



# Standing Committee Report Summary

## The Registration of Births and Deaths (Amendment) Bill, 2012

- The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 55<sup>th</sup> Report on 'The Registration of Births and Deaths (Amendment) Bill, 2012.' on February 27, 2013. The Committee was headed by Mr. Shantaram Naik.
- The Bill amends the Registration of Births and Deaths Act, 1969. The Act regulates the registration of births and deaths. The Bill proposes to include the registration of marriages within its purview. It requires that all marriages should either be registered under the Bill or any other law (including state laws).
- The Bill was made pursuant to the 2006 Supreme Court's decision in *Seema vs Ashwini Kumar*. The court had directed the government to enact a legislation to provide for compulsorily registration of marriages and had directed the central government should place the legislation before the court for scrutiny. This was restated in the Statement of Objects and Reasons of the Bill.
- The Committee was of the opinion that the Supreme Court's decision amounted to interference by the judiciary in the legislative sphere. It recommended that the government should take appropriate legal action in consultation with the Attorney General of India for a review of this observation of the Supreme Court.
- The Bill provides that marriages registered under any other law including a state act shall not be required to be registered under the Act. The Committee was of the opinion that such a provision should be sufficient to dispel the apprehensions of state governments
- The Committee endorsed the need for the Bill. It hoped that the Bill would help protect the rights of women in the matters of maintenance and property rights. It recommended that the Bill should be passed after addressing the concerns of the Committee.
- The Committee observed that even though the Bill makes it mandatory for marriages to be registered, it does not provide for any serious penalty or consequence for non registration of the marriage. The non-registration of marriage does not affect the validity of the marriage. The Committee was in agreement with such a scheme.
- Under the Bill, it is the obligation of the person in charge of the religious institution, head of the household, person in charge of the hotel or the head of the village to intimate the details of the marriage to the Registrar. The Committee recommended that special efforts should be made by the government to ensure that the records and details are transferred by the specified person electronically or in a hassle free manner in order to reduce the burden on the relevant people.

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