

Bill No. XXIII of 2012

THE ANAND MARRIAGE (AMENDMENT) BILL, 2012

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BILL

further to amend the Anand Marriage Act, 1909.

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

1. (1) This Act may be called the Anand Marriage (Amendment) Act, 2012.

Short title
and com-
mencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

7 of 1909.

2. In section 2 of the Anand Marriage Act, 1909 (hereinafter referred to as the principal Act), after the words "the Sikh Marriage ceremony called Anand", the words "(commonly known as Anand Karaj)" shall be inserted.

Amendment
of section 2.

3. After section 5 of the Principal Act, the following section shall be inserted, namely:—

Insertion of
new section 6.

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“6. (1) For the purposes of facilitation of proof of marriage ceremony (commonly known as Anand Karaj) customary among the Sikhs the State Government shall, without prejudice to anything contained in the Hindu Marriage Act, 1955 or any other law for the time being in force, make rules providing that the parties to any such marriage [whether solemnized before or after the commencement of the Anand Marriage

25 of 1955.

Registration
of marriages.

(Amendment) Act, 2012], may have the particulars relating to their marriage entered, in such manner and subject to such conditions as may be provided in the said rules, in a Marriage Register kept by such officer of the State Government or of a local authority authorised by the State Government, by notification in the Official Gazette, in this behalf.

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(2) The Marriage Register shall, at all reasonable times, be open for inspection, and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar to the parties to the marriage on payment of such fees as may be provided in the rules.

(3) Notwithstanding anything contained in this section, the validity of any Anand Marriage solemnized shall in no way be affected by the omission to make an entry in the Marriage Register.

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(4) Every rule made by the State Government under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(5) The parties to the marriage, whose marriage has been registered under this Act, shall not be required to get their marriage registered under the Registration of Births, Marriages and Deaths Act, 1969 or any other law for the time being in force (including State Act.)”.

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STATEMENT OF OBJECTS AND REASONS

The Anand Marriage Act, 1909 (7 of 1909) was enacted with the object to remove doubts as to the validity of the marriage ceremony common among the Sikhs called 'Anand'. This form of marriage is also known as 'Anand Karaj' and has long been practiced among the Sikhs. As there were good reasons to believe that doubts may be thrown upon such marriages and Sikhs may have to face great difficulties and incur heavy expenses on suits instituted in the civil courts, the said enactment was passed in order to validate such marriages.

2. The Department Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice has proposed insertion of a clause in the Anand Marriage Act, 1909 to provide for registration of Sikh marriages in the year 2007. The Committee further informed that there was consensus on the said proposal of the Committee and requested the Legislative Department to take necessary steps in amending the Anand Marriage Act, 1909 providing for registration of marriages solemnized under the Act.

3. Further several representations have also been received seeking amendments in the Anand Marriage Act, 1909 to provide for compulsory registration of 'Anand Karaj' marriages.

4. In view of the recommendations of the Standing Committee and several representations received in this regard, it is proposed to provide for registration of 'Anand Karaj' marriages solemnized by Sikhs amending the Anand Marriage Act, 1909 to ensure evidentiary value thereof. Therefore, it is considered necessary to amend the Anand Marriage Act, 1909 to provide for registration of marriages.

5. It is proposed to provide in the Bill that the parties to the marriage whose marriage has been registered under this Act shall not be required to get their marriage registered under the Registration of Births and Deaths Act, 1969 (after the enactment of proposed amendments) or any other law for the time being in force.

6. The Bill seeks to achieve the above objects.

NEW DELHI;

The 26th April, 2012.

SALMAN KHURSHID

ANNEXURE

EXTRACT FROM THE ANAND MARRIAGE ACT, 1909

(7 OF 1909)

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Validity of
Anand
marriages.

2. All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand shall be, and shall be deemed to have been with effect from the date of the solemnization of each respectively, good and valid in law.

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RAJYA SABHA

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BILL

further to amend the Anand Marriage Act, 1909.

(Shri Salman Khurshid, Minister of Law and Justice.)