

CHALLENGES IN IMPLEMENTING COMPULSORY REGISTRATION OF MARRIAGES IN RAJASTHAN: AN ANALYSIS

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ABSTRACT

Rajasthan's attempt to impose mandatory marriage registration is complicated by the sociological, administrative, and legislative features of the state. There are complexities and difficulties surrounding Rajasthan's requirement for marriage registration. Several obstacles impede the effective implementation of the registration obligation, such as legislative complexities, inadequate administrative infrastructure, insufficient awareness, and disparate cultural standards. The paper examines potential approaches and policy recommendations for enhancing the registration process and developing a comprehensive plan to ensure marriage registration, facilitate legal rights, and increase social welfare in the state of Rajasthan. The initial segment of the paper delineates the legal foundation supporting the authority of state governments to endorse laws pertaining to marriage registration, underscoring the importance of state legislation within the constitutional framework. Furthermore, the paper also provides elucidation on relevant legislations such as the Hindu Marriage Act and the Special Marriage Act, alongside the involvement of local government and adherence to national standards.

The paper emphasises the necessity of implementing compulsory marriage registration, highlighting the importance of this procedure in guaranteeing legal acknowledgment, safeguarding the rights of spouses, and deterring underage or deceitful partnerships. The paper concludes with necessitating the crucial need of compulsory marriage registration in Rajasthan and recommendations to address the identified challenges.

KEYWORDS: Child; Compulsory; Marriage; Rajasthan; Registration

1. INTRODUCTION

Marriage is one of the significant stages of life for any person on the planet. Numerous legal difficulties in society, including inheritance, maintenance, the legality of children and their inheritance rights, and others, are linked to marriage. A catena of lawsuits concerning legal inheritance are pending before the judiciary due to marriages that were not registered. The absence of mandatory marriage registration contributes to gender inequality in India, mostly impacting women and children. Since marriages were not registered to prove the legality of it, women are routinely denied the status of wives.

Many legal issues, including property inheritance, bigamy marriages, unpaid partner and child support, gender abuse, and child marriages, were resolved when registration of marriages became mandatory. The Parsi Marriage and Divorce Act of 1936, The Indian Christian Marriage Act of 1872, and The Special Marriage Act of 1954 all require the designated Registrar-General of Births, Deaths, and Marriages to maintain a proper record of marriage registers

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received from officials acting under the terms of these three Acts. The process is very simple and cordial.

Nonetheless, there is a significant gap in the welcoming and simple process for the mandatory registration of marriages under the Hindu Marriage Act, 1955. The law commission's report and India's requirement for marriage registration are covered in this research paper. Additionally, the legal framework for marriage and registration has also been covered.

In 2009 Rajasthan state government implemented an Act to make the registration of marriage a mandate. Though the state government enacted the statute but the execution of the provisions of this Act has been difficult because of a number of reasons.

1.1 OBJECTIVES OF STUDY

The objective of this study is to conduct a thorough analysis of the obstacles related to Rajasthan's mandatory marriage registration, with a particular emphasis on the administrative, legal and socio-cultural dimensions of the issue. The assessment seeks to determine the socio-cultural barriers preventing mandatory marriage registration in Rajasthan from being widely adopted; analyse the administrative barriers that prevent the efficient implementation of the law requiring marriage registration such as knowledge gaps and poor infrastructure; examine the legal ambiguities and complications that exist in Rajasthan's present registration framework that prevent the compliance and implementation. The paper also provides suggestions and tactics to overcome such obstacles and improve the registration procedure, encouraging improved adherence and the state's official recognition of marriages. This study is an attempt to furnish insightful information that can help guide policy choices and enhance Rajasthan's implementation of mandatory marriage registration.

2. RESEARCH METHODOLOGY

The research methodology is doctrinal using analytical, comparative and descriptive research. Data has been collected from various sources like journal articles, reports, books, online repositories, case studies, policy papers etc.

3. ARGUMENTS AND DISCUSSION

The present paper endeavours to analyse the following three posers:

1. Whether State Government is empowered to pass laws on registration of marriage?
2. What are the main challenges preventing Rajasthan's mandatory marriage registration laws from being implemented effectively?

3. What administrative and regulatory procedures need to be modified to mitigate these barriers and improve the registration process?

3.1 NEED FOR COMPULSORY REGISTRATION OF MARRIAGE

The Supreme Court noted in matter of **Seema v. Ashwani Kumar**¹ that such laws would be needed for numerous instances, such as:

- Preventing unions from occurring without both parties' approval.
- Examine polygamy and bigamy
- Giving married women the ability to assert their rights to maintenance, the marital home, etc.
- Giving widows the ability to assert their entitlement to inheritance, as well as other benefits and privileges, following the death of their spouse.
- Preventing men from leaving married women behind.
- Preventing parents or guardians from engaging in the trafficking of women under the garb of marriage to any individual, including a foreign national.

