

Bill No. 304 of 2016

THE MARRIAGES (COMPULSORY REGISTRATION AND
PREVENTION OF WASTEFUL EXPENDITURE) BILL, 2016

By

SHRIMATI RANJEET RANJAN, M.P.

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BILL

to provide for the simple solemnisation of marriages by prohibiting extravagant and wasteful expenditure and show of wealth on marriages for the compulsory registration of all marriages solemnised in the country, and for prevention of wastage of food items during marriage functions and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Marriages (Compulsory Registration and Prevention of Wasteful Expenditure) Act, 2016. Short title, and extent.

5 (2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate government" means in the case of a State, the Government of that State, and in all other cases, the Central Government;

(b) "designated Authority" means an authority or an officer designated for the purpose of registration of marriages under this Act;

(c) "expenditure on marriage" includes expenditure incurred by either bridegroom's side or by bride's side, as the case may be, on marriage celebrations such as on invitation cards, decoration, tented pandals, illumination, fireworks, luncheon, dinner, clothes, ornaments, gifts, hiring of a barat ghar, community centre, banquet hall, or gated or ordinary hotel, farm house, parks and such other places, band, musical groups and dancers, jockeys film and television stars, helicopter or aircraft, cars and other vehicles, flower and other decorations, horse driven chariots, anything considered as dowry or *Streedhan* and any other expenditure incurred during the celebration of marriage or during hosting of reception thereof; and

(d) "prescribed" means prescribed by rules made under this Act.

Compulsory solemnisation of simple marriage.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or ritual, all marriages shall be solemnised in a simple manner without incurring extravagant and wasteful expenditure and show of wealth and lavish spending thereon.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the solemnisation of simple marriage shall include the limit of expenditure of marriage to the tune of twenty five per-cent of the annual income of the family subject to a ceiling of rupees five lakhs:

Provided that if any family intends to spend more than rupees five lakhs towards expenditure on marriage, such family shall declare the amount proposed to be spent in advance to the appropriate Government and contribute ten per cent of such amount in a Welfare Fund which shall be established by the appropriate Government to assist the poor and Below Poverty Line families for the marriage of their daughters in such manner as may be prescribed.

(3) The appropriate Government shall issue necessary guidelines to be followed for carrying out the provisions of this Act.

Prevention of wastage of food items during marriage functions.

4. (1) Notwithstanding any custom or ritual of any community, religion, tribe, or caste, the wastage of food items served during the celebration of a marriage or reception thereof is hereby prohibited.

(2) Without prejudice to the generality of the foregoing provision, the appropriate Government may fix the limit of guests and relatives and number of dishes to be served to the guests and relatives for the solemnisation of marriage or for the reception held thereafter as it may deem necessary or expedient to prevent the wastage of food items.

Compulsory registration of marriages.

5. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnised in the country after the commencement of this Act shall be registered within sixty days of the solemnisation of marriage in such manner as may be prescribed.

(2) For the purposes of sub-section (1), the appropriate Government shall, by notification in the Official Gazette, designate an authority or an officer for registration of marriage in each district within its territorial jurisdiction.

(3) The designated authority shall maintain a register of marriage containing such particulars and details as may be prescribed and shall also keep the same in electronic form.

(4) The appropriate Government shall prescribe the documents relating to solemnisation of marriage which shall be furnished for the registration of marriage.

(5) After the registration of marriage under this section, a Marriage Certificate shall be issued to the married couple giving such details as may be prescribed.

(6) Notwithstanding anything contained in any other law for the time being in force or any custom, the marriage solemnised after the commencement of this Act shall be null and void, if not registered within sixty days of solemnisation of such marriage.

6. Whoever,—

Penalty.

(a) contravenes the provisions of section 3 shall be punishable with simple imprisonment for a term which may extend to three years and also with fine which may extend up to five lakh rupees; and

10 (b) contravenes the provisions of section 4 shall be punishable with simple imprisonment for a term which may extend to one month and also with a fine which may extend up to fifty thousand rupees; and

15 (c) fails to register his marriage within the prescribed period or gives false information in registering his marriage shall be punishable with simple imprisonment for a term which may extend to six months and also with a fine which may extend up to two lakh rupees.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.

Central Government to provide funds.

20 **8.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiry or the period of three years from the date of commencement of this Act.

25 **9.** The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Act to have overriding effect.

30 **10. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

35 (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our nation is known for unity in diversity because people of different religions, groups, castes, communities live together, who have their own or different cultures, customs, traditions to follow. But one thing is perhaps common and that is marriage which is treated as an institution. Great importance is assigned to the solemnisation of marriage between two individuals—male and female. But unfortunately, these days a tendency of celebrating marriages with pomp and show and spending lavishly is growing in the country. Millions of rupees are spent on decorated *shamianas* or banquet halls followed by sumptuous feasts with musical groups performing in the backdrop, video Jockeys doing anchoring. Some people even spend crores and crores of rupees on solemnisation of marriage in five or seven Star hotels where thousands of *baraatis* attend the ceremony who come by helicopters. Substantial cash and gifts, sometimes even costly cars and other valuable items, are given as shagun. Many people use this occasion to spend their balck money. Media gives wide publicity in page three to such marriages. This trend or craze is getting momentum. The poor people who are in majority, cannot afford to arrange money for such a luxury and despite that take loans on very high rate of interest and become indebted. This tendency needs to be checked through law by minimizing the role of money on an auspicious occasion like marriage.

Another tendency that is also noticed during the marriage ceremonies is wastage of food items on a large scale. In one marriage tonnes of food is wasted which could fill the bellies of many poor people. In a poor country like ours where nearly half of its population does not get two square meals a day, wastage of food may certainly be treated as a crime. In Pakistan, in marriage parties, one can serve only four dishes to the guests and wastage of dishes is treated as criminal wastage. The number of guests too are restricted. Similar action needs to be taken in our Country also.

Recently, the Supreme Court of India, moved by the plight of women fighting for their right under wedlock, ruled that all marriages should be registered. This ruling of the apex court is yet to be implemented.

Hence this Bill.

NEW DELHI;
November 15, 2016.

RANJEET RANJAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall establish a welfare Fund to assist the poor and Below Poverty Line families for the marriage of their daughter. Clause 5 of the Bill provides for appointment of the designated authority or officer in every district of the country. Clause 7 makes it mandatory for the Central Government to provide requisite funds for carrying out the purposes of the Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to estimate the expenditure likely to be incurred. However, it is estimated that a sum of rupee two hundred crore would involve as recurring expenditure per annum from the Consolidated Fund of India. A non-recurring expenditure of about rupees five hundred crore is also likely to be involved from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of normal character.

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(Shrimati Ranjeet Ranjan, M.P.)