



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 10116/2018

Father Paul P. S/o. Shri. John Kunjumon, Priest-In-Charge Of Syro-Malabar Roman Catholic Church, Ja, Having Address At E 128/a, Katariya Colony, Ram Nagar Ext, Sodala, Jaipur- 302019.

-----Petitioner

Versus

1. State Of Rajasthan Through Principal Secretary, Home Department Group-13, Secretariat, Jaipur.
2. Jaipur Municipal Corporation Through Its Chief Executive Officer, Lal Kothi, Jaipur.

-----Respondents

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For Petitioner(s) : Ms. Susan Mathew, Adv.  
For Respondent(s) : Mr. G.S. Gill, AAG with  
Ms. Shikha Sharma, AAAG  
Mr. Mahi Yadav, AAG with  
Ms. Manaswita Nakwal, Adv.  
Ms. Harshita Verma, Adv.  
Mr. Rohan Mittal, Adv.  
Ms. Naina Saraf, Adv.

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI  
HON'BLE MRS. JUSTICE SANGEETA SHARMA**

**Order**

**REPORTABLE**

**29/01/2026**

1. The institution of marriage occupies a foundational position in the social, civil and legal architecture of the country. It is not merely a personal, cultural or religious union, but a juridical status recognized by law, from which emanates a bundle of reciprocal rights, duties, obligations and legal consequences affecting the parties to the marriage, their families and, in several respects, the State. The legal recognition of marriage serves as the basis for determining rights relating to status, legitimacy, succession,



inheritance, maintenance, guardianship, social security, and a wide range of civil and administrative entitlements.

2. Across the diverse religious, cultural and personal law traditions prevailing in the country, marriage is uniformly accorded legal recognition, notwithstanding the distinct rites, ceremonies and statutory frameworks governing its solemnization. While the modes of solemnization may differ under various personal law enactments, the civil consequences that flow from a valid marriage operate within a common legal domain, where the State assumes the role of authenticating, preserving and recognizing marital status for public, legal and administrative purposes.

3. The processes of registration, acknowledgment and endorsement of marriages by civil authorities thus perform a vital public function. They bridge the sphere of religious or personal law solemnization with the secular framework of State-maintained civil records, ensuring that marriages are capable of objective verification in dealings with public authorities and private institutions alike. Such verification assumes particular significance in matters relating to identity documentation, foreign travel, employment, financial transactions, social welfare schemes and access to statutory and constitutional rights.

4. The maintenance of a uniform, reliable and State-verified record of marriages, therefore, advances the principles of legal certainty, equality before law and administrative efficiency. It ensures that the recognition of marital status is not contingent upon religious denomination or personal law alone, but is integrated into the broader framework of civil governance, thereby





reinforcing the rule of law and the equal application of legal consequences arising from marriage across all communities and faiths.

5. In the aforesaid background, and in view of the issues arising in relation to the civil registration and acknowledgment of marriages solemnized in accordance with Christian rites within the territorial jurisdiction of the respondents, the instant writ petition has been preferred by the petitioner, praying for the following reliefs:

*"a) Direct the respondent no.2 to register the marriage certificates issued under the Christian Marriage Act, 1872 / making entries of the marriages solemnized under Part IV of the Christian Marriage Act, 1872 in the register maintained under the Births, Deaths and Marriages Registration Act, 1886 and to issue necessary endorsement upon the marriage certificates;*

*b) Pass any other appropriate order or direction as may be deemed fit and proper in the facts and circumstances of the case, in the interest of the petitioner."*

6. The present Public Interest Litigation has been instituted by the petitioner, a Priest-in-charge of the Syro-Malabar Roman Catholic Church at Jaipur, seeking consideration of issues relating to the civil registration and acknowledgment of marriages solemnized in accordance with Christian rites within the territorial jurisdiction of the respondents.