The Court further clarified that although registration alone would not be proof of a valid marriage and is not the primary factor in determining whether a marriage is legitimate, it does have significant evidentiary value when it comes to issues like child custody, the privilege of children born from the marriage of the two people whose marriage is certified, and the age of the bride and groom.

There had been recommendations at the international and domestic levels to make marriage and divorce registration required in an official register even prior to the Supreme Court's previously mentioned judgments on the matter, i.e., the Parliament Standing Committee; States and Union territories; the United Nations Organizations²; the National Human Rights Commission;³ the Committee on Empowerment of Women⁴ the Committee on Empowerment of Women and Development of Children; the National Commission for Women; the Law Commission of India; and the Committee on Empowerment of Women.

A number of statutes outline the obligations, rights, and responsibilities that apply to married or divorced parties, as well as their children. As a result of marriages and divorces, a variety of rights and issues arise, including the restoration of conjugal rights, marital offences, the legitimacy of children, disputes over child custody, disagreements over stridhans or dowries,

¹ 2006 (2) SCC 578 (India).

² Convention on the Elimination of All Forms of Discrimination against Women, A/RES/34/180 Art. 16(2), (Dec.18, 1979).

³ *Id.*

⁴ Planning Commission of India, "Report of the Steering Committee on Empowerment of Women and Development of Children for the Eleventh Plan" (2006).

disagreements over cruelty and harassment, succession of properties, travel abroad, disagreements over divorce or separation, disagreements over maintenance, and time frames for getting married again.

It is now necessary to pass laws to defend the rights of spouses, to stop young girls from being married off to anyone even foreigners under the pretence of marriage, and to outlaw the use of false documents.

The case of **Lajja Devi v. State NCT of Delhi**⁵ established that compulsory registration forbade minor marriages. The requirement for marriage registration is still in place. It is required by mandatory registration that the ages of the girl and boy getting married be disclosed. If appropriately put into practice, it would deter parents from marrying off their minor children because a record of their ages would demonstrate that such unions are unlawful. This could perhaps address the delicate matter of minor's marriages recognized by private law.

3.2 CHILD MARRIAGES IN RAJASTHAN

In India, child marriage continues to be a significant obstacle to achieving the sustainable development target. Despite the fact that child marriage and early marriage violate human rights and have numerous negative effects on the population and health, they are nevertheless common in many regions of the nation, including the state of Rajasthan, which requires attention. Thus, this study looked at the trend in child marriage and looked at early marriage indicators in Rajasthan using a social-ecological framework. The results reveal that low family income and neither spouse having any formal education raised the likelihood of getting married young. The districts of Rajasthan have a higher risk of early marriages due to a combination of social tradition norms, a high rural population, and a gender disparity in literacy. The results indicate that promoting girls' educational possibilities, helping low-income families financially, and raising awareness in rural regions will all work toward a beneficial outcome.

3.3 WHETHER STATE GOVERNMENT IS EMPOWERED TO PASS LAWS ON REGISTRATION OF MARRIAGE

According to the Constitution's distribution of powers, the national and state governments in India have equal authority to enact legislation pertaining to marriage and its registration. Entry 5 of the State List (List II) of the Seventh Schedule of the Constitution lists marriage under it granting state governments the power to pass legislation pertaining to marriage, including those pertaining to its registration.

⁵ 2013 CriLJ 3458 (India).

3.3.1 CONSTITUTIONAL FRAMEWORK

The allocation of legislative authority between the State Legislatures (state governments) and the Parliament (central government) is spelled out in detail in Article 246 of the Indian Constitution. The Union List (List I) contains the subjects on which the Parliament can pass laws, and the State List (List II) contains the subjects for the State Legislatures. The State List includes references to marriage and divorce, granting states the authority to control laws pertaining to marriage, including registration requirements.⁶

3.3.2 STATE'S POWER TO LEGISLATE

The state governments have the competence to pass legislation pertaining to marriage registration inside their borders. It is possible that every state has its unique rules and laws governing marriage registration. Moreover, local government agencies, like the Registrar of Births, Deaths, and Marriages, or municipal entities, are usually in charge of registering marriages. The rules and processes for registration are generally prescribed by local government entities to ensure uniformity and compliance with relevant laws.

3.3.3 COMPLIANCE WITH CENTRAL GUIDELINES

States are able to enact laws pertaining to marriage registration, but they also have to ensure that these laws and procedures adhere to any rules or regulations established by the federal government. This is particularly important when it comes to federal laws like the Special Marriage Act. This enables the States to ensure that marriages are appropriately recognized legally and are documented in conformity with the nation's larger legal framework.

