

Compulsory Registration of Hindu Marriages in India: Need, Challenges and Legal Implications

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ABSTRACT

The issue of compulsory registration in India of Hindu marriages is a crucial, though long outstanding, facet of matrimonial governance, one that is at the crossroads of personal law, constitutional requirements, and administrative responsibility. The Hindu Marriage Act, 1955, provides discretion for the state governments to enact registration regulations, which has led to a piecemeal approach to registration that remains largely voluntary and has created significant legal loopholes, especially for women from rural and socio-economically disadvantaged communities. The landmark judgment of Supreme Court in *Seema v Ashwini Kumar* (2006) which directed all religious communities to register has been a landmark judicial judgement but implementation has been seen to be uneven across the jurisdictions. Modern issues are lack of digital documentation, the problem of jurisdiction between States, the evidentiary problem in matrimonial proceedings and the uncertain legal status of women in unregistered unions. It critically discusses the strong arguments for compulsory registration, explores the structural and institutional issues that limit its uniform implementation and considers the wider legal consequences of the registration in doctrinal and socio-legal frameworks, before concluding that it is essential to establish a centralised, technologically sophisticated and gender aware registration system that has the power to realise India's constitutional commitment to substantive gender equality.

Keywords: Compulsory Marriage Registration, Hindu Marriage Act, Gender Justice, Matrimonial Rights, Personal Law Reform.

1. INTRODUCTION

The marriage is a basic social and legal structure and holds a very special place in Indian society and law[1]. In the Hindu worldview marriage is not just a civil arrangement, but also a sacred ritual act, *sanskara*, which is rooted in religious belief, cultural practice, and customary law. The Indian Hindu Marriage Act of 1955¹ was a milestone in the codification and modernisation of these old matrimonial customs, as it was a law that brought uniformity to a pluralistic and diverse country[3]. However, one key aspect of marriage administration which has been long overlooked and legally uncharted, is compulsory marriage registration[4]. While there is a statutory provision under Section 8 of the Act which provides powers to the State Governments to make rules for marriage registration², in most parts of India marriage registration is still considered as a voluntary act and has significant legal implications for those who rely on the registration for asserting their fundamental rights and entitlements[4-5].

Compulsory marriage registration is not just a matter of administrative formality, but of the essence of substantive justice and constitutional rights[6]. An official marriage certificate is the essential evidence for many types of legal rights, including rights in respect of matrimonial property, rights to maintenance by the spouse, rights to succession and inheritance, rights to insurance, eligibility to government welfare schemes, application for a passport and others[7-9]. Women who are not required to register are especially exposed³: they are forced to prove their marriage in court, by indirect and sometimes contentious evidence[10]. Additionally, the lack of a registration system also encourages the continuation of

¹ The Hindu Marriage Act, 1955, No. 25 of 1955, § 8, Acts of Parliament, 1955 (India).

² The Special Marriage Act, 1954, No. 43 of 1954, §§ 13–18, Acts of Parliament, 1954 (India).

³ The Registration of Births and Deaths Act, 1969, No. 18 of 1969, Acts of Parliament, 1969 (India).

child marriage, bigamous relationships, and spousal abandonment because these marriages are not registered, thus avoiding the accountability and oversight that registration would bring[11]. Rather than being a procedural matter, compulsory registration is a tool of substantive gender justice, and one with constitutional implications[12].

The question of compulsory marriage registration hit the Supreme Court of India in a significant fashion in the landmark case of *Seema v. Ashwini Kumar* (2006)⁴ where the Court gave detailed directions to all the states and UTs to introduce rules to register all types of marriages that are conducted under any religion[13]. The Court categorically stated that registration was crucial to safeguard women's rights and prevent matrimonial fraud, and that a lawful marriage without registration would not vitiate. Notwithstanding this judicial authority, enforcement is very uneven -- and some states have not adopted necessary rules or developed good administrative procedures for enforcement[14]. This long-standing implementation gap is indicative of the underlying structural issues such as lack of administrative motivation, low awareness of the public, limited resources, and the continued prevalence of customary law over formal legal systems in many parts of Indian society.