6.1. The matter is situated within the statutory framework comprising the Indian Christian Marriage Act, 1872, which governs the solemnization and certification of Christian marriages; the Births, Deaths and Marriage Registration Act, 1886, which provides for the maintenance of civil registers of





marriages; the Registration of Births and Deaths Act, 1969, which provides for the appointment and functions of Registrars; and the Rajasthan Compulsory Marriage Registration Act, 2009, which provides for compulsory registration of marriages in the State of Rajasthan.

6.2. The proceedings arise in the context of the interaction between the above enactments in relation to the acceptance, recording and acknowledgment of marriage certificates issued under the Act of 1872 by the civil authorities functioning under the statutory regime governing registration of births, deaths and marriages.

6.3. The present PIL, therefore, concerns the examination of the statutory scheme governing the registration and acknowledgment of Christian marriage certificates by the competent civil authorities within the State of Rajasthan.

7. Learned counsel for the petitioner submits that the Indian Christian Marriage Act, 1872 (hereinafter referred to as "the Act of 1872") is a comprehensive and self-contained statute governing the solemnization, registration and certification of marriages between persons professing the Christian religion, and that its scheme mandates civil acknowledgment of such marriages through the statutory machinery established under allied enactments.

7.1. It is submitted that Part I of the Act of 1872, in particular Sections 5 and 6, enumerates the categories of persons competent to solemnize marriages and empowers the State Government to license Ministers of Religion for that purpose,





thereby laying the foundational framework for lawful solemnization of Christian marriages.

7.2. Learned counsel places reliance on Part IV of the Act of 1872 (Sections 27 to 37), which deals with the registration of marriages solemnized by Ministers of Religion and Clergy. It is urged that:

- Section 27 mandates that all marriages between persons professing the Christian religion, except those solemnized under Parts V and VI, shall be registered in the manner prescribed;

- Sections 28 to 31 obligate Clergymen of the Churches of England, Rome and Scotland to maintain registers of marriages and forward quarterly returns to the Registrar General of Births, Deaths and Marriages; and

- Sections 32 to 36 require the person solemnizing the marriage to prepare a certificate and transmit the same to the Marriage Registrar of the district, who is statutorily bound to copy, number, endorse and forward such certificates to the Registrar General.

7.3. It is contended that the statutory process under Part IV expressly integrates ecclesiastical records of marriage into the civil registry maintained by authorities appointed under the Births, Deaths and Marriage Registration Act, 1886, thereby conferring legal authenticity and public record status upon such marriages.

7.4. Learned counsel further submits that Part V of the Act of 1872 (Sections 38 to 59) governs marriages solemnized by, or





in the presence of, a Marriage Registrar. It is pointed out that this Part provides a detailed statutory procedure, including issuance and publication of notice of intended marriage, grant of a certificate by the Marriage Registrar, provision for judicial scrutiny by the High Court or the District Judge in cases of protest or refusal, and culminates in Section 54, which mandates that, upon solemnization, the Marriage Registrar shall forthwith register the marriage in duplicate, followed by Section 55, which requires monthly transmission of certificates to the Registrar General.

7.5. It is submitted that the legislative intent underlying Part V is to ensure that marriages solemnized under this mechanism are formally entered into the State-maintained civil registry, enabling their recognition for all legal and administrative purposes.

7.6. Learned counsel also places reliance on Part VI of the Act of 1872 (Sections 60, 61 and 62), which specifically governs marriages between Indian Christians. Emphasis is laid upon:

- Section 61, which provides that the certificate of marriage granted by a licensed person shall be conclusive proof of the marriage in any judicial proceeding; and
- Section 62, which mandates the maintenance of a register-book and the deposit of authenticated extracts thereof with the Registrar General of Births, Deaths and Marriages.

7.7. It is urged that even under Part VI, the statute contemplates that marriage records are to be transmitted to





and preserved within the official civil registry of the State, and not retained solely within ecclesiastical custody.