3.4 EXISTING CENTRAL LEGISLATIONS ON REGISTRATION

3.4.1 THE HINDU MARRIAGE ACT, 1955:

Section 8 of the Hindu Marriage Act, 1955 covers Hindu marriage registrations. The goal of registration under this Act is to facilitate the process of obtaining proof of marriages for individuals, though registration is not required.⁷ It is now the provincial government's responsibility to set marriage registration regulations. No one is designating in accordance with the statute to report marriages in order to register them.

3.4.2 THE SPECIAL MARRIAGE ACT, 1954:

All Indian citizens, irrespective of their faith, are eligible for cross-community marriages under the statute. The Act states that the marriage registration is a

⁶ INDIA CONST. art. 246.

⁷ The Hindu Succession Act, 1955, No. 25, Acts of Parliament, 1955, (India) § 8.

crucial and necessary requirement. According to section 5, parties intending to get married under this law need to notify the marriage registrar in writing using the format found in the Second Schedule of the Act.⁸

The marriage officer designated under Section 3 records marriages in accordance with Sections 11 and 15. All Marriage Officers are required by Section 48 and 49 to regularly forward marriage records to the Registrar-General of Births, Deaths, and Marriages. The Central or State Government establishes rules for the efficient enforcement of the Act under Section 50.

3.4.3 THE PARSI MARRIAGE AND DIVORCE ACT, 1936:

This Act mandates that marriages be registered. No marriage under the statute can be lawful unless it is solemnized by a priest in the presence of two Parsi witnesses other than the priest in the Parsi form of ceremony known as ‘Ashirvad’, as per Section 3(1)(b) of the Act. Under Section 6, priests must regularly transmit the marriage certificate as specified in the Second Schedule of the Act to the Registrars designated under the Act, who attest by officiating priests as soon as the marriage is solemnized.⁹

In contrast, a violation of Section 6 is punishable by up to three months of simple imprisonment, a fine of up to one hundred rupees, or both under Section 12. Section 9 requires the Provincial Government to designate Registrars for different places, and these Registrars will then be required to forward all of the certificate records that they have created to the Registrar General of Births, Deaths, and Marriages.

3.4.4 THE INDIAN CHRISTIAN MARRIAGE ACT, 1872:

Under Section 5 of the Act, the marriage will be performed by one of the following individuals: (1) any person who has been ordained as an episcopal minister, provided that the marriage be performed in accordance with the rules, rites, ceremonies, and customs of the Church of which he is a minister; (2) any clergyman of the Church of Scotland, provided that the marriage be performed in accordance with the rules, rites, ceremonies, and customs of the Church of Scotland; (3) any Minister of Religion licensed under this Act to perform marriages; (4) by, or in the presence of, a Marriage Registrar appointed under this Act; (5) by any individual licensed under this Act to perform marriages between [Indian Christians].¹⁰

⁸ The Special Marriage Act, 1954, No. 43, Acts of Parliament, 1954 (India).

⁹ The Parsi Marriage and Divorce Act, 1936, No. 3, Acts of Parliament, 1936 (India) § 6.

¹⁰ The Indian Christian Marriage Act, 1872, No. 15, Acts of Parliament, 1872 (India) § 5.

3.4.5 The Foreign Marriage Act 1969:

The purpose of this Act is to facilitate Indian nationals' ability to marry abroad. Section 3 of the Act states that the Central Government may select Marriage Officers for this role from among its Diplomatic Offices abroad. An Indian citizen may marry a foreign national or another Indian citizen. The solemnization and registration of marriages are included in the same process under this Act¹¹ as they are under the Special Marriage Act of 1954. Such marriages are solemnized and registered according to a process modelled after the 1954 Special Marriage Act. Marriage certificate books must be kept on file by all diplomatic missions. The transfer of records to the nation's national registry is not outlined in this Act. Nonetheless, it is required to register the marriage in front of the Marriage Officer.¹²