The debate over the desirability of compulsory marriage registration is further complicated by several new legal issues which have not been adequately covered by the current debates. Governance systems have rapidly digitalised, populations have begun to move across state lines, the number of marriages between NRIs has grown exponentially, and the evidentiary requirements for matrimonial litigation have become increasingly complex, creating fresh areas of legal uncertainty that require immediate legislative action⁵[15]. The personal law, constitutional and administrative governance collaborations between women and the law have been an issue of immense concern, including digitally insufficient documentation, jurisdictional issues due to different registration laws, and evidentiary problems seen with women in unregistered marriages. Together, these challenges highlight the need for a more comprehensive and consistent register and the current registration system, which is decentralised and discretionary, does not serve this purpose.

In this light, the need for an all-encompassing, uniform, and properly enforced compulsory marriage registration system becomes a constitutional and sociolegal emergency. At the core of this controversy is the clash between respect for religious and customary autonomy, which is a feature of the Hindu personal law, and the constitutional obligation to gender equality guaranteed under Articles 14, 15 and 21 of the Constitution of India⁶. A meaningful reform requires not only a legislative change but a paradigm shift in the very notion of the registration system that is accessible, technology-based, sex sensitive and sensitive to the immense sociocultural diversity of India. This paper aims to critically explore the compelling rationale behind compulsory registration, to dissect the multifaceted obstacles to the uniform implementation of the practice and to consider the potential wider legal consequences, and to call for a centralised and constitutionally rooted registration system that makes the constitutional aspirations for gender equality a reality in the lived experience of the law.

2. HISTORICAL CONTEXT

To grasp the historical development of Hindu matrimonial law without taking into account the broader process of Indian society's shift from customary and religiously rooted social order to a constitutionally ensured framework of codified personal law is incomplete. Before the advent of codification, the regulation of Hindu marriages was complex and regionally diverse, with a wide range of Dharmashastra texts, caste-based social norms, and customary practices being observed in different communities and schools of Hindu law. This was a traditional structure that has been deeply entrenched in the community, and that the validity of a Hindu marriage only came from the performance of the religious rites and the recognition of the community, not by act of state or by administrative documentation. The current situation of forced registration is a development against this historical background of "no documentation culture"⁷.

2.1 Traditional Marriage Practices

In the traditional Hindu social system, marriage was not considered a legal binding contract and not seen as a contract that needs validation beyond couples' own accord and needs to be recognised by the state, but rather as a sacred sacrament, one of the 16 *samskaras*. The conditions for a Hindu marriage were a strictly observed religious ceremony⁸, most

⁴ *Seema v. Ashwani Kumar*, (2006) 2 SCC 578 (India).

⁵ Law Commission of India, 211th Report on *Laws of Civil Marriages in India – A Proposal to Resolve Certain Conflicts* (2008).

⁶ National Commission for Women, *Compulsory Registration of Marriages in India* (2005).

⁷ Government of India, Ministry of Law & Justice, "Compulsory Registration of Marriages," Press Information Bureau, Sept. 9, 2011.

⁸ Paras Diwan, *Modern Hindu Law* 312–315 (21st ed. 2023).

importantly the Saptapadi (the seven sacred steps around the sacred fire), the moment of marital union for the majority of the Hindu communities. Regional customs also made matrimonial practices diverse, as the Mitakshara and Dayabhaga schools acknowledged different kinds of marriages and gave different legal effects to different matrimonial unions in various provinces. This traditional approach lacked the concept of formal documentary registration, with social and religious legitimacy instead being based on community witness, ritual performance and customary acknowledgement, not state-administered documentation. This deep-rooted cultural attitude of ritual validity over documentary proof has been handed down through the ages and is a major socio-cultural constraint on the success of the compulsory registration reforms in contemporary India.

