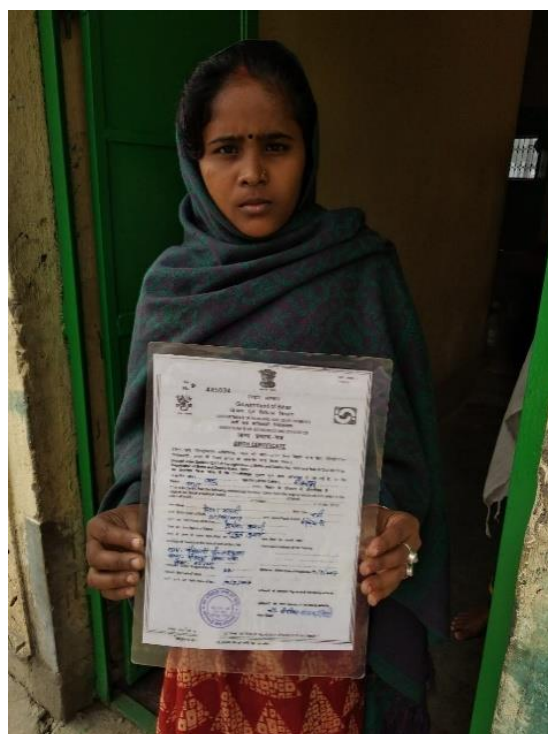


# Birth & Marriage Registration in Bihar

A study report on status and underlying features



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## **Acronyms and Abbreviations used**

**ASHA**- Accredited Social Health Activist

**BVHA** Bihar Voluntary Health Association

**CRC**- Convention on the Rights of the Children

**CSO**- Civil Society Organizations

**DHS**- Demographic and Health Survey

**DLHS**- District Level Household Survey

**FGD**- Focus group Discussion

**GP**- Gram Panchayat

**IDI**- In Depth Interview

**KAP**- Knowledge Attitude and Practice

**MICS**- Multiple Indicator Cluster Survey

**MTBA**- More Than Brides Alliance

**NFHS**- National Family Health Survey

**OBC**- Other backward Caste

**OOPE**- Out Of Pocket Expenses

**PRI**- Panchayati Raj Institutions

**PS**- Panchayat Samiti

**RBD**- Registration of Birth and Death

**SC**- Save the Children India

**SC**- Scheduled Caste

**SRHR**- Sexual and Reproductive Health Rights

**ST**- Scheduled Tribe

**ULB**- Urban Local Bodies

**UN**- United Nations

**UNICEF**- United Nations Children's Fund

**UT**- Union Territory

Birth and Marriage Registration in Bihar- Study Report

## Background

The More Than Brides Alliance (MTBA) is an Alliance that consists of Save the Children NL, Oxfam Novib, Simavi NL and Population Council. The Alliance is implementing the Programme ‘Marriage: No Child’s Play’ (2016-2020) with the aim to reduce child marriage and its adverse effects on young women and girls. In Bihar MTB Alliance is implementing this project in 4 Blocks of 4 Districts – East Champaran, West Champaran, Sitamarhi and Gaya by Save the Children India and Bihar Voluntary Health Association, Patna.

The mission of the program is to empower young people, especially girls, so that they are able to decide if and when to marry, by empowering them to make informed decisions. The alliance thus offers a multi-pronged approach of equipping adolescents with necessary skills and information, enhancing access to education, economic opportunities and child protection systems; increasing access to SRHR services; changing social norms on child marriage, SRHR and gender, and influencing legal and policy frameworks.

Birth registration is a permanent and official record of a child’s existence. The child who is not registered at birth is in danger of being denied the right to an official identity, a recognized name. In India, an estimated 26 million children are born every year of which about 10 million go unregistered. According to article 7 of the 1989 U.N. Convention on the Rights of the Child (CRC) “the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents”.

Poverty and social disadvantage play a key role in determining which children are not registered and where global studies have empirically established that unregistered children tend to be poor, live in rural areas, have limited access to health and education and suffer from higher rates of malnutrition and mortality. For example, children from the poorest households are twice as likely to be unregistered as those from the richest ones. Other primary research has also highlighted the many barriers to birth registration such as ethnicity and gender, and financial constraints.

The Committee on the Rights of the Child, the leading international authority on child rights, has interpreted the right to birth registration as helping to realise a range of other connected child rights linked to health, education, social welfare, work and the juvenile justice system to name just a few. It is seen that an unregistered child is a most attractive target for a child trafficker and does not have even the minimal protection that a birth certificate provides against early marriage, child labour, or detention and persecution as an adult. In later life, the unregistered child may be unable to apply for a passport or formal job, open a bank account, and get a driving license or a marriage certificate. Thus a birth registration acts as a tool to protect children from exploitation, such as child labour and child marriage, and as a means for children to access basic services such as health and education.

The current registration level of births in the country is about 58%, while Bihar is listed as a low performing state, with a registration rate of 11%. The importance of birth registration does not end with childhood; birth registration also provides assistance in securing benefits and opportunities for youth. BVHA is interested to know the reason behind the poor birth registration rates in Bihar.

Marriage registration too is as important as birth registration. As stated in section 12 of the compulsory registration of marriage bill 2005, “Every marriage that’s solemnized or contracted between Indian citizens or in cases where one is at least an Indian citizen, performed in the country under any law or custom governing such marriages, the marriage shall be compulsorily registered with the appropriate Registrar of Marriages”.

Registering marriages is a necessary reform and in its absence women can become mere victims of feud. It deprives women of societal recognition and legal security. Compulsory registration of marriage will ensure that conditions of a valid marriage have been fulfilled. Without compulsory registration women are deceived into marrying without fulfilling the conditions of a legal marriage. When marriage is legally authorized under the court of law it prevents the occurrence of child marriage and ensures minimum age of marriage, prevents polygamy, and ensures women to claim shelter and maintenance.

## Objectives of the study

The study aimed to achieve the following objectives;

|  |
|--|
| Understanding the legal process, challenges and the steps the people have to do in order to register marriage and birth in Bihar.                        |
| Understanding the reason for the low rate of registration and find out ways to overcome this gap.  |
| Identifying the people’s perception related to birth and marriage registration. To identify the barriers people face to birth and marriage registration. |
| Finding out the major gaps compared to other states regarding the birth and marriage registration.   |
| Providing a pathway / suggestions to improve the status of birth and marriage registration in Bihar.   |
| Documenting the time required for birth and marriage registration.   |
| Estimating out of pocket expenses (OOPE) incurred in birth and marriage registration.  |

## Scope of the study

Keeping the intervention in mind this study is needed to understand process and barriers of birth and marriage registration in the focused areas. Though marriage registration has become mandatory, people - especially in rural areas – still do not practice it. Due to lack of information about the importance of registration, they have to face many problems. Especially girls are victims of non-registration. To avoid cheating, trafficking and polygamy there is a need to make people aware and promote both birth and marriage registration.

As mentioned, the rate of birth registration and marriage registration is very low in Bihar, especially among marginalized communities. Therefore, the scope of the study was to identify the major causes of such a low level of registration, the process of birth / marriage registration, people’s thoughts and perceptions on this practice, and what are the hurdles of getting the registration done, what are the barriers people face to get the registration done, etc.

Review of different types of existing literature was the part of study in order to identify the reason why birth and marriage registration is high in other states, and to identify the Govt.'s initiatives to encourage people for birth and marriage registration.

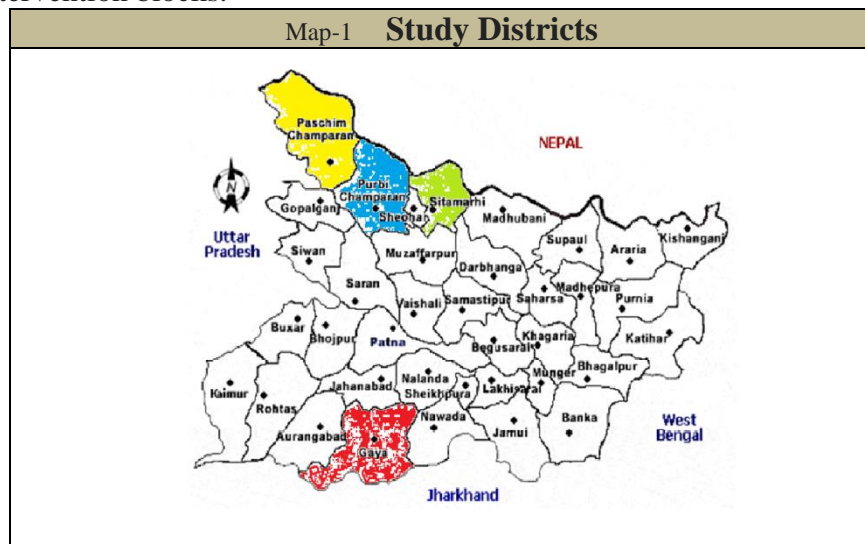
Further the study also documented good practices of other states and described how these can be replicated in Bihar.

## Methodology

In view of the scope of the study to understand process and barriers of birth and marriage registration in the focused areas through identifying the major causes of such a low level of registration, the process of birth / marriage registration, people's thoughts and perceptions on this practice, and what are the hurdles of getting the registration done, what are the barriers people face to get the registration done and what are the measures required to smoothen the process that is user friendly in order to enhance the status of birth and marriage registrations.

A comprehensive methodology had been prepared to administer the study. Cross-sectional survey design with mixed method approach was adopted to assess the status of Birth and Marriage Registration in 4 districts of Bihar. A combination of both quantitative and qualitative methods was used to elicit the required information. Primary data collection was undertaken through KAP questionnaire, focus group discussions, field observation, and In-Depth Interview (IDI) with concerned key stakeholders

Study was conducted in selected villages from 4 districts of Bihar (West Champaran, East Champaran, Gaya and Sitamarhi) and from each district one block was selected which are the programme intervention blocks.



## Selection criteria for Villages

The study confined to the intervention villages hence, 28% out of total 75 villages i.e. 21 villages had been selected for study which are the most populated villages among all Gram Panchayat of the project area. The district wise distribution comes to; 4 villages from Sitamarhi, 6 from Gaya, 8 from West Champaran and 5 from East Champaran districts as detailed in Annexure 3.

## Selection of Households

In all selected village, the selection of respondent households were selected from the list of the children born in last one year available in Anganwadi centers. As the sample villages are of large population (16826), around 10% (1690) of the families were selected keeping in mind the socio-economic profiles of the households. Considering 19% as the birth rate per year the total number of respondent families comes around 300. This data was verified with ASHA workers and PRI representatives. The number of marriage registration in all selected village was gathered through Mukhiya & Panchayat Secretary.