3.4.6 RAJASTHAN COMPULSORY REGISTRATION OF MARRIAGES (AMENDMENT) BILL 2021

The proposed amendment to Rajasthan's Compulsory Registration of Marriages Act, 2009, was introduced in the Rajasthan Legislative Assembly on February 25, 2021. Subsequently, on September 17, 2021, the measure was enacted through voice votes. The proposed Amendment Bill of 2021 seeks to modify the provisions outlined in Section 2, Section 5, Section 8, and Section 15 of the Rajasthan Act No.16 of 2009. The primary modification introduced by this Amendment Bill is the recognition of marriages involving a bridegroom under the age of 21 and/or a bride under the age of 18. In order for the marriage to attain legal recognition, it is necessary for the parents or guardians to submit a memorandum to the District Marriage Registration Officer, as stipulated in section 5 of the aforementioned statute. According to legal provisions, an injunction is mandated to prevent the solemnization of child marriage. In the event that such a marriage is solemnised notwithstanding the injunction, it is deemed invalid and void by law.¹³ Nevertheless, this proposed change seeks to legitimise the practice of child marriages within the state, so contradicting the Prohibition of Child Marriages Act of 2006. The potential consequences of this phenomenon could significantly influence society, as numerous stakeholders perceive it as potentially legitimising child marriages. This, in turn, may encourage individuals to embrace a practice that has long been deemed unlawful under the Indian Penal Code.

¹¹ The Foreign Marriage Act, 1969, No. 33, Acts of Parliament, 1969 (India) § 5.

¹² *Id.* at § 13.

¹³ Manoj Kumar Gupta, Jagdish Prasad and J. P. Verma *Statistical Analysis of Socio-Economic Variables Responsible for Wastage in Elementary Education in Rajasthan* 2.6 INT. RES. J. SOCIAL SCI. 1-6 (2013).

The emergence of disputes surrounding this proposed legislation, coupled with the divergent opinions expressed by many parties involved, has engendered a contentious divide between proponents and opponents of the law. It may inadvertently promote the practice of child marriages, as individuals may perceive them as legitimate, despite the absence of legal validity. Child marriages have detrimental effects on both society and the children involved, as they are subjected to several hardships as a result of this unlawful practice. Despite the government's intention to regulate illegal child marriages through the passage of this Bill, it is imperative that amendments be made to enhance its stringency and firmness. By implementing stricter measures, including the non-recognition of existing marriages, the legislation can effectively deter future instances of child marriages. In conclusion, the proposed amendment law has generated significant controversy and, if enacted, would have wide-ranging implications for individuals from diverse social and ideological backgrounds. The government ought to engage in extensive deliberation and carefully evaluate various elements before enacting this amendment law. The detrimental consequences of this measure appear to outweigh its favourable aspects, as highlighted by the National Commission for Protection of Child Rights, opposition parties, and social activists.¹⁴

3.5 CASE STUDIES:

“These under-18 marriages, or early marriages, are concerning because they violate girls’ rights, cut short their upbringing, and sometimes deny them a voice in selecting their spouse and the time of marriage. The 1989 Convention on the Rights of the Child places restrictions on a number of rights for girl children, including the freedom to express oneself freely and to seek and receive information (Article 13), the right to an education (Articles 28 and 29), the right to rest and leisure as well as the freedom to play and engage in recreational activities (Article 31), and the right to be free from sexual exploitation and abuse (Article 34) (UN, 1989).”¹⁵

- *“I got married when I was very young, just 6-7 years old. I did not know anything when I got married. If I had married now, [at 17-18 years], I would have understood everything. [Married girl, Tonk]”¹⁶*

¹⁴ Pintu Paul *Effects of Education and Poverty on the Prevalence of Girl Child Marriage in India: A District Level Analysis* 100 CHILDREN AND YOUTH SERVICES REVIEW 16-21 (2019).

¹⁵ Convention on the Rights of the Child, 1989 General Assembly resolution 44/25 (Nov. 20 November 1989) (Mar. 25, 2023, 7:15 PM), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹⁶ Jigyasa Mishra, The struggle of a child bride in Rajasthan: Married at 5, motherhood at 13 and widowed by 20, Scroll (Mar. 15, 2023, 10:00 AM), <https://scroll.in/article/1045507/the-struggle-of-child-brides-in-rajasthan-married-at-5-mother-at-13-and-widowed-by-20#:~:text=Age%2Dold%20tradition,2005%2D06%2C%20data%20show>.

- “In our community, people start talking about the girl if she remains unmarried after she is 15 or 16 years old. They start saying that this girl is mature ...but her parents are still not organising her marriage. ...They also start bringing marriage proposals for the girl. [Panchayat representative, Alwar]”¹⁷

Child marriage and other similar customs are still prevalent in many parts of India, despite global societal progress and modernization. Young marriage restricts the agency of both boys and girls in making critical life decisions and obtaining fundamental liberties, such as going after educational opportunities, obtaining a stable source of income, and exercising their right to sexual health and rights (Nirantar Trust, 2015).¹⁸

Early marriages limit the various indicators and facets of social and human development, which has a lasting effect on the nation’s youth. A multitude of empirical data points to the pitiful condition in which children who are compelled for early marriages end up as mere victims of early childbearing, unintended pregnancies, STIs, HIV/AIDS, unsafe abortions, early sexual relationships, lack of access to healthcare and education, high rates of illness, unequal sex ratios, and the subjugation of women.¹⁹

In many developing and underdeveloped nations, child marriage is a major vulnerability that impedes the positive development of children. It is depressing to discern how many girls are compelled to drop out of school and are only expected to fulfill the part of a housewife while lacking the necessary emotional and physical development.