7.8. Learned counsel submits that, in consonance with the aforesaid statutory scheme, marriage certificates issued under the Act of 1872 were, prior to the year 2009, ordinarily accepted, recorded and acknowledged by the Marriage Registrars appointed under the Act of 1886, including those functioning under respondent No.2.

7.9. It is contended that the difficulty has arisen after the enactment of the Rajasthan Compulsory Marriage Registration Act, 2009 (hereinafter referred to as "the Act of 2009"), which, according to the petitioner, has been misconstrued by the respondents as a basis for declining to accept and acknowledge Christian marriage certificates.

7.10. Learned counsel draws attention to the Preamble of the Act of 2009, which states that the statute has been enacted to provide for compulsory registration of marriages in the State of Rajasthan and matters connected therewith and incidental thereto. It is urged that the legislative intent is to advance the objective of universal registration of marriages and not to abrogate or nullify the registration mechanism expressly provided under special personal law enactments.

7.11. Particular reliance is placed on Section 20 of the Act of 2009, which excludes from the operation of the said Act marriages solemnized under, inter alia, the Act of 1872. It is submitted that this exclusionary provision merely signifies that the procedural framework of the Act of 2009 is inapplicable to





Christian marriages, and does not dispense with the statutory obligation of registration and civil acknowledgment expressly mandated under the Act of 1872 itself.

7.12. It is lastly submitted that the refusal to accept and acknowledge marriage certificates has resulted in denial of legal recognition of marital status for purposes such as issuance of passports, visas and other official documentation, thereby leading to arbitrary discrimination and infringement of the rights guaranteed under Articles 14 and 21 of the Constitution of India, and that the present matter, therefore, warrants the exercise of writ jurisdiction by this Court.

8. Mr. G.S. Gill, learned Additional Advocate General, assisted by Ms. Shikha Sharma, appearing for the respondents-State, submits at the outset that the State is willing to extend full cooperation to ensure that marriages solemnized in accordance with law are duly recorded and acknowledged by the competent civil authorities.

8.1. Learned Additional Advocate General draws the attention of this Court to the Registration of Births and Deaths Act, 1969 (hereinafter referred to as "the Act of 1969"), and in particular to Sections 3, 7 and 29 thereof, which provide for the appointment of Registrars, delineate their functions, and prescribe the statutory framework for maintenance and transmission of registers.

8.2. It is submitted that the statutory regime under the Act of 1969 is supplementary in nature and does not derogate from, or override, the scheme of the Births, Deaths and Marriage





Registration Act, 1886. According to the respondents, both enactments operate in a harmonious field with respect to the maintenance of civil records of births, deaths and marriages.

8.3. Learned counsel submits that, in view of the said statutory framework, there exists no legal impediment to enabling the authorities functioning under the Act of 1886 and the Act of 1969 to undertake the registration and acknowledgment of Christian marriages solemnized in accordance with the Indian Christian Marriage Act, 1872.

8.4. It is, therefore, proposed on behalf of the respondents-State that appropriate administrative measures and directions may be issued so as to permit and facilitate the competent civil authorities to accept, record and register marriage certificates issued under the Act of 1872, in order to ensure uniformity and legal recognition of such marriages within the State.

9. Heard learned counsel for the parties and perused the material available on record.

10. This Court observes that the statutory foundation governing the solemnization and civil recognition of Christian marriages in India is laid under the Indian Christian Marriage Act, 1872 (hereinafter referred to as "the Act of 1872"), which operates as a self-contained code delineating the lawful modes of solemnization, certification and statutory transmission of marriage records into the civil domain.