Further, three Focus Group discussion in each block was administered with different social groups and wellbeing categories to understand their perspective and experiences on registrations of birth and marriage. Apart from that In-depth Interviews with key functionaries were also administered to understand the perspective of government officials and people's representative in the issue of birth and marriage registration. The table-1 below summarizes the number of sample for each tool.

| <b>Table-1: Tools used during the study</b> |                              |   |  |
|---|------------------------------|---|--|
| <b>Sl. No.</b>                              | <b>Tools</b>                 | <b>Sample size</b>  | <b>Key Respondents</b>   |
| 1   | KAP Interviews               | 20% of the children born in last 1 year from all social categories for birth and 100 families for marriage registration | Community members eligible for birth and marriage registration.  |
| 2   | Focus Group Discussion (FGD) | 12 (3 each in 4 blocks of 4 districts)  | Community groups of diverse social and wellbeing categories including adolescent girls and local opinion leaders |
| 3   | In-depth Interview (IDI)     | 12 (3 from each of 4 districts)   | PRI representatives from Ward, GP and PS /district level   |
|   | In-depth Interview (IDI)     | 12 (3 from each of 4 districts)   | Concerned Government Officials from State, District, block and Panchayat   |

## Profile of Respondents

Altogether 306 families were approached under the household survey for response on birth registration aspect. In terms of the social category of the respondent families, majority (50%) of them were from Other Backward Caste (OBC) followed by Scheduled Caste (SC) which constituted 39.55% and 10.45 % of the respondents were from General category. (Table-2)

| Category     | Frequency  | Percent      |
|--------------|------------|--------------|
| SC           | 121        | 39.55        |
| OBC          | 153        | 50.00        |
| Gen          | 32         | 10.45        |
| <b>Total</b> | <b>306</b> | <b>100.0</b> |

Among the respondents 62.75% were educated (able to fluently read and write), 37.25% a significant number of respondents were purely non-literate. (Table-3)

| Education     | Frequency  | Percent      |
|---------------|------------|--------------|
| Non- Literate | 114        | 37.25        |
| Literate      | 192        | 62.75        |
| <b>Total</b>  | <b>306</b> | <b>100.0</b> |

While looking at the occupations of the respondent families it was found that most of the respondent families are dependent on agriculture 38.75% followed by 30% on daily wages and Government job 11.2 % rest of the families survive on different small business, artisanship, job in small private enterprises, teaching etc. As a result, 81.37% of respondent families have less than Rs 50,000 per year and only 15.69% families have annual income of between Rs 50,000 and 1,00,000 a meager 2.9 % had more than Rs 1.00.000 but less than Rs 5,00,000. None of the respondent families had more than Rs 5,00,0000. This pattern is clearly reflected on the housing pattern of the respondent families as the majority 41.9% lives in kuchha house, 18.9 % in semi pucca and 39.2% had fully pucca house. (Table 4&5)

| House      | Percent |
|------------|---------|
| Kuccha     | 41.9    |
| Semi-Pucca | 18.9    |
| Pucca      | 39.2    |

| Income in Rs    | Percent |
|-----------------|---------|
| 50000 less      | 81.37   |
| 50000 - 100000  | 15.69   |
| 100000 - 500000 | 2.94    |
| 500000 More     | 0.0     |

## Key Results of the Study

### BIRTH REGISTRATION



The history of civil registration in India is more than hundred years old. The enactment of the Registration of Births and Deaths Act, 1969 (RBD Act) was an important landmark, which made the registration of births, deaths and still births compulsory across the country. A report of UNICEF reveals that an estimated 26 million births and about 9 million deaths take place in the country every year. Together, approximately 35 million vital events have to be registered every year. This is more than the currently estimated population of Canada (approx 31 million).

|   |            |
|---|------------|
| <b>Eastern and Southern Africa</b>  | <b>40</b>  |
| <b>Sub-Saharan Africa</b>   | <b>46</b>  |
| <b>West and Central Africa</b>  | <b>53</b>  |
| <b>South Asia</b>   | <b>65</b>  |
| <b>Middle East and North Africa</b>   | <b>92</b>  |
| <b>Latin America and Caribbean</b>  | <b>94</b>  |
| <b>Eastern Europe and Central Asia</b>  | <b>99</b>  |
| <b>Western Europe</b>   | <b>100</b> |
| <b>North America</b>  | <b>100</b> |
| <b>Least developed countries</b>  | <b>40</b>  |
| <b>World</b>  | <b>73</b>  |
| <i>Notes: Estimates are based on a subset of 161 countries covering 84 per cent of the global population of children under age five. Regional estimates represent data from countries covering at least 50 per cent of the regional population. Data coverage was insufficient to calculate a regional average for East Asia and the Pacific.</i> |            |
| Source: UNICEF global databases, 2019, based on Demographic and Health Surveys (DHS), Multiple Indicator Cluster Surveys (MICS), other national surveys, censuses and vital registration systems, 2010-2018.  |            |

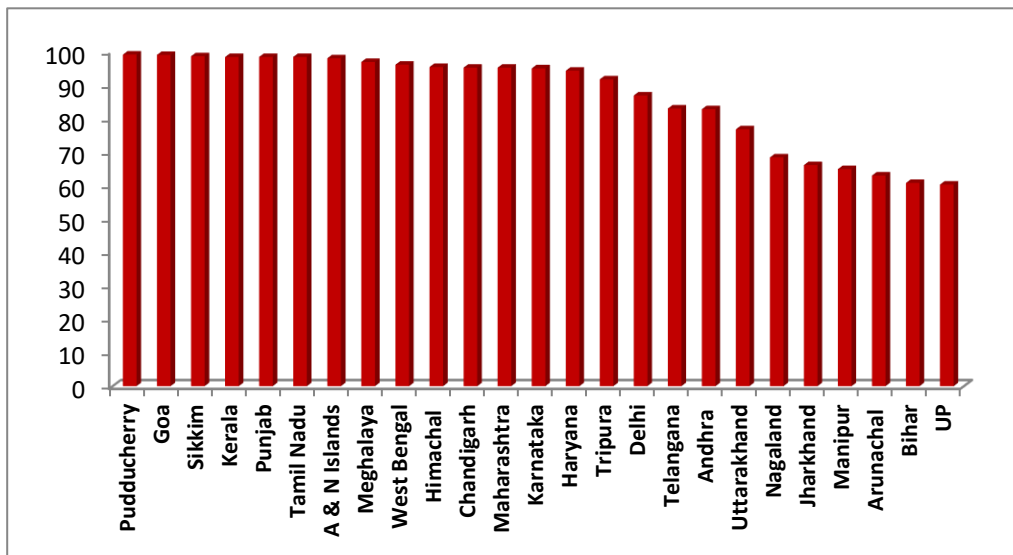
Large differences can be found in the coverage of birth registration among regions. Western Europe and North America have the highest levels of birth registration, with fully 100 per cent of children under 5 years, registered. This is followed by Eastern Europe and Central Asia, at 99 per cent, and Latin America and the Caribbean, at 94 per cent.

The lowest levels of birth registration are found in sub-Saharan Africa (46 per cent). In Eastern and Southern Africa, only 40 per cent of children are registered by their fifth birthday, while the level in West and Central Africa is higher, at 53 per cent (refer table-6).

In India, the Birth registration prevalence varies significantly across regions. The net addition of 17 million to the population is more than the currently estimated population of the Netherlands (16.2 million). The current registration level of births and deaths in the country is about 58% for births and 54% for deaths. Each year about 42% of births go unregistered, which is about 10 million births. There are 5 major low performing states (UP, Bihar, Rajasthan, AP and

Madhya Pradesh) that have problems of low registration ranging from 20% to 57% which is affecting the overall registration level in the country because these 5 low performing states also account for approximately 25% of the annual births and are among the most populous states in the country. Registration level in the rural areas is lower when compared to the urban areas. Please refer Graph-1.

Graph-1: Percentage of Children (below 5 years) whose birth was registered during 2015-16  
(Source: NFHS IV)



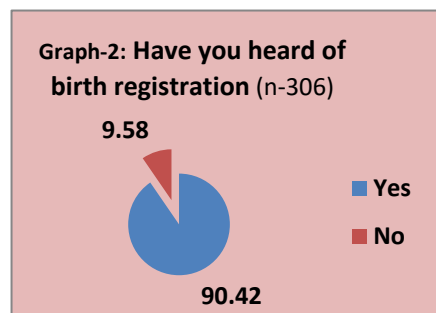
## Need of Birth registration

The stated need to have a birth registration is presented in Box-1 below.

| <b>Box-1: Why is a Birth Certificate important?</b> |  |
|---|--|
| ✓   | Establishing age for insurance reasons   |
| ✓   | Proving parentage  |
| ✓   | Age proof for employment   |
| ✓   | Age proof for marriage   |
| ✓   | Admission to schools/colleges  |
| ✓   | Establishing age for enrolling in Electoral Rolls  |
| ✓   | Registering in NPR (National Population Register)  |
| ✓   | Application for a passport   |
| ✓   | Immigration requirements (like getting a green card)   |
| ✓   | A person without a birth certificate will not be identified as an Indian citizen & will not be eligible to reap all the benefits/rights. |

(Source: India Today)

Having a built a good rapport with the respondents and taking note of their family profile the respondents were asked whether they have heard of the term “Birth Registration’ from elsewhere before this interaction.



Interestingly, more than 90 percent respondents replied in affirmation. Only 9.58 percent said that they have not heard about Birth Registration. These were mainly the women respondents in the family who are engaged as house makers. This establishes the fact that the term Birth Registration is not an alien and being known by the majority of population across region and wellbeing category.

The subsequent question from the study team was that if they have heard it what the source of information is.

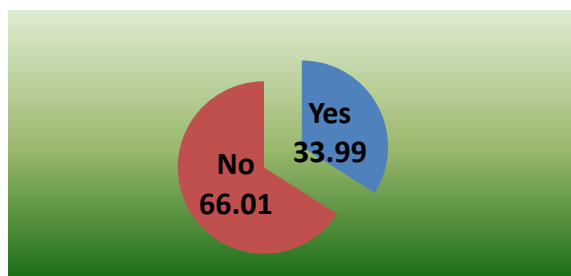
This was primarily to understand the role of various stakeholders in propagation of birth registration and identify effective channels of communication for disseminating key messages to the communities.

| Source               | Percentage |
|----------------------|------------|
| Govt. Workers        | 27.92      |
| Panchayat            | 11.67      |
| Newspaper            | 1.67       |
| Television           | 10.83      |
| Combination of above | 47.91      |

Among the respondents who have heard about Birth Registration the majority 27.92% have got to know from the various Government functionaries, if single source of information is considered. Otherwise nearly half 47.91% persons have got the information from combination of sources that includes all the listed source in Table: Therefore it can be inferred that a combination of different sources and methods would be more effective although the Government workers have come as the largest single source for effective communication followed by PRI representatives (Gram Panchayat- 11.67%) and Television (10.83%). Interestingly least effective sources are newspapers.