The forces that enforce this long-standing custom never take into account how crucial it is for a marriage to have maturity, ability, and responsibility. Despite several laws and legislative initiatives to the contrary, child marriage is still a societal evil that exists in many parts of the world in varying degrees. Even though it is a party to numerous international policy frameworks protecting children’s rights, India is not an exception and is a leading nation in cases of child marriages and vulnerabilities relating to children. In India, 43% of women between the ages of 20 and 24 get married before turning 18.

All these issues of child marriages in the state of Rajasthan raise a dire need to make the registration of marriage mandatory.

¹⁷ *Id.*

¹⁸ Nirantar Trust, *Early and child marriage in India: A Landscape Analysis* (2015), (Apr. 25, 2023, 11:40 PM), http://www.nirantar.net/public/site/files/EM_Report_30-4-15.pdf.

¹⁹ S. Mathur, et. al., *Too young to wed: The lives, rights, and health of young married girls*, (2003) (Apr. 25, 2023, 11:45 PM), <http://www.icrw.org>.

3.6 SURVEYS AND REPORTS

3.6.1 Ministry of Women and Child Development responded to following questions in Rajya Sabha:²⁰

- a) whether Government is concerned on hike in reported cases of child marriages in the country;
- b) if so, the details thereof;
- c) the number of child marriages reported in the country during the last three years, State-wise;
- d) the number of cases registered and persons arrested during the last three years, Statewise; e. whether child marriages are getting support from some religious groups; and
- e) if so, the details thereof and steps taken to eradicate such traditions from the society?

Following Reply was tendered by the Ministry:

(a) & (b): “The National Crime Records Bureau compiles and publishes the data on the number of cases of child marriage registered under 'the Prohibition of Child Marriage Act, 2006' in its publication 'Crime in India'. The said report is available upto the year 2021. As per information available with NCRB, the number of cases registered under 'the Prohibition of Child Marriage Act, 2006' during, 2019, 2020 and 2021 are 523, 785 and 1050 respectively. However, higher reporting of cases does not necessarily reflect increase in the number of cases of child marriages, but it may be because of increased awareness among citizens to report such incidents due to initiatives by the Government and better enforcement of law by States/ Uts”²¹.

(c) & (d): “The details of the number of child marriage cases registered and persons arrested during the last three years, in Rajasthan are as follows”:

State	2019		2020		2021	
Rajasthan	Cases Registered	Person arrested	Cases Registered	Person arrested	Cases Registered	Person arrested
	19	55	3	4	11	27

(e): “Instances have come to the notice that some sections of society continue to indulge in the practice of child marriage in the name of custom, practices and/or religious beliefs etc. In some cases, writ petitions have also been filed before

²⁰ (Apr. 26, 2023, 11:40 PM)
[https://sansad.in/getFile/annex/259/AU2560.pdf?source=pqars#:~:text=\(f\)%3A%20The%20Government%20has,gender%20equality%20and%20women's%20empowerment.](https://sansad.in/getFile/annex/259/AU2560.pdf?source=pqars#:~:text=(f)%3A%20The%20Government%20has,gender%20equality%20and%20women's%20empowerment.)

²¹ *Id.*

Hon'ble Courts of law for upholding the validity of marriage of a minor girl on these grounds under personal laws”²².

(f): “The Government has introduced a Bill namely 'the Prohibition of Child Marriage (Amendment) Bill, 2021 in the Parliament on 21.12.2021 for raising the age of marriage of women to 21 years to make it at par with the men. The proposed legislation is an important step towards gender equality and women's empowerment. It proposes to cover all women and girls of the country irrespective of their caste or religion or place of birth or custom, usage or practice governing them in relation to marriage by giving it an overriding effect over other laws.”²³

3.6.2 In a study²⁴ in the district of Jhunjunu in the State of Rajasthan the study found that only two of every fifth married women register their marriage. The respondents from rural residence (31%), Scheduled castes and Scheduled tribes (SC/STs) group (24%), low education (24%) and wealth index (8.5%) showed a lower level of marriage registration than their counterparts. Lack of awareness, no requirement of marriage certificates, social norms, and early marriages are the major cause of the under-registration of marriage. The finding of the study concluded that socio-economic status, lack of awareness about marriage registration and no necessity of marriage certificates are the leading determinants of under-registration of marriages in district Jhunjunu of Rajasthan. The government should create awareness of existing marriage registration legislation and the necessity marriage certificate as proof of document wherever possible.²⁵