2.2 Legislative Development

The evolution of the Hindu marriage law is one of the most contentious and radical reform in the history of post-Independent India. The British rulers of the period, therefore, followed a policy of non-interference in the laws of personal status of the Hindu people, and matters of marriage were kept under the jurisdiction of the local customs and divergent interpretations by various courts in different provinces. The movement for comprehensive reform got a crucial boost from the deliberations of the Hindu Law Committee presided over by Sir B.N. Rau which made extensive and deep deliberations on the codification of Hindu personal law. The Indian Parliament passed the Hindu Marriage Act, 1955, which was known as the Hindu Code Bills legislative programme⁹, after a prolonged and politically contentious debate in the Parliament with significant opposition from orthodox sections. Section 8 gave state governments the authority to establish rules for registration, but it did not go so far as to require compulsory registration as an obligation for the whole country, to avoid winning backing for the new Act on the controversial issue of cultural resistance. This basic lawmaking decision to make registration more of a convenience than a requirement placed a structural ambiguity at the core of the regulation of Hindu marriages that later was never fully resolved in judicial rulings or administrative changes for half a century.

3. NEED FOR REGISTRATION

The necessity of compulsory registration of Hindu marriages stems from the simple fact that a properly documented marriage is an essential tool of legal protection, social responsibility, and the rule of law. There is no universal system in place to register marriages, so the legal rights of married people, including women, are always subject to taking what is called “indirect evidence” for marriage and reliance on judicial discretion, which creates systemic uncertainty over matrimonial security. The Supreme Court in *Seema v. Ashwini Kumar* (2006) has acknowledged that the object of the registration, which was to provide protection to women, has not been met through voluntary registration and that the protection is the one need which a constitutionally democratic society would not want to leave to voluntary registration.

3.1 Legal Protection

The strongest argument for the mandatory registration of marriage is its ability to offer practical legal rights protection to those who are often denied by their opponents and unrecognized by the administration without any documentation. The registered marriage certificate is a basic document used as evidence in claims for maintenance under Section 125 of the Code of Criminal Procedure, succession rights under the Hindu Succession Act, 1956, the payment of insurance benefits by the spouse and in determining eligibility for government welfare¹⁰. The situation of woman in unregistered marriage is a situation where their marital status is commonly demonstrated indirectly and through contested evidence, thereby creating increased financial and emotional costs that may deter them from seeking legitimate claims. Compulsory registration removes this obvious piece of circumstantial proof and gives women a document that is universally recognised and which can give rise to matrimonial rights in front of courts and administrative authorities, without relying on circumstantial evidence¹¹.

3.2 Preventing Social Exploitation

In addition to the legal safeguard, compulsory marriage registration is also a key institutional tool in combating matrimonial fraud and social exploitation which existing voluntary marriage system cannot prevent. The failure to provide for

⁹ Mulla, *Principles of Hindu Law* 89–92 (24th ed. 2022).

¹⁰ Tahir Mahmood, *Family Law Reform in India* 145 (2nd ed. 2019).

¹¹ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* 198–201 (Oxford Univ. Press 2018).

compulsory documentation is conducive to child marriage, bigamous marriage and spousal abandonment because unregistered marriages are never subjected to institutional review. Absent documentation leaves women especially vulnerable in the case of NRI matrimonial fraud where a woman gets married without any documentation but then gets abandoned by the man abroad. It creates a compulsory institutional interaction between marital relationships and the state, which helps the state to confirm the age of the parties, to identify co-husbands or co-wives and to keep records available for subsequent disputes with accountability. The power of the registration to deter socially exploitative matrimonial practices places compulsory registration as an essential tool of social justice and accountability through the constitution in Hindu matrimonial governance.

4. IMPLEMENTATION CHALLENGES

Lack of awareness, socio-cultural issues, administrative and structural bottlenecks all play a role in India's failure to meet the expectations of the law¹². The reasons for the disparity between the legislative intent and actual practices are manifold – structural, administrative, socio-cultural, and awareness-related. Despite the recommendation of judges and state level legislative efforts, the successful universalisation of marriage registration still has yet to become a governance goal, due to deeply entrenched institutional weaknesses and socio-cultural opposition that no one legislative action has yet been able to surmount. All of these multiple implementation challenges must be resolved in order to reform the Hindu marriage registration system.