Despite the enhanced knowledge and awareness about Birth Registration it was found that only 33.9 percent of the respondent families have registered the births of their ward. A significant 66.01 percent of respondent families have not registered the birth of their children. (Graph-3)

Graph-3: Families adopted birth registration (n-306)



Regarding the reason for going for birth registration of their wards 74.1 percent respondents mentioned that they were advised by someone else to go for registration and only 25.9 percent respondents admitted that they went with their own will. (Table-8)

| Motivation               | Percentage |
|--------------------------|------------|
| Advised by someone else  | 74.1       |
| Went with their own will | 25.9       |

Further, the household survey data of children born in last 1 year shows that total number of births in the sample villages was 1174 out of which 602 were boy child and 572 girl child.

| Source                    | Percent |
|---------------------------|---------|
| Persuaded by someone else | 74.1    |
| Own will                  | 25.9    |

| Table-9: Sex wise breakup (n-306) |            |               |
|-----------------------------------|------------|---------------|
| Male birth                        | Frequency  | Percent       |
| Yes                               | 118        | 19.60         |
| No                                | 483        | 80.23         |
| In Process                        | 1          | 0.17          |
| <b>Total</b>                      | <b>602</b> | <b>100.00</b> |
| Female birth                      | Frequency  | Percent       |
| Yes                               | 139        | 24.30         |
| No                                | 432        | 75.52         |
| In Process                        | 1          | 0.17          |
| <b>Total</b>                      | <b>572</b> | <b>100.00</b> |

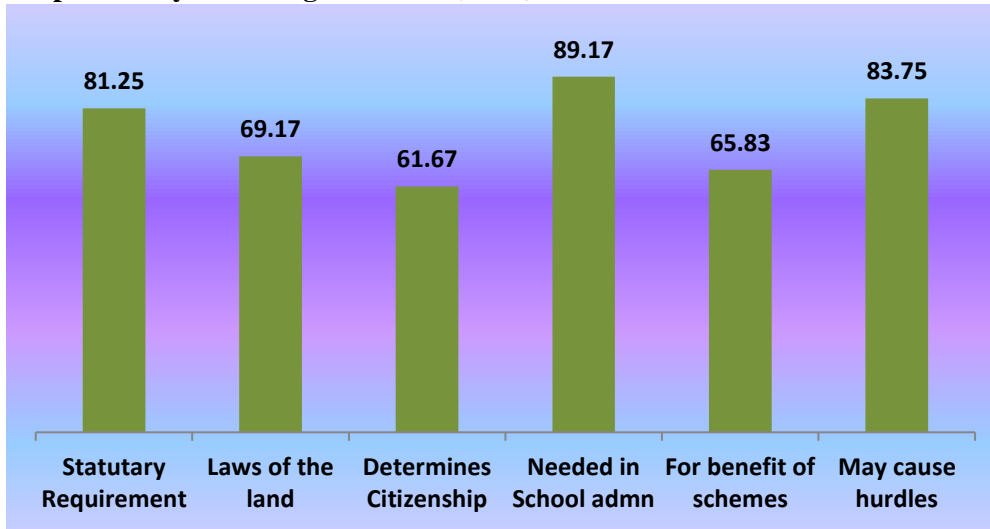
Among these 602 boys the birth of 118 (19.6%) was registered and in one event the application was in process.

In case of Girl children, out of total birth only 139 (24.3%) have been registered. In aggregate terms the only 21.9 % births have been registered. Considering 0.2 % cases that are in process the total figure comes to 22.1%. It shows that 77.9 i.e. about 80% of the births are still going unregistered. This situation is despite

a good level of information on the need of birth registration (Table-9). During the household survey the respondent were asked few questions related to the importance of Birth registration. The response (presented in the graph-4 below) shows that there is a significant level of information about the Registration of birth among the respondent.

### Knowledge about Birth Registration

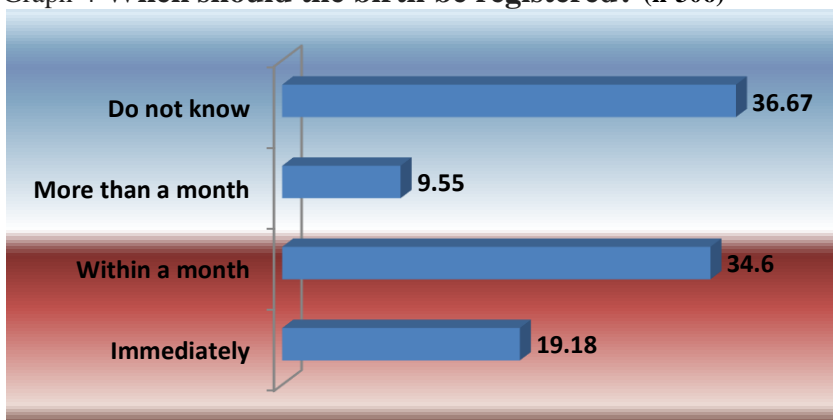
Graph-4: Why Birth Registration? (n-306)



More than 80% of respondents admitted that birth registration of birth is a statutory requirement, it is essential for admission of children in schools and they also anticipate that ignoring this registration process may create problems in the future. But close to 40%

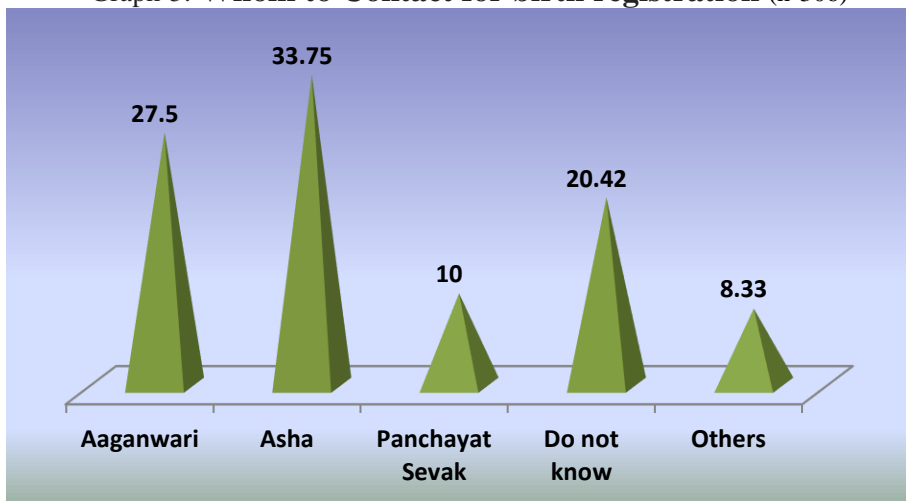
respondents are not aware that there is law for birth registration which helps in determining the citizenship of the person and it is mandatory for securing benefits from number of Government schemes particularly for the students. In response to an open question on what are benefits of Birth registration the respondents provided a long list. Prominent among those were; making Aadhar card, Passport, avail Government job, prevent child marriages and child labour and child immunization.

Graph-4 **When should the birth be registered?** (n-306)



However, when it comes to the specific knowledge about the processes the response was varied. The highest percentage of respondents (36.67%) have no idea about the time of birth registration whereas, 19.18% said that it should be done immediately after birth, 34.6% said that it should be done within a month and there were 9.5% respondents who said that it can be done after one month to 2 years. (Refer Graph-4)

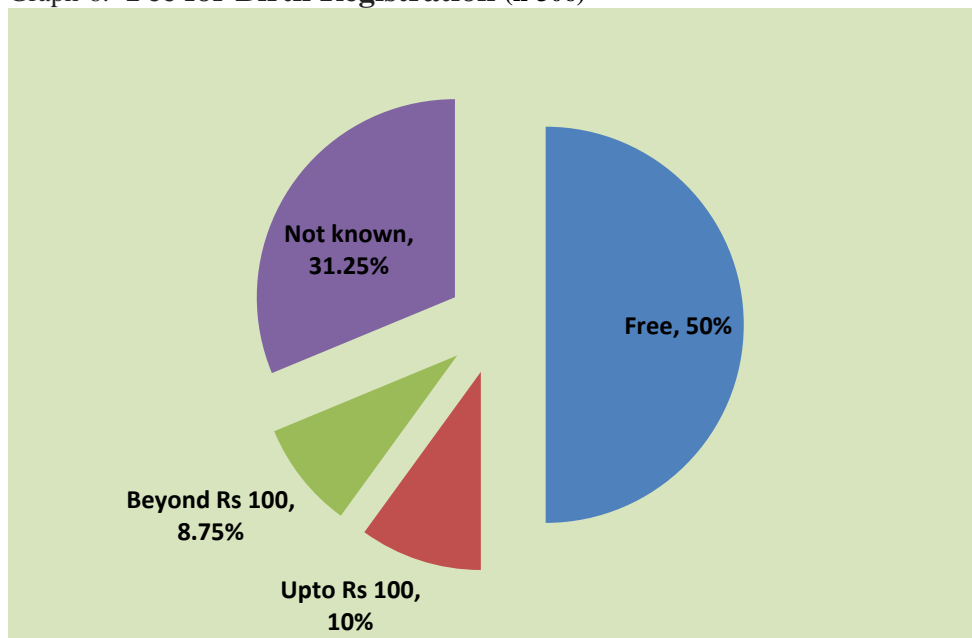
Graph-5: **Whom to Contact for birth registration** (n-306)



Again, about the point of registration the responses were mixed. 20.42% admitted that they do not know whom to approach whereas most of the respondents 33.75% said that one should go to ASHA for birth registration, 10% said that we should go to panchayat Sevak/ Secretary and 8.33%

said about others like Mukhia, School teacher, Block office. Only 27.5% were of the view that the first contact point for birth registration is Anganwadi worker.