4. CHALLENGES IN IMPLEMENTATION

The process of registering marriages in India is of utmost pertinence as it confers legal recognition and safeguards to the institution of marriage.²⁶ This documentation plays a pivotal role in establishing and protecting legal entitlements, societal benefits, and serves as an official record of the marital union. However, the process of registering marriages in India is fraught with numerous barriers and challenges that diminish its inherent significance. These challenges vary depending on factors such as geographical location, religious

²² *Id.*

²³ *Id.*

²⁴ Nutan Kumari et al *Determinants of under-registration of marriage among women in India: An exploratory study in Jhunjunu district of Rajasthan*, Volume 14, March–April 2022, *Clinical Epidemiology and Global Health* (Jun. 25, 2023, 11:40 PM) <https://www.sciencedirect.com/science/article/pii/S2213398422000161>.

²⁵ *Id.*

²⁶ Aviral Jain, *Rajasthan Child Marriage Bill, 2021: Breaking down the law*, (Oct. 2021) (Apr. 25, 2023, 10:40 PM) , https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4497735.

beliefs, societal norms, and legal complexities.²⁷ This paper delves into the significant challenges that couples commonly encounter while attempting to officially register their marriages in India.

- 4.1 A substantial impediment in the marriage registration process in India lies in the limited awareness among the general population. Many couples, particularly those residing in rural areas, have a restricted conception of the legal importance associated with registering their marital union. This lack of awareness can lead to delays or failure in completing the registration process, depriving couples of the legal protections and advantages typically associated with marriage.²⁸
- 4.2 The procedural aspects involved in marriage registration can be intricate and demand a significant investment of time. Marriage registration rules and procedures in India vary across different states. Required documents often include birth certificates, proof of residency, and affidavits, among other pertinent records. Obtaining these documents can present a formidable challenge, especially for people from socio-economically disadvantaged backdrop who may face barriers in accessing such information.
- 4.3 India's society is characterized by a rich tapestry of customs and cultural diversity with deep historical roots. Consequently, marriages between individuals of different religions and castes may encounter significant opposition and societal disapproval. Couples in such matrimonial arrangements may be hesitant to formalize their unions due to societal norms, familial disapproval, or fear of adverse reactions from the community.²⁹
- 4.4 Navigating government agencies and bureaucratic processes is often cited as a daunting aspect of marriage registration in India.³⁰ The process may entail multiple visits to governmental offices, completion of intricate documentation, and potential encounters with administrative hurdles. These bureaucratic obstacles may dissuade couples from engaging in the marriage registration process.

²⁷ Convention on the Rights of the Child, *supra* note 15.

²⁸ K. G. Santhya, Nicole Haberland, and Ajay Kumar Singh, She knew only when the garland was put around her neck: Findings from an exploratory study on early marriage in Rajasthan, (2006) (May 25, 2023, 11:40 PM), https://knowledgecommons.popcouncil.org/departments_sbsr-pgy/234/.

²⁹ Kanchan Mathur *Countering gender violence: Initiatives towards collective action in Rajasthan* (2004) (May 25, 2023, 11:45 PM), https://www.researchgate.net/publication/262200896_Countering_Gender_Violence_Initiatives_Towards_Collective_Action_in_Rajasthan_by_Kanchan_Mathur.

³⁰ Shanker Singh, Nikhil Dey and Aruna Roy *Child marriage, government and NGOs* ECONOMIC AND POLITICAL WEEKLY (1994) (May 25, 2023, 11:44 PM) https://www.researchgate.net/publication/262200896_Countering_Gender_Violence_Initiatives_Towards_Collective_Action_in_Rajasthan_by_Kanchan_Mathur.

- 4.5 The marriage registration procedures in India reflect the country's cultural and regional diversity, resulting in substantial variations across different states and communities. This heterogeneity in marriage requirements can lead to confusion and difficulties, particularly for couples originating from distinct states or regions who may lack clarity regarding the specific prerequisites in their respective jurisdictions.³¹
- 4.6 There is lack of training programmes for officials in charge of marriage registration so as to enable them to address the issue of skilled workforce. Lack of community involvement and cultural sensitivity also pose a challenge in effective implementation.
- 4.7 Registration centres are not widely accessible. Due to the expanse and diversity of Rajasthan, the deficiency of registration centres may discourage people from registering their marriages.
- 4.8 Lack of sufficient administrative capacity may lead to ineffectiveness of the registration process.
- 4.9 The legal framework mandates that the validity of a marriage depends on the explicit and informed consent of both parties involved. However, verifying consent in practice can be challenging. Some individuals may attempt to register marriages without genuine consent, potentially leading to legal complications.³²
- 4.10 In certain cases, individuals may encounter instances of corruption or bribery while attempting to formalize their marital unions. Corrupt officials can pose a significant obstacle for couples seeking to complete the registration process transparently and lawfully, as they may demand illegal payments or engage in unethical behaviour.