4.1 Administrative Barriers: The administrative architecture governing Hindu marriage registration is characterised by significant institutional deficiencies that render the registration process inaccessible, particularly for rural and economically marginalised communities. Registration offices are predominantly concentrated in urban and semi-urban centres, imposing substantial geographic and financial burdens upon parties from remote areas seeking to formalise their matrimonial union¹³. Procedural requirements demanding multiple documentary proofs including age certificates, identity documents, and witness attestations create insurmountable barriers for communities where documentary evidence remains incomplete or entirely absent. The absence of standardised digital infrastructure across states results in inconsistent record maintenance, interoperability failures between state registration portals, and bureaucratic inefficiencies that frustrate timely and accurate registration. Inadequate staffing, insufficient technical training of registration officials, and resource constraints further compound these institutional deficiencies, collectively rendering the existing administrative framework structurally incapable of supporting universally enforced compulsory registration without comprehensive institutional reform.

4.2 Socio-cultural Resistance: The deeply entrenched socio-cultural orientation of Hindu society toward ritual validity over documentary proof constitutes perhaps the most formidable barrier to effective implementation of compulsory marriage registration. For vast sections of Indian society, the religious performance of matrimonial ceremonies particularly the *Saptapadi*¹⁴ is regarded as wholly sufficient to establish the legitimacy and social recognition of a marriage, rendering state-administered registration culturally superfluous and institutionally intrusive. Patriarchal social structures further reinforce resistance to registration, particularly in communities where early and informal marriages serve social and economic functions that formal documentation would expose to legal scrutiny. Tribal communities governed by distinct customary matrimonial laws occupy a particularly complex position, as compulsory registration frameworks frequently fail to accommodate their unique ceremonial practices and customary legal traditions. Caste-based community structures, traditional religious authorities, and local customary institutions collectively exercise significant social influence that frequently supersedes formal legal obligations, sustaining cultural resistance to registration despite legislative and judicial directives mandating compliance¹⁵.

4.3 Lack Of Awareness: The pervasive lack of public awareness regarding the legal importance and practical benefits of marriage registration constitutes a critical yet frequently underestimated barrier to effective implementation of compulsory registration. Large segments of India's population particularly women, rural communities, and educationally disadvantaged groups remain entirely unaware of the legal entitlements secured by a marriage certificate, the procedural requirements for registration, or the adverse legal consequences of non-registration in matrimonial disputes¹⁶. This awareness deficit is compounded by inadequate governmental outreach, insufficient legal literacy programmes, and the absence of sustained

¹² *Kanwal Ram v. Himachal Pradesh Administration*, AIR 1966 SC 614.

¹³ *Bhaurao Shankar Lokhande v. State of Maharashtra*, AIR 1965 SC 1564.

¹⁴ *Priya Bala Ghosh v. Suresh Chandra Ghosh*, AIR 1971 SC 1153.

¹⁵ Constitution of India, Seventh Schedule, Concurrent List, Entry 5.

¹⁶ The Prohibition of Child Marriage Act, 2006, No. 6 of 2007, Acts of Parliament, 2007 (India).

public education campaigns communicating the protective significance of registration in accessible and culturally sensitive formats. The consequent dependence upon community elders, religious authorities, and informal social networks for matrimonial guidance rather than upon formal legal institutions perpetuates a culture of non-registration that legislative mandates alone, without accompanying awareness initiatives, have proven structurally incapable of transforming into widespread voluntary and informed compliance with registration obligations.