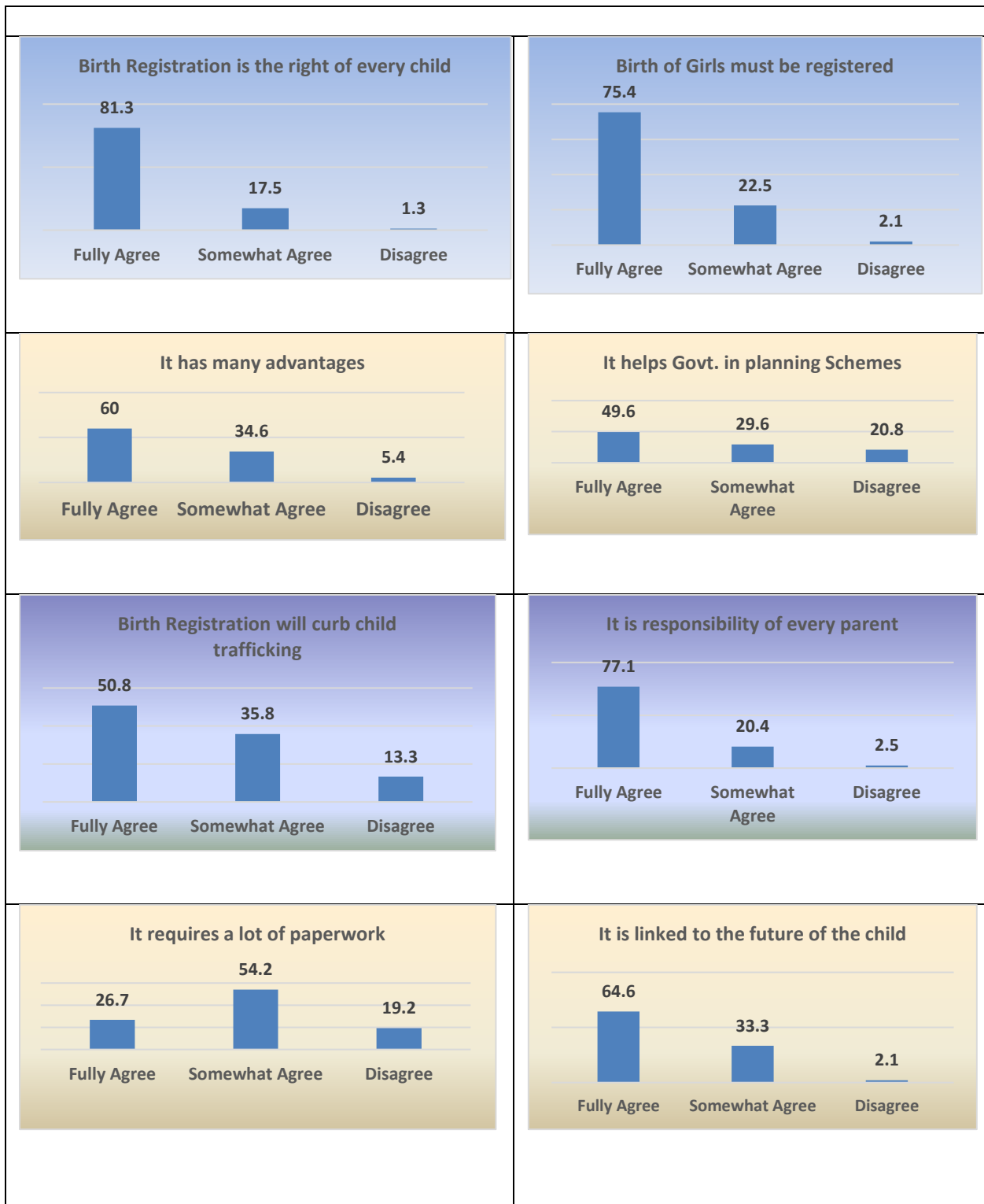
Graph-6: **Fee for Birth Registration (n-306)**



Even regarding the fees for birth registration there was no one response. Among the total respondent 31.25% out rightly said that they are not aware of the amount. However, half of the respondents (50%) said that there is no charge for the registration and 18.75% provided figures from Rs 50 to Rs 600, 8.75% (Graph:6 )

During study attempt was made to understand the perception of the people on key information base regarding the registration of child birth. Regarding Birth registration as the right of every child 81.3 percent fully agrees with the statement whereas there were 17.5 percent respondent who only partially agrees and 1.3 percent totally disagrees about the right. In terms of birth registration of girl children a significant percentage 22.5 do not fully agree and 2.1 disagree on this. Further, on the benefits of birth registration only 60 percent feel that it is advantageous where as 34.6 percent do not fully agree and 5.4 see this as non beneficial. In terms of its utility majority of the respondents do not fully agree that Birth registration helps government in planning schemes. Even for curbing the child trafficking almost half of the respondents do not fully agree that it will help government curb the trafficking of young children. However, only quarter of respondents say that the birth registration process has a lot of paper work.

**Graph-7: Some Perceptions about Birth Registration (n-306)**

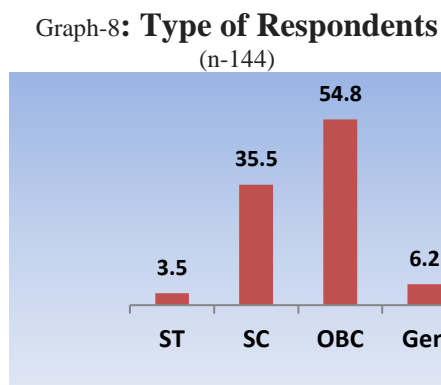


## MARRIAGE REGISTRATION

The issues related to marriage registration were explored in a separate consultation in the field in the same villages where birth registration was administered.

### Profile of Respondents

Altogether 144 families from the sample villages were approached to get the responses. Out of the total respondents the majority were from Other Backward Caste (54.8%) followed by 35.5 % of Scheduled Caste, General Castes were 6.2% and 3.5% Scheduled Tribes. (Graph-8) Among these respondents 70.1 percent are literate whereas 29.9 % are non- literate.



| Occupation        | Percent |
|-------------------|---------|
| Agriculture       | 36.10   |
| Business          | 7.60    |
| Govt./Private Job | 14.50   |
| Labour            | 29.20   |
| Others            | 12.60   |

With regard to the sources of income of the respondent families the majority come from agriculture practices that includes, own as well as share cropping. The second highest category is also related to agriculture which largely comprises of agriculture labour. Service categories in both private as well as Government were 14.5%, families dependent on business were 7.60% and others 12.6% that comprised of artisans, housewives etc. (Table-10)

Regarding the income of respondent families, majority (79.16) came from the category of below Rs 50,000 per annum i.e. less than Rs 5,000 per month, whereas 15.9% were from the category of Rs 50,000 to 1,00,000 and only 4.86% were having income of Rs 1,00,000 to Rs 5,00,000. None of the families had more than Rs 5,00,000, it means that the majority of families were from low income group. (Table-11)

| Yearly Income in Rs | Percent |
|---------------------|---------|
| Less than 50,000    | 79.16   |
| 50000 - 100000      | 15.98   |
| 100000 - 500000     | 4.86    |

This is clearly reflected in the housing pattern of the sample families. The survey reveals that only half of the families (50%) have pucca house. Among the rest 13.2% possess semi-pucca and 36.8% have kuchcha house. (Table-12)

| Type       | Percent |
|------------|---------|
| Kuchcha    | 36.8    |
| Semi-Pucca | 13.2    |
| Pucca      | 50.0    |

This reveals that sample of study had varied respondents which comprised of families of all wellbeing category with majority from lower socio economic strata. Hence the results of study



captures the status and issues of the poor and marginalized communities and therefore suitable to achieve the study objectives.

## Context

Regarding the registration of marriages, The Supreme Court of India, in 2006, made it mandatory to register all marriages. In India, a marriage can either be registered under the Hindu Marriage Act, 1955 or under the Special Marriage Act, 1954. The Hindu Marriage Act is applicable to Hindus, whereas the Special Marriage Act is applicable to all citizens of India irrespective of their religion. This being a state subject Supreme Court advised the states to come up with the laws. Some states, however, have already passed laws to make marriage registration mandatory. Himachal Pradesh became the first state to introduce such a law in 2004. In 2006 and 2008, Bihar and Kerala, respectively, followed suit. Rajasthan introduced such a law in 2009 and Uttar Pradesh much recently announced its plan to make the Marriage registration mandatory.

Marriage is one of the vital events in one's life. By recognizing its importance, the United Nations suggested for civil registration of birth, death and marriage. It further defined civil registration of an event as "the continuous, permanent, compulsory and universal recording of the occurrence and characteristics of vital events pertaining to the population as provided through decree or regulation in accordance with the legal requirements of a country".

In India marriage is considered as a sacred institution- a sacred bond between two people, whereby they agree to spend the rest of their lives together. After the marriage is solemnized between the bride and the groom, there are certain requirements that must be fulfilled in order to give it a legal standing, i.e. to make it valid under the laws prevalent in India.

Due to diverse cultures in India, it became difficult for the framers of law in this regard to lay down a due process for registration and solemnization of marriage, keeping in mind the fact that if any law or policy is found adversely affecting any custom of any religion, it is likely to face popular protest.

Currently, there are two legislation framed to solve the challenge of Marriage Registration Laws in diverse cultures, they are –

1. The Hindu Marriage Act, 1955
2. The Special Marriage Act, 1954

The Hindu Marriage Act, 1955 deals with marriage registration in case both husband and wife are Hindus, Buddhists, Jains or Sikhs or, where they have converted into any of these religions. It is to be noted that Hindu Marriage Act deals with only marriage registration that has already been solemnized.

Whereas, the Special Marriage Act, 1954 lay down the procedure for both solemnization and registration of marriage, where either of the husband or wife or both are not Hindus, Buddhists, Jains or Sikhs.

It is the duty of the judiciary to ensure that the rights of both the husband and wife are protected. In case this union between the husband and wife breaks, it should be determined that if this break-up was a result of actions of any of the parties or not.

In the absence of compulsory registration of marriages, women and children have been facing innumerable problems. Hence, registration of marriages compulsorily is of critical importance to handle various issues such as;

- preventing child marriages for ensuring minimum age of marriage
- preventing marriages without the consent of the parties
- checking social practices such as bigamy and polygamy
- enabling married women to claim their right to live in the matrimonial house and maintenance
- enabling widows to claim their inheritance rights, other benefits and privileges which they are entitled to after the death of their husband
- deter men from deserting women after marriage
- deter parents and guardians from indulging in trafficking of women to any person under the garb of marriage

Taking cognizance of the fact, The Supreme Court of India exercised its powers under Article 142 of the Constitution of India and ruled in August 2012 that marriages can be ended by mutual consent before expiry of the cooling period of six months stipulated in the Hindu Marriage Act, 1955. Section 13-B of the Hindu Marriage Act provides for the couple seeking divorce through mutual consent to wait for a period of six months after making first joint application for divorce. It is only after the expiry of the six months that the couple can move second application for the dissolution of their marriage.

Pronouncing the judgment, Justice Altamas Kabir said: "It is no doubt true that the legislature had in its wisdom stipulated a cooling period of six months from the date of filing of a petition for mutual divorce till such divorce is actually granted, with the intention that it would save the institution of marriage. But there may be occasions when in order to do complete justice to the parties it becomes necessary for this court to invoke its powers under Article 142 in an irreconcilable situation (between the couple). When it has not been possible for the parties to live together and to discharge their marital obligations towards each other for more than one year, we see no reason to continue the agony of the parties for another two months."

Based on recommendations of the Law Commission, legislation was proposed. The Marriage Laws (Amendment) Bill, 2010 to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 to making divorce easier on ground of irretrievable breakdown of marriage was introduced in the parliament in 2012. The Bill replaces the words "not earlier than six months" in Section 13-B with the words "Upon receipt of a petition."

It also provides a better safeguard to wives by inserting section 13D by which the wife may oppose the grant of a decree on the ground that the dissolution of the marriage will result in grave financial hardship to her and that it would in all the circumstances be wrong to dissolve the marriage.

New section 13E provides restriction on decree for divorce affecting children born out of wedlock and states that a court shall not pass a decree of divorce under section 13C unless the court is satisfied that adequate provision for the maintenance of children born out of the marriage has been made consistently with the financial capacity of the parties to the marriage.