11. This Court notes that the territorial and personal applicability of the Act of 1872 is prescribed under Section 4, which mandates that every marriage between persons, one or





both of whom profess the Christian religion, shall be solemnized in accordance with the provisions of the Act, thereby conferring statutory validity upon marriages performed in conformity therewith. Section 4 of the Act of 1872 reads as follows:

**"4. Marriages to be solemnized according to Act.—**  
*Every marriage between persons, one or both of whom is 2 [or are] a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void."*

12. This Court further observes that the competence to solemnize marriages is enumerated under Section 5 of the Act of 1872, which recognizes solemnization by persons holding episcopal ordination, licensed Ministers of Religion, Clergymen of specified Churches, and Marriage Registrars appointed under the Act, as well as persons licensed to grant certificates of marriage between Indian Christians. Section 5 of the Act of 1872 reads as follows:

**"5. Persons by whom marriages may be solemnized.—***Marriages may be solemnized in 3 [India]—*

*(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;*

*(2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;*

*(3) by any Minister of Religion licensed under this Act to solemnize marriages;*





(4) by, or in the presence of, a Marriage Registrar appointed under this Act;

(5) by any person licensed under this Act to grant certificates of marriage between 4 [Indian] Christians.”

13. This Court finds that the obligation of civil registration of marriages solemnized by Ministers of Religion is expressly mandated under Section 27, which provides that all such marriages, except those solemnized under Parts V and VI, shall be registered in the manner prescribed. Section 27 of the Act of 1872 reads as follows:

**"27. Marriages when to be registered.**—All marriages hereafter solemnized in 2 [India] between persons one or both of whom professes or profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, shall be registered<sup>3</sup> in manner hereinafter prescribed.”

14. This Court observes that the statutory pathway for integration of marriage records into the civil registry is provided under Section 34, which requires the person solemnizing the marriage to transmit the certificate to the Marriage Registrar of the district, who is, in turn, required to copy, number and forward such certificates to the Registrar General of Births, Deaths and Marriages. Section 34 of the Act of 1872 reads as follows:

**"34. Certificate to be forwarded to Marriage Registrar, copied and sent to Registrar General.**—The person solemnizing the marriage shall forthwith separate the certificate from the marriage-registerbook and send it, within one month from the time of the solemnization, to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage





*Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required, to the 1 [Registrar General of Births, Deaths and Marriages]."*

15. This Court further notes that where marriages are solemnized by, or in the presence of, a Marriage Registrar, Section 54 mandates immediate registration of such marriage in duplicate in the prescribed register-books and certificates.

Section 54 of the Act of 1872 reads as follows:

**"54. Registration of marriages solemnized under part V.**—*After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage induplicate; that is to say, in a marriage-register-book, according to the form of the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil. The entry of such marriage in both the certificates and the marriage-register-book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not it is solemnized by him, and also by the parties married, and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage. Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage-register-book."*

16. This Court also observes that in respect of marriages between Indian Christians, Sections 61 and 62 confer evidentiary sanctity upon the certificate of marriage and impose a statutory duty upon licensed persons to maintain





register-books and deposit duly authenticated extracts thereof with the Registrar General, thereby ensuring preservation of such records within the official civil repository of the State.

Section 61 and 62 of the Act of 1872 reads as follows:

**"61. Grant of certificate.**—When, in respect to any marriage solemnized under this Part, the conditions prescribed in section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and, on the payment of a fee of four annas, grant a certificate of the marriage. The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed. 8

**[62. Keeping of register-book and deposit of extracts therefrom with Registrar General.**—(1) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the State Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General of Births, Deaths and Marriages for the territories under the administration of the said State Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his registerbook of all entries made therein since the last of those intervals."

17. This Court finds that a conjoint reading of the aforesaid provisions demonstrates that the Act of 1872 does not confine marriage records to ecclesiastical or private custody, but instead mandates their systematic transmission,





acknowledgment and preservation within the statutory civil registration framework maintained by State authorities.

18. This Court observes that the Rajasthan Compulsory Marriage Registration Act, 2009 (hereinafter referred to as "the Act of 2009") was enacted with the object of ensuring the compulsory registration of marriages within the State, so as to create a uniform, reliable and State-verified civil record of marital status for administrative, legal and public purposes.