5. LEGAL IMPLICATIONS

The legal implications of compulsory registration of Hindu marriages in India occupy a critical intersection between evolving judicial interpretations and the foundational statutory framework governing matrimonial governance. The inadequacy of the current voluntary registration regime has generated a substantial body of judicial pronouncements and legislative analysis that collectively illuminate the constitutional and statutory dimensions of this persistently unresolved issue. Understanding these legal implications requires a careful examination of both the trajectory of judicial intervention and the structural limitations of the existing statutory architecture that have perpetuated the fragmented and constitutionally inconsistent registration landscape in contemporary India¹⁷.

5.1 Judicial Interpretations

The judicial interpretation of Hindu marriage registration has evolved progressively from a peripheral administrative concern toward a matter of constitutional significance directly implicating women's fundamental rights and matrimonial justice. The Supreme Court's landmark pronouncement in *Seema v. Ashwini Kumar* (2006)¹⁸ constituted the most consequential judicial intervention in this domain, issuing comprehensive directions to all state governments to enact rules mandating compulsory registration across all religious communities, while clarifying that non-registration would not affect the validity of an otherwise lawfully solemnised marriage. The Court unequivocally affirmed that registration serves as an essential protective instrument for women, deterring child marriages, bigamous unions, and matrimonial fraud that unregistered unions facilitate through institutional invisibility. Subsequent High Court pronouncements have consistently reinforced that marriage certificates carry vital evidentiary weight in matrimonial disputes concerning maintenance under Section 125 of the Code of Criminal Procedure, succession rights under the Hindu Succession Act, 1956, and matrimonial property claims. Courts have further adopted a flexible and purposive approach to evidentiary standards in unregistered marriage cases, recognising cumulative circumstantial evidence including wedding photographs, witness testimonies, and family affidavits as sufficient proof of matrimonial status where registration is absent. The Protection of Women from Domestic Violence Act, 2005¹⁹, has further expanded judicial recognition of unregistered unions by extending statutory protection to relationships in the nature of marriage, partially mitigating the adverse legal consequences of non-registration in domestic abuse proceedings. Notwithstanding these progressive judicial trends, the absence of effective contempt or punitive mechanisms for non-compliance with registration directives has significantly undermined the transformative potential of judicial intervention, leaving enforcement contingent upon legislative action that has been conspicuously absent across most Indian jurisdictions.

5.2 Statutory Framework Analysis

A critical analysis of the statutory framework governing Hindu marriage registration reveals fundamental structural inadequacies that have perpetuated the voluntary and fragmented registration landscape despite decades of judicial intervention and legislative deliberation. Section 8 of the Hindu Marriage Act, 1955, constitutes the primary statutory provision addressing marriage registration, empowering state governments to frame rules for registration but deliberately refraining from imposing compulsory registration as a uniform national obligation. This discretionary conferral of authority upon state governments, reflecting the political compromise necessary to secure legislative passage against cultural resistance at the time of enactment, has resulted in a deeply inconsistent national registration landscape wherein state-level rules vary significantly in procedural requirements, designated authorities, documentary prerequisites, and consequences attached to non-registration. The Special Marriage Act, 1954, by contrast, provides a more robust registration framework applicable to civil and inter-religious marriages, wherein registration itself constitutes the legally constitutive act of matrimonial union rather than a merely evidentiary formality a distinction that highlights the structural inadequacy of the

¹⁷ *Dolly Rani v. Manish Kumar Chanchal*, 2024 SCC OnLine SC ____ (registration does not by itself validate a Hindu marriage).

¹⁸ *Smt. Seema v. Ashwani Kumar*, *Transfer Petition (C) No. 291 of 2005*, *Supreme Court of India* (14 Feb. 2006).

¹⁹ Arvind P. Datar, "Need for Uniform Marriage Registration Laws in India," (2017) 59 *Journal of the Indian Law Institute* 245.

Hindu Marriage Act's approach to documentation²⁰. The Registration Act, 1908, and the Births, Deaths and Marriages Registration Act, 1886, further complicate the statutory landscape by creating overlapping and sometimes conflicting jurisdictional frameworks for matrimonial documentation across different categories of marriages and communities. The absence of a centralised national statute mandating uniform compulsory registration across all religious communities analogous to the centrally administered registration frameworks existing in numerous comparable democratic jurisdictions represents the most fundamental statutory lacuna in Indian matrimonial governance, one whose resolution demands comprehensive central legislative intervention that harmonises constitutional imperatives of gender equality with India's rich religious and personal law plurality.