Marriage Laws (Amendment) Bill, 2010 makes similar amendments to the Special Marriage Act, 1954 by replacing the words "not earlier than six months" in Section 28 with the words "Upon receipt of a petition" and provides restriction on decree for divorce affecting children born out of wedlock.

However, there was strong opposition to this bill due to the objection that it will create hardships for women and that the bill strongly supports one party while both parties should be treated equal in divorce.<sup>[14]</sup> Therefore, the bill was amended to provide for the wife's consent for waiver of six-month notice with the words "Upon receipt of petitions by the husband and the wife." The Bill was passed by the Rajya Sabha in 2013, though it was not passed in the Lok Sabha.

In many countries the official recognition of one's status or of family-related events such as marriage is only granted when all such events have been reported and registered in the family or civil register.

For instance, Japan considers a marriage to be legally effective only when the household register is updated with the knowledge of the event- this is known as *Koseki*.

In other countries, however, such registers work as centralised repositories for family events that would have legal repercussions which include births, deaths, marriages and even expatriations, as is the case in Germany, where the register is known by the name *familienbuch* and France, where it is called *livret de famille*.

In Pakistan, every marriage solemnized under the Muslim law is required to be registered compulsorily under the Muslim Family Law Ordinance, 1961. After passing of the Hindu Marriage Bill, in March 2017, even the Hindus in Pakistan are required to get their marriages registered.

Registration of marriage is not compulsory in all countries. However, most countries recognize the need for such registration. India is one among them. The idea of compulsory registration of Birth and Marriage Registration in Bihar- Study Report

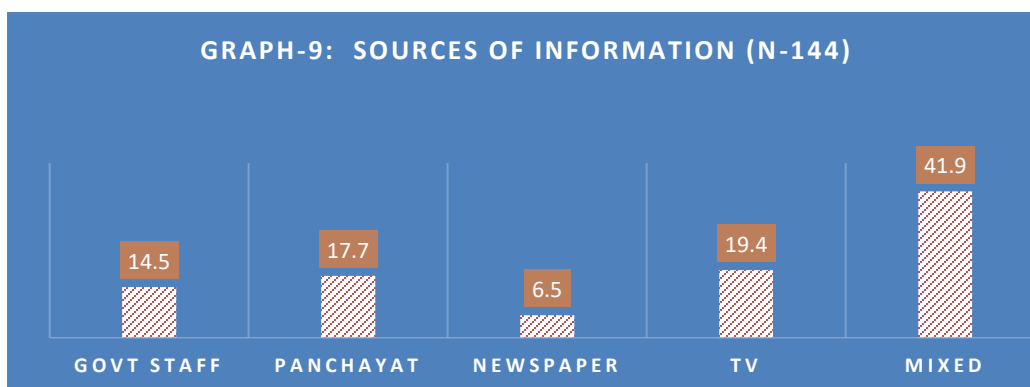
marriages has inherent merit in it; legislating on an enabling act has not been persuaded effectively because of several issues like; lack of uniform civil code, where personal laws play a major role in governing family matters; diversity among marriage customs of different sections of the society is also a tricky issue to deal with and lack of consensus among all States and UTs.

## Key results of Marriage Registration

In response to the first question about marriage registration as to whether the respondents are aware of the term marriage registration, surprisingly, it was found that more than half (55.5%) of the respondents had not even heard about marriage registration (Table-13).

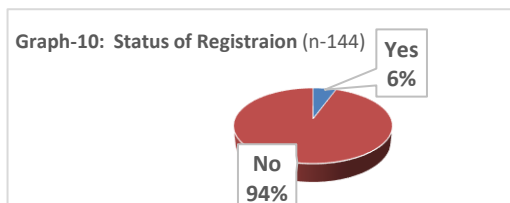
| Table-13: Have you heard about Marriage Registration (n-144) |           |         |
|--|-----------|---------|
| Response   | Frequency | Percent |
| Yes  | 64        | 45.45   |
| No   | 80        | 55.55   |

Only 45.45 % admitted that they have heard about this term although they did not know much about the processes and its utility.



While mentioning the source information about marriage registration it was found that most of the people came to know about the marriage registration from mixed source and not from any exclusive source. Next to it majority of respondents (19.4%) said that they got to know from television programmes and messages. A significant 17.7% said that their source of information was Gram Panchayat i.e. representatives of Panchayati Raj Institutions such as Mukhiya, Sarpanch, Ward member, *Nyaya Mitra* and others. Close to it was Government staff 14.5% respondent said that Government staff from offices of block, circle, health department, education department have updated them about marriage registration (Graph-9).

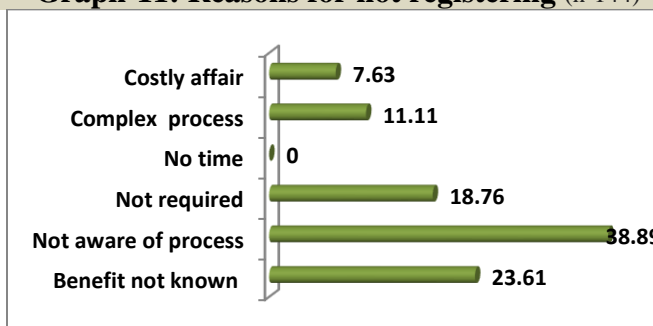
But when enquired about the status of marriage registration only 6% respondents said in affirmation and 94% mentioned that they have not registered marriages took place in their families. This low rate of registration as mentioned above is mainly because this is a new regulation which is still not accepted as useful venture for the respondents. Also, they do not visualize the need of formally registering the wedlock when it is already approved by the society. (Graph-10)



Reasons behind not registering the marriages were asked during the study. The responses are shown in Graph-11.

The major reason (38.89%) stated by the respondent was that they are unaware of the processes for registration and also that the advantages of registering are not known by them (23.61%). Some 11.11% feel that the process of registration is a complex one which deters people from going for registration. Importantly, a significant percentage 18.76 felt that there is no need of this registration. 7.6% respondent felt that it also involves additional cost. However, paucity of time for registration was not mentioned by any of them.

**Graph-11: Reasons for not registering (n-144)**



In order to understand the present process of marriage registration the respondents were asked about the duration of registration. For few of them (12.5%) it took less than 15 days but for majority, 50% of the respondents said that it took 15 to 20 days whereas 37.5% had to wait for more than 30 days. (Table-14)

**Table-14: How long did it take to register (n-144)**

| Days         | Percent |
|--------------|---------|
| Less than 15 | 12.50   |
| 15 - 30      | 50.00   |
| Above 30     | 37.50   |

**Table-15: Problems in marriage registration**

| Problem                       | Percent |
|-------------------------------|---------|
| Too much paper work           | 12.5    |
| Visiting office several times | 12.5    |
| Time taking procedure.        | 25      |

Regarding the problems faced in the registration process. The respondents opined various problems that are shown in the table. Majority of persons mentioned that they had to meet several times with PRI representatives- Mukhiya/ Gram Sevak to process the application. Again they had to take rounds of court/ registration office for the process. They also mentioned about requirements of paperwork for registration which is a cumbersome work for them as they are not used to it.

|  |       |
|--|-------|
| Several meetings with Mukhiya/Gram sevak | 37.5  |
| No problem.                              | 12.50 |

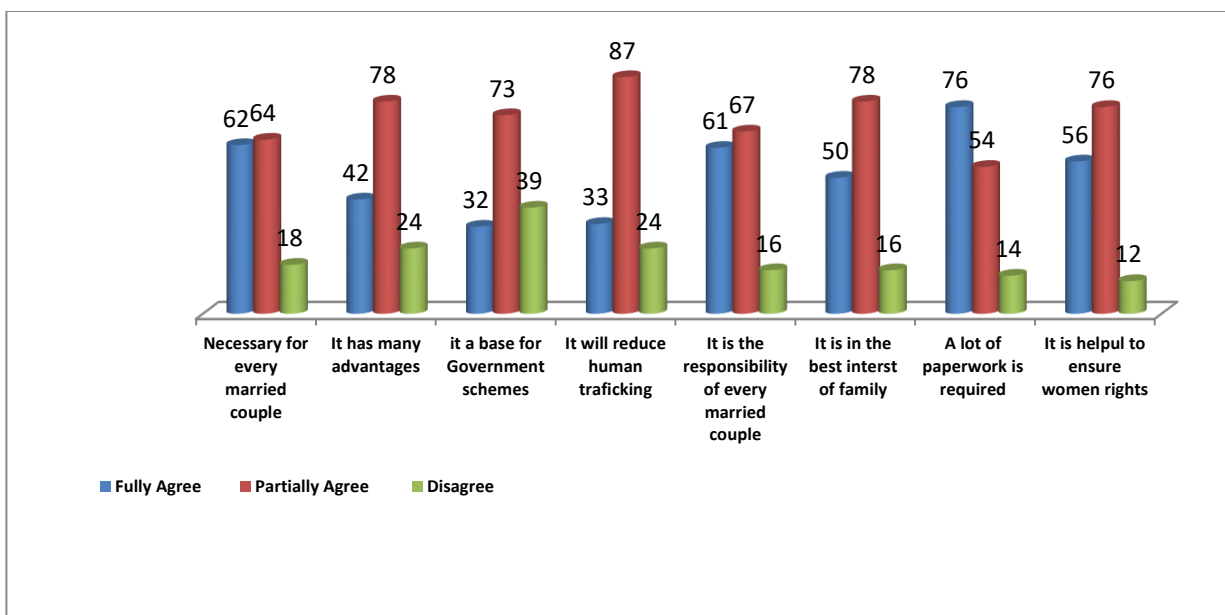
When asked for suggestions to make the process smooth and friendly to the people particularly the poor and non-literate, there were not much response (refer the table 16).

| <b>Table: 16- Suggestions to facilitate the process (n-144)</b> |                      |
|---|----------------------|
| <b>Suggestion</b>   | <b>Respondents %</b> |
| Creating awareness  | 46.52                |
| Appoint person at Panchayat level                               | 6.25                 |
| Minimize paper work.  | 4.87                 |
| Free of cost registration.                                      | 1.39                 |
| No suggestion.  | 40.97                |

Firstly, majority of respondents did not had any suggestion as they have not yet thought in this direction neither they had any experience of undergoing the registration process. Secondly the larger suggestion was to make the general public aware about the provisions and advantages of registration. Some respondents (6.25%) also spoke about provisioning of a dedicated person at panchayat level who can help the people and also administer the registration process. Minimizing the cost and paperwork also came up as suggestions from the respondents although by very meager percentage of respondents.

An attempt to understand the perception level of respondents regarding the need and advantages of marriage registration a few closed ended questions were posed in which they had to share their agreement. The Graph-12 below gives a glimpse of the responses.

**Graph-12: People's perception on usefulness and processes of Marriage Registration (n-144)**



The responses reveal that people are not fully in agreement of the need of marriage registration and also that the onus of registration is on the couple. Even they are not fully convinced that this registration will bring reduction in the cases of human trafficking and ensure rights of women. However, majority agree that the marriage registration processes requires lot of paper work.