19. This Court notes that the Preamble of the Act of 2009 reflects the legislative intent to provide for compulsory registration of marriages and for matters connected therewith and incidental thereto, thereby situating the statute as a general law governing the civil registration of marriages across the State. The Preamble of the Act of 2009 reads as follows:

*"An Act to provide for compulsory registration of marriage in the State of Rajasthan and matters connected therewith and incidental thereto."*

20. This Court further observes that Section 20 of the Act of 2009 expressly excludes from the operation of the said Act marriages solemnized under certain special enactments, including the Indian Christian Marriage Act, 1872, the Parsi Marriage and Divorce Act, 1936, and the Special Marriage Act, 1954. Section 20 of the Act of 2009 reads as follows:

**"20. Act not to apply to certain marriages.** - *This Act shall not apply to marriages solemnized under the Indian Christian Marriage Act, 1872 (Central Act No. 15 of 1872), the Parsi Marriage and Divorce Act, 1936 (Central Act No. 03 of 1936) or the Special Marriage Act, 1954 (Central Act No. 42 of 1954)."*





21. This Court finds that the exclusionary provision contained in Section 20 signifies that the procedural regime prescribed under the Act of 2009 is not intended to supplant or override the statutory mechanisms governing solemnization and certification of marriages under the special personal law enactments specified therein.

22. This Court observes that the Act of 2009 does not contain any express provision repealing, amending or curtailing the obligations imposed by the special statutes with respect to the transmission, acknowledgment or preservation of marriage records within the civil registry maintained by the State authorities.

23. This Court further notes that, when construed in its proper statutory context, the Act of 2009 operates as a general law providing a framework for compulsory registration in respect of marriages not otherwise governed by a special statutory regime, while preserving the continued operation of such special enactments within their respective fields.

24. This Court finds that the function of Section 20 is thus protective rather than exclusionary in effect, inasmuch as it preserves the integrity and continued application of the registration and certification pathways embedded within the special statutes, rather than creating a statutory vacuum in the maintenance of civil marriage records.

25. This Court observes that the Registration of Births and Deaths Act, 1969 (hereinafter referred to as "the Act of 1969") constitutes the modern statutory framework for the





maintenance, preservation and authentication of civil records of births and deaths, and provides the administrative and institutional machinery through which such records are maintained at the national, State and local levels. Preamble of the Act of 1969 reads as follows:

*"An Act to provide for the regulation of registration of births and deaths and for matters connected therewith. "*

26. This Court notes that Section 3 of the Act of 1969 empowers the Central Government to appoint a Registrar General, India, and to issue general directions for coordination and uniformity in the registration process, thereby ensuring consistency in the maintenance of civil records across the territories to which the Act extends. Section 3 of the Act of 1969 reads as follows:

**"3. Registrar-General, India.—**(1) *The Central Government may, by notification in the Official Gazette, appoint a person to be known as the Registrar-General, India. (2) The Central Government may also appoint such other officers with such designations as it thinks fit for the purpose of discharging under the superintendence and direction of the Registrar-General, such functions of the Registrar-General under this Act as he may, from time to time, authorise them to discharge. (3) The Registrar-General may issue general directions regarding registration of births and deaths in the territories to which this Act extends, and shall take steps to co-ordinate and unify the activities of Chief Registrars in the matter of registration of births and deaths and submit to the Central Government an annual report on the working of this Act in the said territories. "*

27. This Court further observes that Section 7 of the Act of 1969 authorizes the State Government to appoint Registrars





for each local area comprising the jurisdiction of a municipality, panchayat or other local authority, or any combination thereof, and to vest such Registrars with statutory responsibility for maintaining registers within their respective territorial jurisdictions. Section 7 of the Act of 1969 reads as follows:

**"7. Registrars.—**

(1) *The State Government may appoint a Registrar for each local area comprising the area within the jurisdiction of a municipality, panchayat or other local authority or any other area or a combination of any two or more of them: Provided that the State Government may appoint in the case of a municipality, panchayat, or other local authority, any officer or other employee thereof as a Registrar.*

