Compulsory Registration of Child Marriages

What is the issue?

Rajasthan's amendment to Compulsory Registration of Marriages Act, 2009, which provides for mandatory registration of marriages, including child marriages has created a lot of controversy.

What law prohibits child marriage?

- The **Prohibition of Child Marriage Act, 2006** is enacted for the prohibition of solemnisation of child marriages.
- A male who has not completed 21 years of age and a female who has not completed 18 years of age is a 'child' for the purpose of this Act.
- Section 3 of the Act makes the child marriages voidable at the option of contracting party being a child.
- Delhi High Court in ***Lajja Devi vs. State NCT of Delhi*** said that the 2006 Act does not make a child marriage void per se but only declares it as voidable.
- The Supreme Court in ***Independent Thought vs. Union of India*** found that the 2006 Act while prohibiting a child marriage and criminalizing it does not declare it void.

What is the background to compulsory marriage registration laws?

- The Supreme Court in ***Seema vs Ashwani Kumar case*** held that marriages of all citizens of India belonging to various religions should be made compulsorily registrable in their respective States where the marriage is solemnized.
- So, Rajasthan Compulsory Registration of Marriages Act, 2009 was enacted for compulsory registration of marriage and procedure.
- The act makes it a duty of the parties to submit such a memorandum within a period of thirty days from the date of solemnization of the marriage to the Registrar.
- If the parties have not completed the age of 21 years, the parents or guardian of the parties shall be responsible to register the marriage.
- Penalty for non-registration is punishable with fine.

What is the new amendment about?

- The amendment provides that if the bride hasn't completed 18 years of age and/or the groom hasn't completed 21 years of age, then their parents or their guardians should register the marriage within 30 days.
- It was alleged by opposition that it justifies child marriage for the state giving certificates to minor kids.
- But the government argues that the bill doesn’t make the marriage legal and the District Collector can take action against them.

How can the issues be addressed?

- As recommended by the Law Commission of India, the Centre can amend the 2006 Act to declare that child marriage below 16 years void, and those solemnised when either party was between 16 and 18, voidable.
- States of Karnataka and Haryana has made child marriage below certain years as void.
- The Rajasthan act should have provided for a route for prosecution of illegal child marriages as like the Uttarakhand Act.
- Even if there is no such provision, the Registrars as observed by the Kerala High Court, can intimate the Child Marriage Prohibition Officers and help prosecution of offenders.

Source: The Hindu, The Indian Express

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