## Key Findings

The findings are based on the household survey of selected families, focus group discussions with adults of existing social groups and in-depth interviews with key functionaries of PRIs and Government departments. The findings acquired through these processes can be summarized as below;

In India, the registration of births and deaths is carried out under provisions of the Registration of Births and Deaths (RBD) Act, 1969. The registration is done by the local Registrar appointed by the State Government under whose jurisdiction the event has taken place. The need for improvement in the vital statistics system was felt for long time and, therefore, on recommendations of various committees and conferences, the Registration of Births & Deaths Act, 1969 providing compulsory registration of births and deaths was enacted. Since then, this Act has been enforced uniformly across all the States and Union territories (UT). This Act provides for registration of births and deaths and publication of statistical reports annually based on the civil registration data. The enactment of the Registration of Births & Deaths Act, 1969 has provided a common framework for putting in place a sound system of registration of births and deaths in the country.

In Bihar the State Government undertook several initiatives to enhance the level of registration such as; the State Government from its own funds telecasted the message from Doordarshan, Patna to attract the attention of rural and urban people towards registration; carried out publicity on the importance of registration of births and deaths by putting wall hangers in fairs (“Melas”) like Pitarpaksh Mela, Shravani Mela and Harihar Chhetra Mela others in various part of the State; messages on the importance of registration of births and deaths through Wall Painting were made in the rural areas of the State; in order to accelerate the Vital Statistics work and to create the awareness among the public, a descriptive analysis was published in the quarterly report of Directorate of Economics & Statistics namely “Bihar Sankhyaki Darpan”.

Despite these provisions and initiatives the importance of birth registration is not immediately evident to the masses. It is viewed as a binding from the administration that parents have to fulfill following the birth of their child.

There is a low level of information on the provisions and processes of birth registration among the parents. Majority of them are not aware of the requirement and scant importance given to the issue are probably the overt reasons for the low registration figures in Bihar.

It was also observed that the low level of literacy of the mother or of both parents influences their choice not to register their children.

Economic constraints seem to be another prime reason for low turnout for birth registration as within 21 days the registration of birth is free but certification after this duration is not, even although the amount charged is usually minimal but low-income parents often decide that they cannot afford it. Besides, fear of shelling additional out pocket expenses compel them to give up.

Procedural delays have also come up as a deterrent for birth registration because this has a direct impact on the economic as well as mental position of the families. Besides, fee there are numerous expenses for completing the procedural formalities and meeting the concerned officials, which is an additional expense on the part of families going for registration.

Apart from additional expenses it has been found that people particularly the marginalized and non-literate are intimidated by perceived bureaucratic procedures at registration offices. Hence, these families prefer not to get in this situation.

The existing cultural and religious practices are sometimes become the reason for parents’ decision not to register their child’s birth. Furthermore, a strong preference for horoscopes in lieu of birth certificates is not uncommon.

Initially the gender bias caused parents to register sons rather than daughters. But of late the schemes for girl children introduced by the state Government have promoted the registration of girl children and therefore in some villages the registration of girls has outnumbered boy’s registration.



Single mothers or absence of any male adult in family also dissuades the family to register the birth as it requires engagement for official procedures, paper work and a regular follow up to the registration office. Further, if the birth event crosses the deadline of 21 days it becomes more difficult.

The status of marriage registration is further worse. The majority of people in the sample area have not even aware of the legality and provisions of marriage registration although they have heard about it.

The Indian society is largely governed by customary and ritual practices in which there is no place for registration of such event and therefore it is not valued. The plea for not registering is that even the Hindu Marriage Act recognizes customary or ritualistic marriages as legitimate.

The fewer couples that have registered their marriage are the ones who are guided by the concerned government officials, seeking jobs abroad or aspiring to take benefits of government schemes.

Men being the head of the family and chief decision makers, the gender bias also prevent the registering process because it largely promotes the protection of women rights.

In wake of order of the Supreme Court of India dated 14th February, 2006 has directed all states to frame rules with respect to the compulsory registration of marriages; The Governor of Bihar in exercise of the powers vested under Article 162 read with Article 154 of the Constitution of India and issued a notification that every couple shall get their marriage compulsorily registered before the Marriage Registrar within 30 days of solemnization of their marriage, in accordance with the procedure as laid down under Rule 5 of these Rules. However, this notification has not percolated down to the masses, which shows the apathy of the government machinery towards implementation of this rule.

## **Recommendations**

In view of the current situation regarding both births as well as marriage registrations a three-fold strategy needs to be undertaken comprising of information dissemination, capacity building and administrative provisions.

- ❖ The information dissemination needs to be done at different level for key stakeholders in order to create awareness regarding the need and their respective responsibilities. Following stakeholders needs to be focused while dissemination of vital information.
  - General masses regarding the importance as to why it is needed, benefits and procedures of registrations.
  - Health centres, private hospitals and other medical institutions including para medical workers regarding their roles and procedures of birth registration.

- Concerned government officials at various levels involved in the processes of birth and marriage registration with special focus on Anganwadi Workers and ASHA about the provisions and their roles/ responsibilities.
  - Elected representatives at village, panchayat, block and district levels particularly, Ward members and Mukhia on how they can disseminate the information, promote and facilitate the processes of registrations.
- ❖ Considering the fact that there are fewer separate functionaries for the purpose of birth and marriage registration and increasing demand there is need to orient the functionaries who are involved in the process on their expected roles as well as build their capacities to undertake the same.
  - ❖ As the demand for birth and marriage registration would increase additional administrative set-ups would be required to deal with. For instance, the Primary Health Centre with its existing human resources are not able to cope up with the existing demand of issuing the evidences of birth in their area resulting into delays and increased number of follow-up visits by the parents.
  - ❖ Apart from this there is a need of better coordination among the concerned departments such as health, revenue/registrations, Gram Panchayats and ULBs in order to establish public friendly procedures for registration of birth as well as marriage registration. Therefore, it is necessary to create a clear administrative guideline in this regard. Besides, there is a need to make these certificates error free. There have instance found that the details mentioned in the certificates are not correct which deters the certificate holders to avail government facilities in the future because of these errors. Hence, it is necessary to ensure that the people are not at the receiving end because of the inefficiency of the system.
  - ❖ Civil Society Organization can play an important role in advocating and facilitating birth registration and establishing links with registration authorities at various levels. Such actions are likely to have a multiplier effect, such as empowering parents to deal with local and other authorities, encouraging them to visit health centers with their children and to send their children to school, even if neither parent is literate.
  - ❖ There is a need to increase demand for vital statistics among planners and administrators. The statistics generated from the registration data are useful for preparation and monitoring of action plans in the areas of health and family welfare. Unfortunately, this area has not received the attention that it should receive. State needs to generate useful tables for inclusion in the annual statistical reports of the Chief Registrar.
  - ❖ An effort to include the street children is needed as these children often do not have any evidence of date and place of birth neither they have a family support to seek their birth certificate. In fact, majority of such children in absence of birth certificate are not able to seek their entitlements.

## Suggestions from community members

In general as well as Focus group discussion the community members were requested to provide suggestions so that all the birth and marriages taking place are registered in the official records. As majority of them were not aware of the current processes it was difficult for them to suggest. However, with their perception following advices came up.

- The advantages of birth and marriage registration needs to be communicated to general masses through various channels like newspapers, television, radio, posters, hoardings and social media as well.
- The process of registration should be very simple and short so it can be performed by even the people who are not much educated.
- The registration form should be short with least number of attachments. This will reduce the complications and time of the persons going for registration.
- All formalities should be completed at Gram Panchayat so that people do not have to spend on commuting to different offices.
- There should be for fee for registration and also there should be check on money taken by computer operators and agents in most of the places.

\*\*\*

## Annexure- 1: Details of In-Depth Interview

1.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 30-10-2019                    |
| <b>Name of Interviewee</b>      | Rajendra Prasad Arun          |
| <b>Position</b>                 | Panchayat Secretary           |
| <b>Work Experience in years</b> | 03                            |
| <b>Location</b>                 | Matihani                      |
| <b>District</b>                 | Gaya                          |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | RandhirPratap Singh           |

2.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 29-10-2019                    |
| <b>Name of Interviewee</b>      | Baby Kumari                   |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 13                            |
| <b>Location</b>                 | Ward no- 10                   |
| <b>District</b>                 | Gaya                          |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |

|                            |                     |
|----------------------------|---------------------|
| <b>Name of interviewer</b> | RandhirPratap Singh |
|----------------------------|---------------------|

3.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 30-10-2019                    |
| <b>Name of Interviewee</b>      | Tula Prasad                   |
| <b>Position</b>                 | Mukhiya                       |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Matihani                      |
| <b>District</b>                 | Gaya                          |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Randhir Pratap Singh          |

4.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 01-11-2019                    |
| <b>Name of Interviewee</b>      | Renu Devi                     |
| <b>Position</b>                 | Aasha                         |
| <b>Work Experience in years</b> | 12                            |
| <b>Location</b>                 | Ward-12                       |
| <b>District</b>                 | Gaya                          |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Randhir Pratap Singh          |

5.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 04-11-2019                    |
| <b>Name of Interviewee</b>      | Uttama Devi                   |
| <b>Position</b>                 | Aasha                         |
| <b>Work Experience in years</b> | 10                            |
| <b>Location</b>                 | Ward-9                        |
| <b>District</b>                 | Gaya                          |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | RandhirPratap Singh           |

6.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 04-11-2019                    |
| <b>Name of Interviewee</b>      | Radhika Devi                  |
| <b>Position</b>                 | Ward Member                   |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Ward-5                        |
| <b>District</b>                 | West Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Surendra Prasad               |

7.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 06-11-2019                    |
| <b>Name of Interviewee</b>      | Vishvanath Yadav              |
| <b>Position</b>                 | Ward Member                   |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Ward-14, Bakharia             |
| <b>District</b>                 | West Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Bhrigunath Sharma             |

8.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 05-11-2019                    |
| <b>Name of Interviewee</b>      | Surendra Kumar Pal            |
| <b>Position</b>                 | Mukhiya                       |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | SemraBirit                    |
| <b>District</b>                 | West Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Bhrigunath Sharma             |

9.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 08-11-2019                    |
| <b>Name of Interviewee</b>      | Anita Devi                    |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 6                             |
| <b>Location</b>                 | Ward-11, SemraBirit           |
| <b>District</b>                 | West Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Surendra Prasad               |

10.

|                                 |            |
|---------------------------------|------------|
| <b>Date</b>                     | 11-11-2019 |
| <b>Name of Interviewee</b>      | Sudha Devi |
| <b>Position</b>                 | Aasha      |
| <b>Work Experience in years</b> | 4          |

|                            |                               |
|----------------------------|-------------------------------|
| <b>Location</b>            | Ward-11, Bhanachak            |
| <b>District</b>            | West Champaran                |
| <b>Topic of Interview</b>  | Marriage & Birth Registration |
| <b>Name of interviewer</b> | Bhrgunath Sharma              |