(2) *Every Registrar shall, without fee or reward, enter in the register maintained for the purpose all information given to him under section 8 or section 9 and shall also take steps to inform himself carefully of every birth and of every death which takes place in his jurisdiction and to ascertain and register the particulars required to be registered.*

(3) *Every Registrar shall have an office in the local area for which he is appointed.*

(4) *Every Registrar shall attend his office for the purpose of registering births and deaths on such days and at such hours as the Chief Registrar may direct and shall cause to be placed in some conspicuous place on or near the outer door of the office of the Registrar a board bearing, in the local language, his name with the addition of Registrar of Births and Deaths for the local area for which he is appointed, and the days and hours of his attendance.*

(5) *The Registrar may, with the prior approval of the Chief Registrar, appoint Sub-Registrars and assign to them any or all of his powers and duties in relation to specified areas within his jurisdiction."*





28. This Court finds that the decentralized structure created under Section 7 enables accessibility and administrative efficacy in the maintenance of civil records, by situating the registering authority within the local governance framework of municipal, panchayat and other notified areas.

29. This Court further notes that Section 29 of the Act of 1969 expressly provides that nothing in the said Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriage Registration Act, 1886, thereby preserving the continued operation and statutory primacy of the earlier enactment in respect of the registration and preservation of marriage records. Section 29 of the Act of 1969 reads as follows:

**"29. Act not to be in derogation of Act 6 of 1886.—**  
*Nothing in this Act shall be construed to be in derogation of the provisions of the Births, Deaths and Marriages Registration Act, 1886."*

30. This Court observes that the Act of 1969 thus operates in a supplementary and facilitative field, modernizing the administrative apparatus for civil registration, while maintaining statutory continuity with the framework established under the Act of 1886.

31. This Court finds that, by empowering the State to appoint local Registrars and by according evidentiary value to certified extracts maintained under the statutory scheme, the Act of 1969 provides a practical and decentralized mechanism through which marriage records transmitted under special





personal law enactments may be preserved and authenticated within the official civil registry.

32. This Court observes that the Births, Deaths and Marriage Registration Act, 1886 (hereinafter referred to as "the Act of 1886") constitutes the foundational statute for the establishment and maintenance of general registry offices for the civil registration of births, deaths and marriages, and for the authentication, custody and evidentiary use of such records within the State.

33. This Court notes that the Preamble of the Act of 1886 reflects the legislative intent to provide for the more effectual registration and preservation of marriages registered under, inter alia, the Indian Christian Marriage Act, 1872, by creating a centralized and State-supervised system of civil record-keeping. Preamble of the Act of 1886 reads as follows:

*"An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes. WHEREAS it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act 3 of 18722 , or the Indian Christian Marriage Act, 1872 (15 of 1872) and of certain marriages registered under the Parsi Marriage and Divorce Act, 18653 (15 of 1865), and for the establishment of general registry offices for keeping registers of those births, deaths and marriages; AND WHEREAS it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of*





*the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence; "*

34. This Court further observes that Section 6 of the Act of 1886 mandates the establishment of a general registry office in each State and the appointment of a Registrar General of Births, Deaths and Marriages, who is entrusted with the statutory duty of receiving, preserving and maintaining certified copies and extracts of marriage records transmitted under the Act of 1872 and other specified enactments. Section 6 of the Act of 1886 reads as follows:

**"6. Establishment of general registry offices and appointment of Registrars General.—(1) Each State Government— (a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act 3 of 18721 (to provide a form of marriage in certain cases) or the Indian Christian Marriage Act, 1872 ( 15 of 1872), or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 18652 (15 of 1865), as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and (b) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:"**

35. This Court finds that the Act of 1886 operates as the statutory repository for civil records of marriages, serving as the institutional bridge between the processes of solemnization and certification under special personal law statutes and the maintenance of an official, State-verified public register of marital status.