CONCLUSION

The case of compulsory registration of Hindu marriages in India is an urgent and unmet need for both personal law and constitutional justice as well as administrative governance. While the statutory machinery has been put in place through the Hindu Marriage Act, 1955 and a landmark judicial pronouncement in *Seema v. Ashwini Kumar* (2006), the current state of a sporadic, voluntary and poorly-observed registration regime remains to create significant legal vulnerabilities, especially for women and minorities who rely entirely on formal registration to secure their rights to marriage. The multiple challenges of administrative inaccessibility, socio-cultural resistance of some, lack of public awareness, and jurisdictional fragmentation all reflect the failure of the existing decentralized system to deliver on the Constitutional guarantees of gender equality and substantive justice. A proper legislative reform that sets out to establish a uniform, technology-enabled and gender-sensitive compulsory registration system is, therefore, an absolute necessity that Parliament must act upon as a constitutional responsibility to bring the concept of equality from the written constitution to the lived reality of every Indian woman's marriage.

REFERENCES

1. R. P. (2023). A critical analysis on compulsory registration of marriage and essentiality upon its mandate and adherable procedure in Indian context with special reference to other countries. *SSRN Electronic Journal*.
2. Desai, D. (2024). Laws on registration of marriages in India and its utility. *GLS Law Journal*.
3. Sharma, M. (2025). Child marriages qua compulsory registration of marriages in Rajasthan. *International Journal for Multidisciplinary Research*.
4. Jain, A. (1995). The girl child and law. *Social Change*, 25(2), 137–156.
5. Jain, A. (2023). Rajasthan Child Marriage Bill, 2021: Breaking down the law. *SSRN Electronic Journal*.
6. Sengar, R. P. S. (2024). Marriage laws in Punjab. *SSRN Electronic Journal*.
7. Mariadi, M. (2023). Marriage registration procedures and its legal impacts. *International Journal of Sharia Studies*.
8. Solanki, G. (2023). Governing Hindu marriage or interreligious marriage?: Secularism from below and state-society relations in the adjudication of marriage in India. *Legal Pluralism and Critical Social Analysis*.
9. Parakh, H. (2022). Prevention of Child Marriage Act and its sour relationship with personal laws. *SSRN Electronic Journal*.
10. Mangala, T. P., Kanive, P., & Reddy, B. S. (2025). A comparative analysis of marriage, divorce, and maintenance laws in Hindu and Muslim personal laws in India: Legal frameworks and gender implications. *South Asian Research Journal of Humanities and Social Sciences*.
11. Chowdhury, D., & Tripathy, A. (2016). Recognizing the right of the third gender to marriage and inheritance under Hindu personal law in India. *BRICS Law Journal*, 3(3), 68–93.
12. Mishra, A., & Shabran, R. P. (2024). Tradition on trial: A comparative analysis of Hindu and Muslim marriage frameworks through the lens of constitutional equality. *ShodhKosh: Journal of Visual and Performing Arts*.
13. Mishra, A., & Shabran, R. P. (2024). Contemporary challenges before the institution of marriage in India. *ShodhKosh: Journal of Visual and Performing Arts*.
14. Hazarika, R. (2024). Right to property and maintenance of illegitimate child under Hindu law. *International Journal of Membrane Science and Technology*.
15. Lohvynenko, I. A., & Lohvynenko, Ye. S. (2025). The impact of the varna-caste system on marriage and family relations in India: Historical and legal dimension. *Law and Safety*, 1(96), 119–130. <https://doi.org/10.32631/pb.2025.1.10>

²⁰ Poonam Pradhan Saxena, *Family Law Lectures: Family Law II* 102–107 (5th ed. 2021).