11.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 10-11-2019                    |
| <b>Name of Interviewee</b>      | Pushpa Kumari                 |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 5                             |
| <b>Location</b>                 | Ward-7                        |
| <b>District</b>                 | West Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Bhrgunath Sharma              |

12.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 11-11-2019                    |
| <b>Name of Interviewee</b>      | Dinesh Kumar                  |
| <b>Position</b>                 | Head Master                   |
| <b>Work Experience in years</b> | 5                             |
| <b>Location</b>                 | Bharatmahi                    |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Hasan Imam                    |

13.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 11-11-2019                    |
| <b>Name of Interviewee</b>      | Aamarjit Prasad               |
| <b>Position</b>                 | Mukhiya                       |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Bharatmahi                    |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Hasan Imam                    |

14.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 30-10-2019                    |
| <b>Name of Interviewee</b>      | NazirMiyan                    |
| <b>Position</b>                 | Ward Member                   |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Ward-4, LaxmipurPipraTola     |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |

|                            |             |
|----------------------------|-------------|
| <b>Name of interviewer</b> | Suman Kumar |
|----------------------------|-------------|

15.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 06-11-2019                    |
| <b>Name of Interviewee</b>      | Mani Bala Sharma              |
| <b>Position</b>                 | Aanganbari Sevika             |
| <b>Work Experience in years</b> | 10                            |
| <b>Location</b>                 | Ward-6, Laxmipur              |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Suman Kumar                   |

16.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 30-10-2019                    |
| <b>Name of Interviewee</b>      | Usha Sharma                   |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 14                            |
| <b>Location</b>                 | Ward-4, Laxmipur              |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Suman Kumar                   |

17.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 07-11-2019                    |
| <b>Name of Interviewee</b>      | Sarita Devi                   |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 14                            |
| <b>Location</b>                 | Ward-18, Pantoka              |
| <b>District</b>                 | East Champaran                |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Suman Kumar                   |

18.

|                                 |                                  |
|---------------------------------|----------------------------------|
| <b>Date</b>                     | 30-10-2019                       |
| <b>Name of Interviewee</b>      | Apna Devi                        |
| <b>Position</b>                 | Aanganwadi Sevika                |
| <b>Work Experience in years</b> | 15                               |
| <b>Location</b>                 | Ward-1, Poshua Pataniya, Khairva |
| <b>District</b>                 | Sitamarhi                        |

|                            |                               |
|----------------------------|-------------------------------|
| <b>Topic of Interview</b>  | Marriage & Birth Registration |
| <b>Name of interviewer</b> | Rajeeva Kumar Sharma          |

19.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 29-10-2019                    |
| <b>Name of Interviewee</b>      | Mahesh Rai                    |
| <b>Position</b>                 | Ward Member                   |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Ward-7, Asogi                 |
| <b>District</b>                 | Sitamarhi                     |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Rajeeva Kumar Sharma          |

20.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 29-10-2019                    |
| <b>Name of Interviewee</b>      | Chanda Kumari                 |
| <b>Position</b>                 | Aanganwadi Sevika             |
| <b>Work Experience in years</b> | 1                             |
| <b>Location</b>                 | Asogi                         |
| <b>District</b>                 | Sitamarhi                     |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Rajeeva Kumar Sharma          |

21.

|                                 |                                   |
|---------------------------------|-----------------------------------|
| <b>Date</b>                     | 29-10-2019                        |
| <b>Name of Interviewee</b>      | Mala Kumari                       |
| <b>Position</b>                 | Aanganwadi Sevika                 |
| <b>Work Experience in years</b> | 1                                 |
| <b>Location</b>                 | Shabajpur, Mushhari Tola, Kharsan |
| <b>District</b>                 | Sitamarhi                         |
| <b>Topic of Interview</b>       | Marriage & Birth Registration     |
| <b>Name of interviewer</b>      | Rajeeva Kumar Sharma              |

22.

|                                 |                 |
|---------------------------------|-----------------|
| <b>Date</b>                     | 30-10-2019      |
| <b>Name of Interviewee</b>      | Dharmvir Mandal |
| <b>Position</b>                 | Ward Member     |
| <b>Work Experience in years</b> | 3               |
| <b>Location</b>                 | Khairwa         |



|                            |                               |
|----------------------------|-------------------------------|
| <b>District</b>            | Sitamarhi                     |
| <b>Topic of Interview</b>  | Marriage & Birth Registration |
| <b>Name of interviewer</b> | Rajeeva Kumar Sharma          |

23.

|                                 |                               |
|---------------------------------|-------------------------------|
| <b>Date</b>                     | 11-11-2019                    |
| <b>Name of Interviewee</b>      | Mithlesh Devi                 |
| <b>Position</b>                 | Ward Member                   |
| <b>Work Experience in years</b> | 3                             |
| <b>Location</b>                 | Bhagwapur Piprahi             |
| <b>District</b>                 | Sitamarhi                     |
| <b>Topic of Interview</b>       | Marriage & Birth Registration |
| <b>Name of interviewer</b>      | Rajeeva Kumar Sharma          |

## Annexure-2: Details of Focus Group Discussion (FGD)

1.

|                                  |                     |
|----------------------------------|---------------------|
| <b>Date</b>                      | 04-11-2019          |
| <b>Location</b>                  | Majhianwan          |
| <b>Village</b>                   | Majhianwan          |
| <b>District</b>                  | Gaya                |
| <b>Type of group</b>             | Adolescent          |
| <b>No. of Participants (M/F)</b> | 10                  |
| <b>Name of Facilitator</b>       | RandhirPratap Singh |

2.

|                                  |                               |
|----------------------------------|-------------------------------|
| <b>Date</b>                      | 29-10-2019                    |
| <b>Location</b>                  | RavidasTola, Chordiha         |
| <b>Village</b>                   | Itwan                         |
| <b>District</b>                  | Gaya                          |
| <b>Type of group</b>             | Govt. & Public Representative |
| <b>No. of Participants (M/F)</b> | 10                            |
| <b>Name of Facilitator</b>       | RandhirPratap Singh           |

3.

|                                  |                     |
|----------------------------------|---------------------|
| <b>Date</b>                      | 05-11-2019          |
| <b>Location</b>                  | Ward-11             |
| <b>Village</b>                   | Jogar               |
| <b>District</b>                  | Gaya                |
| <b>Type of group</b>             | Villagers           |
| <b>No. of Participants (M/F)</b> | 10                  |
| <b>Name of Facilitator</b>       | RandhirPratap Singh |

4.

|                                  |                               |
|----------------------------------|-------------------------------|
| <b>Date</b>                      | 29-10-2019                    |
| <b>Location</b>                  | Ward-7                        |
| <b>Village</b>                   | Asogi                         |
| <b>District</b>                  | Sitamarhi                     |
| <b>Type of group</b>             | Govt. & Public Representative |
| <b>No. of Participants (M/F)</b> | 10                            |
| <b>Name of Facilitator</b>       | Rajeeva Sharma                |

5.

|                 |                    |
|-----------------|--------------------|
| <b>Date</b>     | 11-11-2019         |
| <b>Location</b> | Aanganbari Kendra  |
| <b>Village</b>  | BhagwanpurPIprarhi |
| <b>District</b> | Sitamarhi          |

|                                  |                |
|----------------------------------|----------------|
| <b>Type of group</b>             | Adolescent     |
| <b>No. of Participants (M/F)</b> | 10             |
| <b>Name of Facilitator</b>       | Rajeeva Sharma |

6.

|                                  |                    |
|----------------------------------|--------------------|
| <b>Date</b>                      | 11-11-2019         |
| <b>Location</b>                  | MisirTola          |
| <b>Village</b>                   | BhagwanpurPlprarhi |
| <b>District</b>                  | Sitamarhi          |
| <b>Type of group</b>             | Villagers.         |
| <b>No. of Participants (M/F)</b> | 10                 |
| <b>Name of Facilitator</b>       | Rajeeva Sharma     |

7.

|                                  |                |
|----------------------------------|----------------|
| <b>Date</b>                      | 07-11-2019     |
| <b>Location</b>                  | Ward-18        |
| <b>Village</b>                   | Pantoka        |
| <b>District</b>                  | East Champaran |
| <b>Type of group</b>             | Villagers.     |
| <b>No. of Participants (M/F)</b> | 10             |
| <b>Name of Facilitator</b>       | Suman Kumar    |

8.

|                                  |                |
|----------------------------------|----------------|
| <b>Date</b>                      | 14-11-2019     |
| <b>Location</b>                  | Marlahiya      |
| <b>Village</b>                   | Purendra       |
| <b>District</b>                  | East Champaran |
| <b>Type of group</b>             | Villagers.     |
| <b>No. of Participants (M/F)</b> | 10             |
| <b>Name of Facilitator</b>       | Hasan Imam     |

9.

|                                  |                |
|----------------------------------|----------------|
| <b>Date</b>                      | 11-11-2019     |
| <b>Location</b>                  | BarhaiTola     |
| <b>Village</b>                   | Bharatmahi     |
| <b>District</b>                  | East Champaran |
| <b>Type of group</b>             | Villagers.     |
| <b>No. of Participants (M/F)</b> | 10             |
| <b>Name of Facilitator</b>       | Hasan Imam     |

10.

|                                  |                                   |
|----------------------------------|-----------------------------------|
| <b>Date</b>                      | 07-11-2019                        |
| <b>Location</b>                  | Ward-10                           |
| <b>Village</b>                   | Gurchurwa                         |
| <b>District</b>                  | West Champaran                    |
| <b>Type of group</b>             | Adolescent                        |
| <b>No. of Participants (M/F)</b> | 10                                |
| <b>Name of Facilitator</b>       | Bhrigunath Sharma, Surendra Patel |

11.

|                                  |                                   |
|----------------------------------|-----------------------------------|
| <b>Date</b>                      | 06-11-2019                        |
| <b>Location</b>                  | Ward-14                           |
| <b>Village</b>                   | Bakharia                          |
| <b>District</b>                  | West Champaran                    |
| <b>Type of group</b>             | Villagers                         |
| <b>No. of Participants (M/F)</b> | 10                                |
| <b>Name of Facilitator</b>       | Bhrigunath Sharma, Surendra Patel |

12.

|                                  |                                   |
|----------------------------------|-----------------------------------|
| <b>Date</b>                      | 05-11-2019                        |
| <b>Location</b>                  | Ward-9                            |
| <b>Village</b>                   | Bhanachak                         |
| <b>District</b>                  | West Champaran                    |
| <b>Type of group</b>             | Govt. & Public Representative     |
| <b>No. of Participants (M/F)</b> | 10                                |
| <b>Name of Facilitator</b>       | Bhrigunath Sharma, Surendra Patel |

