriage may be solemnized between any two Hindus, if the following conditions are fulfilled, namely:

(iii) the bridegroom has completed the age of one years and the bride, the age of eighteen years at the time of the marriage.

³² AIR 1965 SC 1564.

said to be 'solemnized'. Merely going through certain ceremonies with the intention that the parties be taken to be married, will not make the ceremonies prescribed by law or approved by any established customs. In *Joyita Saha v. Rajesh Kumar Pandey*³³ court hold that no marriage between the appellant and the respondent was solemnized according to the Hindu rites or otherwise at any place and no marriage can be deemed to have been solemnized under the 'Special Marriage Act' between the parties to this appeal also as there was no proof or record of registration. Since there is no procedure for solemnization of marriage and no provision for compulsory registration of a marriage under the Hindu Marriage Act, 1955 many a time innocent parties do not get justice and their rights. There is already a great confusion and chaos in the marriage laws and in addition to that media and visual media also created confusion regarding the procedure of marriage and in addition to it created an impression that exchange of garlands or tying of thali or magalsutra or applying sindoor constitutes marriage. This confusion, coupled with non – registration has landed many women in a relationship where they have neither rights under law non recognition of status as wife in society.

In divorce or bigamy proceedings can admit or deny the first or second marriage depending upon his whim and fancy. This puts the women, who are denied the status, in vulnerable position. In *A.N. Mukherjee v. State*³⁴, the court held that due performance of necessary ceremonies of marriage is essential for the prosecution of bigamy. The Supreme Court in the case of *Smt priya Bala Ghosh v. Suresh Chandra Ghosh*³⁵, which was a decision on Section 494 of the Indian Penal Code, bigamy, held that even an admission of marriage by an accused is no evidence of marriage for the purpose of proving an offence of bigamy or adultery as the witnesses have not proved that the essential ceremonies had been performed.

In *Kangavalli v. Saroja*³⁶ the paternity of children born out of a void marriage was challenged. The court said that compulsory registration is necessary as it will check the fraudulent marriages and would also establish the paternity of children. As observed by the court, 'if there is a certificate of registration of marriage between the child's mother and father which though may not validate the marriage which is void but will atleast bear testimony to identify the child's biological parents.

The Apex Court has highlighted the necessity of registering all marriages of Indian citizens belonging to various religions in their respective States immediately after the solemnization of the marriage in its judgment in *Seema v. Ashwani Kumar*³⁷. The court has issued directions that the marriage of all persons who are citizen of India belonging to various religions should be made compulsory registrable in their respective states where the marriage is solemnized. If the marriage is registered the dispute concerning solemnization of marriage can be avoided, it will protect women's right relating to marriage a great extend, it will have great evidentiary value in the matters of custody of children, rights of children and the age of the parties to the marriage.

³³ AIR 1999 Cal 109.

³⁴ AIR 1969 All 489.

³⁵ AIR 1971 SC 1153.

³⁶ AIR 2002 Mad 76.

³⁷ AIR 2006 SC 1158, (2006) 2 SCC 578.

In *Deepak Krishna And Anr. vs District Registrar And Ors.*³⁸ Court holds that “the procedure stipulated under Section 16 is mandatory in character and no discretion is cast on the Marriage Officer to deviate from those statutory procedures. Under such circumstances, we are inclined to overrule the judgment in Giby George's case to the extent it holds that the Marriage Officer need not give 30 days' time for registration of the marriage under Section 16 of the Act so also the judgment in John Rogi's case.”

The compulsory registration of marriage would check child marriages or non – age marriages, bigamous marriages and fraudulent marriages. Registration must be made compulsory to avoid alleged marriages and to prove status of women and the legitimacy of children born out of that wedlock. Because of non – registration of marriage, a woman who has given herself physically, emotionally and otherwise gains nothing but stands to lose everything if the marriage is denied by the men. The children born out of the alleged wedlock also go through the mental trauma because of their doubt on his paternity. This assault on children's sensibilities can be easily avoided if there's certificate of registration of marriage between his mother and father.

Conclusion and Suggestions

Marriage is considered a sacred institution in India. It is an integral part of our culture. India is a diverse country and thus has people from a number of religions and cultures, residing here. We are aware of the extent of influence that caste and religion have in our country. Inter-caste marriage is still considered a taboo in many places in our country. India follows a very rigid structure of the caste system. People are expected to marry within their caste and whoever marries out of their caste and defies the traditional barriers are shunned in the society. There are a number of honor killings reported everyday and unfortunately, they show pride in doing so. Thus there came a grave need for a law to safeguard the interests of those people who rose above these caste and religious divides, to marry for love. So the Parliament enacted the Special Marriage Act, 1954 which provides for a special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the caste and religion.

On the basis of Research problem, the researcher concludes that Registration is an important component of marriage when it comes to Special Marriage Act. The Special Marriage Act, 1954 provides for compulsory registration as without the registration marriage will not be valid. The unique feature of the Special Marriage Act, 1954 is that any marriage solemnized in any other form under any other law, Indian or foreigner, between any two persons can be registered under the Act. Registration of marriage is compulsory under the Indian Christian Marriages Act, 1872. Parsi Marriage and Divorce Act, 1936 makes necessary Registration of Marriages but without registration the marriage does not become invalid. In Muslim law, a marriage is regarded as a civil contract and the Qazi, or officiating priest, also records the terms of the marriage in a nikahnama, which is handed over to the married couple i.e. there is a provision of private registration of marriage. Under Section 8 of the Hindu Marriage Act 1954, there exists a provision for registration of marriages. However, it's left to the contracting parties to either solemnize the marriage before the sub-registrar or register it after performing the ceremony in conformity with Hindu beliefs.

³⁸ AIR 2007 Ker 257, I (2008) DMC 34, 2007 (2) KLJ 714.

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Compulsory registration is necessary to protect the interest of the parties in marriage. Compulsory registration will help counter some of the problems associated with non-registration, like bigamy, child marriage and desertion. The registration under Hindu Marriage Act, 1955 should be made compulsory and every state should make laws for compulsory registration in their state as provided under section 8 of Hindu Marriage Act. In the Muslim society there is a system of private registration of marriages by the kazis, which needs to be streamlined and linked with registration of marriage with State Registry. In very few States all marriages irrespective of the law under which these may have been solemnized have to be compulsorily registered. The majority of States have not enacted any general law on marriage registration applicable to all communities. In those States where there are laws for compulsory registration of all marriages, such laws are faulty and ineffective. People generally do not adhere to them, as non-registration entails only fine of a petty amount. So, punishment for non – registration of marriage should be strengthen and the laws should be strictly and effectively implemented.