Various initiatives have been undertaken at different levels to address these challenges and improve the efficiency of the marriage registration process in India. Efforts have been made through legal amendments, awareness campaigns, and digitalization initiatives to streamline and expedite the process.³³

Nevertheless, these challenges underscore the need for ongoing reforms and increased awareness regarding the importance of registering marriages. Promoting awareness and establishing a uniform registration procedure across Indian states can significantly contribute to ensuring equal access to legal recognition and the resulting benefits of marriage for all couples in the country. Furthermore, it is imperative to consider cultural perspectives on interreligious,

³¹ Rajiv Gandhi *Challenges in Implementation of Govt. Policies towards Sustainable Growth in Rajasthan* 5.1 PROFESSIONAL PANORAMA 37-46 (2018).

³² B.S. NAGI, *CHILD MARRIAGE IN INDIA: A STUDY OF ITS DIFFERENTIAL PATTERNS IN RAJASTHAN*, (Mittal Publications 1993).

³³ *Id.*

inter-caste, and same-sex marriages to advance the principles of inclusivity and equal rights within the institution of marriage.

5. FINDINGS

Rajasthan has a high prevalence of child marriages, with 35% of marriages in the state being child marriages according to the National Family Health Survey (NFHS-4) conducted in 2015-16.³⁴

The study reveals a number of conclusions, including the necessity of mandatory registration, the pervasive problem of child marriages in Rajasthan, current national laws governing marriage registration, the contentious Rajasthan Compulsory Registration of Marriages (Amendment) Bill 2021, and challenges to marriage registration implementation. This study's key finding is that Rajasthan desperately needs to make marriage registration mandatory. The observations of the Supreme Court, which were highlighted in the case of *Seema v. Ashwani Kumar*, highlight the significance of such legislation to prevent unauthorised unions, address polygamy and bigamy-related issues, and protect the rights of married women, widows, and young girls from being married off against their will. Making marriage registration essential is necessary since it serves as evidence in cases involving child custody and the ages of the bride and groom. Mandatory marriage and divorce registration has been backed by both domestic and international recommendations.

The study finds that underage marriages are nevertheless common in the state despite their detrimental effects on human rights and public health. It is alarming how common child marriages are in Rajasthan, especially among those with little family finances and little formal schooling. This problem is influenced by socio-cultural factors, such as gender differences in literacy and social standards, large rural population. Steps to solve this issue include promoting girls' educational prospects, helping low-income families financially, and raising awareness in rural regions.

The study provides case studies that highlight the effects of child marriages in the actual world. These accounts provide focus on the negative repercussions of child marriages, such as the loss of fundamental rights, health concerns, and absence of prospects for education and employment. The research study examines India's current national laws on marriage registration. The Hindu Marriage Act, the Special Marriage Act, the Parsi Marriage and Divorce Act, and the Indian Christian Marriage Act are a few of the legislation that are

³⁴ Keerthi Kasturi *Analysis of Registration of Child Marriages in Rajasthan* 1.1 ILE FORFIX (2023) (Apr. 25, 2023, 11:45 PM), <https://iledu.in/analysis-of-registration-of-child-marriages-in-rajasthan/>.

highlighted. These laws specify the requirements for marriage registration, highlighting the importance of the registration procedure.

The Rajasthan Compulsory Registration of Marriages (Amendment) Bill 2021, which was introduced in the Rajasthan Legislative Assembly and later passed, is the subject of the research study. The principal change brought about by this amendment is the acceptance of unions between minors. Concerns regarding the legitimacy of child marriages are raised by this amendment, which conflicts with the Prohibition of Child marriages Act of 2006. The research paper lists a number of challenges faced by India's marriage registration process. The general public's lack of knowledge is a serious problem, especially in rural areas. Couples trying to register their marriages face difficulties such as procedural difficulties, different state-to-state marriage requirements, and societal opposition to interfaith and inter-caste marriages, bureaucratic obstacles, and consent verification, lack of legal recognition for same-sex marriages, corruption, and limited access to government offices.