*Annexure-3: Details of Sample villages*

| Sl. No                           | Name of Gram Panchayat/Ward | Name of villages/ Ward | Total No. of HH in the village | Population |
|----------------------------------|-----------------------------|------------------------|--------------------------------|------------|
| District: Sitamarhi; Block: Riga |                             |                        |                                |            |
| 1                                | Bulakipur                   | Asogi                  | 326                            | 1439       |
| 2                                | Shahbazpur                  | Kharsan                | 1089                           | 5056       |
| 3                                | Bhabdepur                   | Bhagwanpur<br>Piprarhi | 2017                           | 10226      |
| 4                                | PosuaPatania                | Khairwa                | 517                            | 2701       |
| District: Gaya; Block: Mohanpur  |                             |                        |                                |            |
| 1                                | Dema                        | Bishunpur              | 24                             | 220        |
| 2                                | Ladu                        | Majhianwan             | 236                            | 1,499      |
| 3                                | Ladu                        | Jogar                  | 210                            | 1,117      |
| 4                                | Matihani                    | Itwan                  | 286                            | 2,052      |
| 5                                | Matihani                    | Matihani               | 324                            | 2,019      |
| 6                                | Lakhaipur                   | Lahangpur              | 138                            | 895        |
| 7                                | Lakhaipur                   | Majhauri               | 108                            | 808        |

| Sl. No.                                    | Name of Gram Panchayat/Ward | Name of villages/ Ward | Total No. of HH in the village | Population |
|--|-----------------------------|------------------------|--------------------------------|------------|
| District: West Champaran; Block: Majhauria |                             |                        |                                |            |
| 1  | Dhokarahan                  | Dhokraha               | 1073                           | 5638       |
| 2  | Dhokarahan                  | MathiaurfBhataulia     | 495                            | 2536       |
| 3  | BaithaniaBhanachak          | Bhanachak              | 892                            | 5056       |
| 4  | BaithaniaBhanachak          | Gurchurwa              | 673                            | 3908       |
| 5  | NautanKhurd                 | NautanKhurd            | 951                            | 4871       |
| 6  | NautanKhurd                 | SemraBirit             | 534                            | 3133       |
| 7  | Bakharia                    | Bakharia               | 1744                           | 8825       |
| 8  | Bakharia                    | Thawaia                | 174                            | 856        |
| District: East Champaran; Block: Raxaul    |                             |                        |                                |            |
| 1  | Purendra                    | Purendra               | 1506                           | 8499       |
| 2  | Pantoka                     | Pantoka                | 658                            | 4421       |
| 3  | Pantoka                     | Bharatmahi             | 558                            | 3561       |
| 4  | DhangadhawaKourihar         | Kaurihar               | 1730                           | 9703       |
| 5  | DhangadhawaKourihar         | Laxmipur               | 563                            | 2866       |

## Annexure-4: Documents for Marriage Registration

### Documents Required for Marriage Registration

According to the official website of the Delhi Government, following documents are required to be submitted after being attested by a Gazetted Officer, for obtaining the registration of marriage as per Hindu culture. According to the official website of the Delhi Government, following documents are required to be submitted after being attested by a Gazetted Officer, for obtaining the registration of marriage as per Hindu culture.

- An application form or a Memorandum of marriage duly signed by the husband and wife.
- A documentary evidence for proof of date of birth of both the parties.
- The residence proof of the husband and wife
- Two passport size photographs of both the parties and one marriage photograph.
- Marriage invitation card.
- If the marriage was performed at a religious place, a certificate from the priest is needed to solemnize the marriage.
- In case of marriage under the Hindu Marriage Act Rs. 100, and in case of marriage Special Marriage Act, Rs. 150, is needed to be submitted to the cashier of the district and the receipt is to be attached along with the application form.
- The parties are required to give an affirmation that they are not related and that they do not fall within the degree of prohibited relationship, as laid down under the Hindu Marriage Act 1955 and the Special Marriage Act, 1955.
- An attested copy of the divorce decree/order in case of a divorcee and the death certificate of the spouse in case of widow/widower.
- If one of the parties belong to other than Hindu, Jain, Buddhist and Sikh religions, a conversion certificate from the priest who solemnized the marriage (in case of Hindu Marriage Act) will be required.
- An affidavit by both the parties stating the place and the date of marriage date of birth, marital status at the time of marriage and nationality.

## **Annexure -5: Cases of Good Practices**

### **Case-1**

#### **Birth & Death registration System (BIRDS) by Andman & Nicobar Administration**

The BIRDS system was conceived by NIC, Andaman in 2006 as a single "Web Point interface" among (1) The registration centres of A & N Administration who maintain records relating to birth and death events that take place in the state (2) The other stakeholders who monitor the activities and (3) The various organizations in Govt. and private domain who have use of the data originating from digitized birth and death records. The purpose was to design an integrated online system that can provide a wide range of services to the various entities involved, viz. (1) Ordinary Citizens who can see their birth records details in internet; (2) Registration centres to perform online registration in the website, from their office; (3) The office of Registrar of Birth and Death, Port Blair to monitor in online mode, birth and death registration activities done at the various registration centres throughout the state; (4) Other offices of A & N Administration who can use the BIRDS data for their office specific functions; (5) Office of Registrar General of India (RGI), Ministry of Home Affairs, Govt. of India, to dynamically generate all yearly tables as per the specified formats; (6) Provide a facility for researchers, analysts, policy makers to use the data for their needs.

In order to achieve these objectives, the BIRDS project started with primary task of capturing of Birth and Death records in online environment and to provide online facility for citizens to view "Gist of Birth certificate" for registered births in A & N Islands.

Over the years, the scope of BIRDS system has been enhanced and enlarged to cover other major objectives envisaged. BIRDS portal now generates all monthly and periodical reports required by the centres as per specified formats of RGI. The system facilitates Registrar and Chief Registrar of Birth and Death, Port Blair to monitor, in online mode, birth and death registration activities being performed at registration centres, through secured access rights. MIS facility is available to trace registration centres that are not updating details in website, based on past years data pattern.

Access facility is now extended in BIRDS website to other agencies like RGI and offices of A & N Administration, like "Police", "Elections", "Education", "Civil Supplies" etc., to access BIRDS portal and download birth and death records for a given period. Finally, BIRDS portal provides an easy-to-use, light weight and updated database for policy makers, researchers, students and analysts to study the population pattern in A & N Islands across the years and across the geographical diversity of A & N Islands.

AS BIRDS project follows RGI guidelines for Inputs, processing, outputs, work flow and business rules, it can be readily implemented in other states in the Country that follow the same guidelines.

The BIRDS project is developed by NIC, Andaman entirely in Web based environment using the open source technology stack of Linux, Apache, My SQL and PHP. The software code is encrypted and encoded using third party licensed software, for better security.

## **Case-2**

### ***Birth Registration System in Karnataka***

*The State of Karnataka (previously Mysore) was formed in 1956. The Registration of Birth & Death Act, 1969, came into force in Karnataka from 1 April, 1970. The Karnataka Registration of Birth & Death Rules, 1970, was framed and issued by the Government of Karnataka on 15 December, 1970, and came into effect from 1 January, 1971. Until 1978, village Patels acted as the Registrars, in the rural areas. The state had achieved 70% registration efficiency by 1994. The KRBD Rules were subsequently amended in December 1999, as per the instructions of the Registrar General of India. The revamped system of Registration of Birth and Death is in force in Karnataka, since 1 January, 2000.*

*Initially the Birth and Death information was maintained in hard copy format and Registration was done manually. In this process the issuance of Birth and Death certificates used to take more time on account of manual searching of entries and writing the certificates. Manual searches, entries and writing certificates led to delay in issuance of Birth and Death certificates. Also, the National and State Registrar offices did not have easy access to the ULB Birth and Death database.*

#### ***Going for Computerization***

*The Government of Karnataka, as part of its urban reforms process, introduced the system of computerizing the Birth and Death records, online registration of Births & Deaths and issuing of computerized certificates in the ULBs. In order to streamline the Registration and Certification of Birth and Death, and also to improve quality of service delivered to the citizens and making easy Birth and Death Registration and Certification.*

*The Online registration is at ULB or through hospital with an automated computer-generated registration ID. This is to issue computerized certificates to the citizens. The National and State Registrar Office can access local database of births and deaths to analyze population census.*

*Presently the online registration system facilitates, issuance of Birth and Death Certificates at Citizen Service Center counter of ULB; Generation of reports of Birth, Death, and Still Born; Computerized Birth and Death Certificates and Online registration system.*

#### ***The Organizational Set-up***

*In the urban areas, the City Corporation/City Municipal Councils/Town Municipal Councils/Notified Area Committees/Project Area/Sanitary Boards etc., Health officer/Health Inspectors/Sanitary Inspectors are the Registrars. In some large cities/towns, Sub-Registrars of Birth and Death have been appointed for different areas to decentralize work. In the rural areas, the Village Accountants are the Registrars.*

#### ***Registration Procedure***



According to the RBD Act, 1969, it is the duty of the head of the household and, if s/he is not present in the house, the nearest relative of the head, present in the house and in the absence of any such person, the oldest adult present in the house should report the occurrence of any live birth or still birth.

As per Karnataka RBD Rules, 1999, all births, stillbirths and deaths are to be reported within 21 days of its occurrence to the Registrar/ Sub-registrar of the concerned local area. When a child is born in a hospital, it is called an Institutional birth. The hospital where the birth has occurred will fill Form1 manually and send it to its affiliated Registration Centre along with the hospital report. Here the veracity of the birth is checked out for late registrations.

Say, the different between these two dates is within 21days, the registration is done online and no late fee is applicable. Once registered, the certificate can be issued by the respective Registration Centre. If it is between 22 and 30 days, the Sub Registrar will verify the records with the concerned hospital where the birth has taken place and if satisfied, approves for registering the birth. If the birth event falls between 30 days and 1 year, the Sub Registrar verifies the authenticity of the Birth and sends it to the Commissioner / Chief Officer for approval. Once the

Commissioner/Chief Officer approves, then the birth is registered. If birth event is greater than 1 year, court order has to be obtained from JMFC by the applicant. Then, the Court Order has to be submitted to the Commissioner/Chief Officer. The Commissioner/Chief Officer issues an office order along with the court order to the concerned Registration Center to register the birth and issue the certificate to the Applicant.

If a child is born, either in a house or any other place, it is called as a Non-Institutional Birth. In this case, the Applicant has to collect Form1 from his/her Area Registration Centre, fill it and submit it in the Registration Centre along with the Doctor's certificate, who conducted the delivery. Rest of the procedure will be same as Institutional Birth.

### **Fee Structure:**

| <b>Birth Events</b> | <b>Registration Location</b>         | <b>Certificate Issuing Authority</b> | <b>Fee</b>   |
|---------------------|--------------------------------------|--------------------------------------|--|
| Within 21 days      | Corresponding Municipality/ Hospital | Concerned registrar                  | Nil  |
| Above 21 days       | Corresponding Municipality/ Hospital | Concerned registrar                  | Rs. 8/- user fee +Rs. 2/- sea fee + Rs. 5/- (per copy) |

\*\*\*