36. This Court observes that the Act of 1886 does not itself regulate the mode of solemnization of marriages, but is designed to provide the administrative and evidentiary framework through which marriages lawfully solemnized under other enactments, including the Act of 1872, are incorporated into the civil registry maintained by the State.

37. This Court further finds that the continued operation of the Act of 1886, as preserved under Section 29 of the Act of 1969, ensures statutory continuity in the maintenance, authentication and evidentiary use of marriage records, thereby sustaining the integrity of the civil registration system across successive legislative regimes.

38. This Court observes that a conjoint and harmonious construction of the Indian Christian Marriage Act, 1872, the Births, Deaths and Marriage Registration Act, 1886, the Registration of Births and Deaths Act, 1969, and the Rajasthan Compulsory Marriage Registration Act, 2009 reveals a sequential and complementary statutory scheme governing the solemnization, certification, civil registration and preservation of marriage records within the State.

39. This Court finds that the Act of 1872 regulates the lawful modes of solemnization and certification of Christian marriages and mandates the transmission of marriage records into the civil domain; the Act of 1886 establishes the institutional repository for the custody and authentication of such records through the office of the Registrar General; the Act of 1969 supplements this framework by empowering the State to



appoint local Registrars and maintain decentralized civil registers; and the Act of 2009 operates as a general law providing for compulsory registration of marriages not governed by special statutory regimes, while expressly preserving the continued operation of such special enactments.

This Court further observes that the exclusionary provision contained in Section 20 of the Act of 2009 cannot be construed as dispensing with the statutory obligations imposed under the Act of 1872 for the transmission, acknowledgment and preservation of marriage records within the civil registry, nor can it be read as curtailing the enabling framework established under the Acts of 1886 and 1969.

40. This Court finds that any interpretation which results in marriages solemnized and certified under the Act of 1872 remaining outside the fold of the official civil registry would be contrary to the express statutory scheme and would defeat the legislative objective of maintaining a uniform, reliable and State-verified public record of marital status.

41. This Court observes that the statutory framework, when read as an integrated whole, obligates the competent civil authorities to function as the repository and authenticating agencies for marriage records transmitted in accordance with law, thereby ensuring continuity of legal recognition, administrative certainty and public record integrity.

42. This Court further observes that the obligation of civil registration does not arise from judicial direction, but flows directly from the statutory mandate contained in the Act of





1872, read with the institutional framework established under the Act of 1886 and operationalized through the administrative machinery provided by the Act of 1969. The present directions are, therefore, issued only to clarify, streamline and ensure uniform implementation of existing statutory duties, and not to create any new or independent source of authority.

43. Accordingly, this Court directs that all Christian marriages solemnized in accordance with the Indian Christian Marriage Act, 1872, in respect of which a certificate has been issued by the competent Minister of Religion or licensed authority under the said Act, shall be accepted, recorded and registered by the State authorities in consonance with the Births, Deaths and Marriage Registration Act, 1886 and the Registration of Births and Deaths Act, 1969.

44. The Registrars appointed under Section 7 of the Act of 1969, having jurisdiction over the relevant local areas comprising municipal corporations, municipal councils, nagar panchayats, gram panchayats, cantonment boards, development authorities, or any other local authority or notified area, or any combination thereof, are hereby authorized and directed to:

- Accept applications for registration of Christian marriages solemnized under the Act of 1872;
- Make appropriate entries in the prescribed marriage registers maintained under the statutory framework; and





- Issue necessary acknowledgments, endorsements and certified extracts upon the marriage certificates issued under the Act of 1872.

45. Any other officer or authority empowered under the Act of 1886 or the Act of 1969, or notified by the State Government for the purpose of registration of births, deaths and marriages, shall likewise act in furtherance of the statutory obligation of civil registration, preservation and authentication of such christian marriage records.

46. With the aforesaid observations and directions, the present writ petition stands disposed of.

47. Pending applications, if any, also stand disposed of.

(SANGEETA SHARMA),J

(PUSHPENDRA SINGH BHATI),J

Sudheer/Heena/142