6. CONCLUSION AND SUGGESTIONS

A vital first step in guaranteeing societal welfare, legal recognition, and the safeguarding of rights is marriage registration. Nonetheless, there are various obstacles on the path of Rajasthan's successful implementation of mandatory marriage registration in this dynamic and multicultural state.³⁵ This paper has endeavoured to analyse the various challenges that stand in the way of the smooth implementation of the registration mandate, including socio-cultural norms, inefficiencies in the administrative process, and complex legal issues.³⁶ The attitudes regarding marriage registration in Rajasthan are greatly influenced by the deeply embedded socio-cultural norms and customs. In order to solve this issue, strategies for raising awareness and providing education that are woven into Rajasthan's cultural fabric are essential.³⁷

Serious obstacles include a lack of skilled staff, a restricted access to registration centres, and an inadequate administrative infrastructure. To mitigate this issue, it is critical to implement training programmes for officials, widely

³⁵ Nutan Kumari and Chander Shekhar *Trend and determinants of early marriage in Rajasthan: Evidence from the national family health survey CHILDREN AND YOUTH SERVICES REVIEW* (February 2023) (Apr. 28, 2023, 9:40 PM), <https://www.sciencedirect.com/science/article/abs/pii/S0190740922003826>.

³⁶ Sridruti Juvvadi, *Child Marriage Law vs. the Reality*, (2023) (Apr. 26, 2023, 11:40 PM), <https://heinonline.org/HOL/LandingPage?handle=hein.journals/injlolw11&div=158&id=&page=>.

³⁷ Chandra-Mouli, Venkatraman, et al, *How can collective action between government sectors to prevent child marriage be operationalized? Evidence from a post-hoc evaluation of an intervention in Jamui, Bihar and Sawai Madhopur, Rajasthan in India*, (2018) (Mar. 15, 2023, 10:40 PM), <https://pubmed.ncbi.nlm.nih.gov/29954405/>.

disperse registration centres and improve administrative capacities. People frequently become discouraged from completing the registration process due to the complex legal system that governs marriage registration in Rajasthan, which can be intimidating. Legal reforms are necessary in order to streamline the process and make it more accessible and understandable for the general public due to ambiguities and bureaucratic procedures.

There are numerous administrative obstacles to the efficient implementation of mandatory marriage registration in Rajasthan. These difficulties affect both the general effectiveness of the registration process as well as the spread of awareness. For suggestions are proposed:

- 6.1 *Training Programmes for Officials*: It is critical to implement thorough training programmes for the officials in charge of marriage registration for addressing the issue of skilled workforce. These programmes ought to place equal emphasis on community involvement and cultural sensitivity in addition to the technical components of registration.
- 6.2 *Widely Dispersed Registration Centres*: Improving registration centres' accessibility is crucial. Due to the expanse and diversity of Rajasthan, the deficiency of registration centres may discourage people from registering their marriages. A larger populace will find the process more accessible by opening more registration centres in different areas.
- 6.3 *Building Administrative Capacity*: To increase the effectiveness of the registration process, administrative capacity must be enhanced. To make sure that registration centres are fully operational and able to successfully serve the public, adequate personnel and resources should be allocated.
- 6.4 *Legislative Reforms for Simplicity*: Rajasthan's convoluted legislative framework for marriage registration presents major difficulties. People may be deterred from completing the registration process by the complex and scary nature of the legal procedures. The situation is made more difficult by ambiguities and bureaucratic procedures. It is essential to enact legislative reforms that streamline the registration process in order to overcome the legal obstacles. The main goal of these changes should be to improve the public's understanding and accessibility of the procedure. The registration procedure can be greatly improved by removing bureaucratic red tape, streamlining documentation requirements, and clarifying the legal background.
- 6.5 *Sincere Efforts Required*: A thorough effort is necessary to address these issues and improve the registration procedure. Successful awareness programmes can debunk myths and promote compliance when they combine old and digital communication methods.³⁸ Accessibility and efficiency can be increased by fortifying the administrative infrastructure

³⁸ Pintu Paul, *supra* note 14.

with additional registration centres and proper training for officials.³⁹

Simultaneously, in order to promote a more compliant society, legal reforms that aim to streamline the registration procedure and remove any ambiguities are essential.

To conclude, public participation, civil society, and government agencies must work together successfully to execute Rajasthan's requirement for mandatory marriage registration. A more inclusive and efficient marriage registration system can be achieved by addressing socio-cultural, administrative, and legal issues through deliberate policy changes and focused initiatives. This would ensure marriages' legal legitimacy, protect people's rights, and improve society as a whole in Rajasthan, a state rich in cultural diversity.

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³⁹ McDougal, Lotus, et al., *Mapping the patchwork: Exploring the sub-national heterogeneity of child marriage in India*, (2020) (Jan.10, 2023, 03:00 PM) <https://pubmed.ncbi.nlm.nih.gov/33319026/>.

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