



STATUS OF MARRIAGE & DIVORCE REGISTRATION IN SOUTH ASIA REGION

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Introduction

10 Events for which data is needed

- ✓ Live Birth
- ✓ Death
- ✓ Fetal Death
- ✓ Marriages
- ✓ Divorce
- ✓ Annulment
- ✓ Separation
- ✓ Adoption
- ✓ Legitimation
- ✓ Recognition

A credible CRVS is central to development agenda of any country



RECORDS ARE OFTEN INCOMPLETE

Of the top five, Marriage and Divorce records generally most wanting

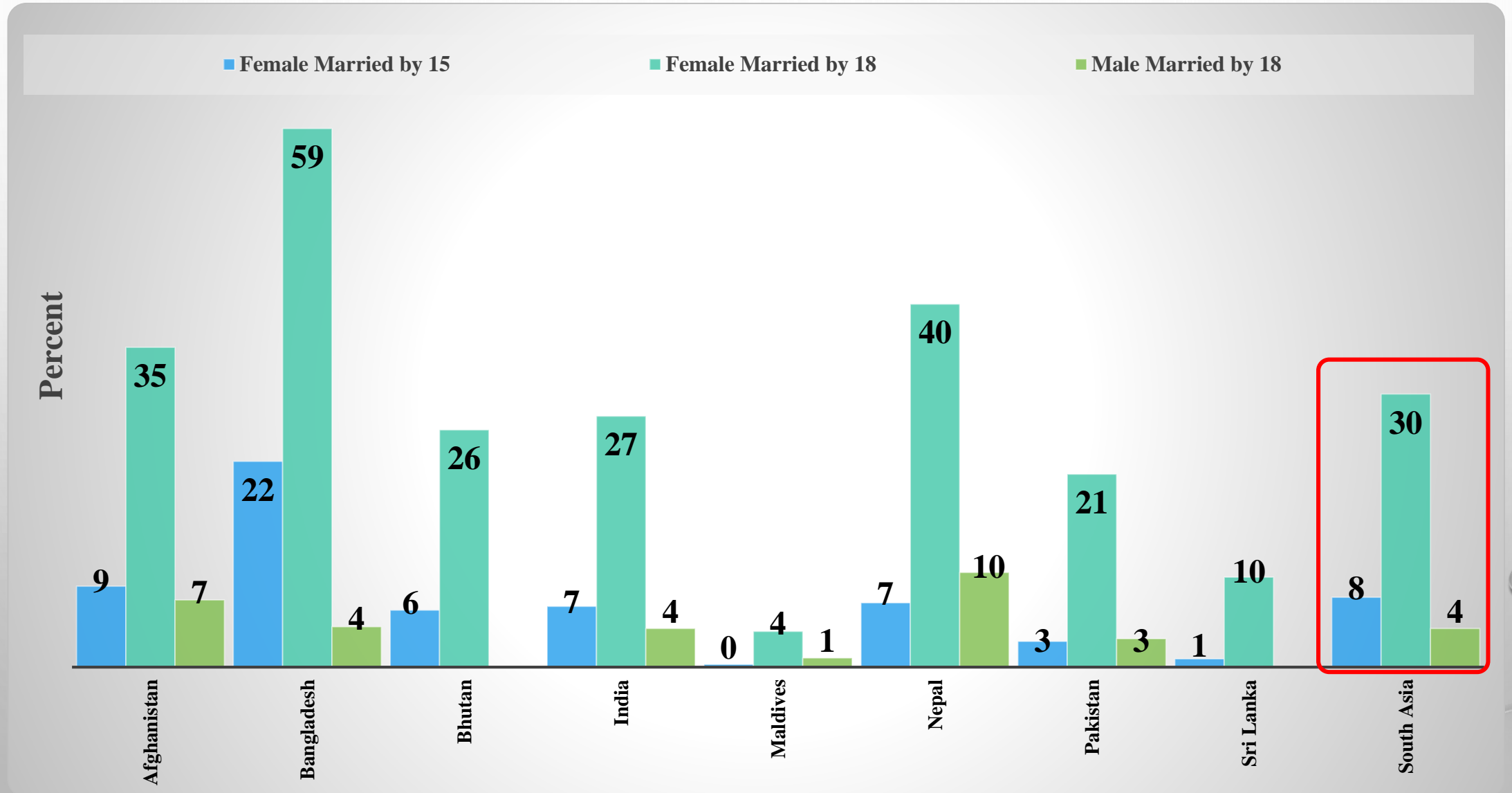
State of Marriage & Divorce in SAR

- South Asia Region includes 8 Countries
 - Afghanistan
 - Bangladesh
 - Bhutan
 - Maldives
 - Nepal
 - India
 - Pakistan
 - Sri Lanka
- The countries are at different levels of civil registration
- Seven of the eight countries have a legal obligation to register a marriage
- Only India lacks a law that requires spouses to register a marriage

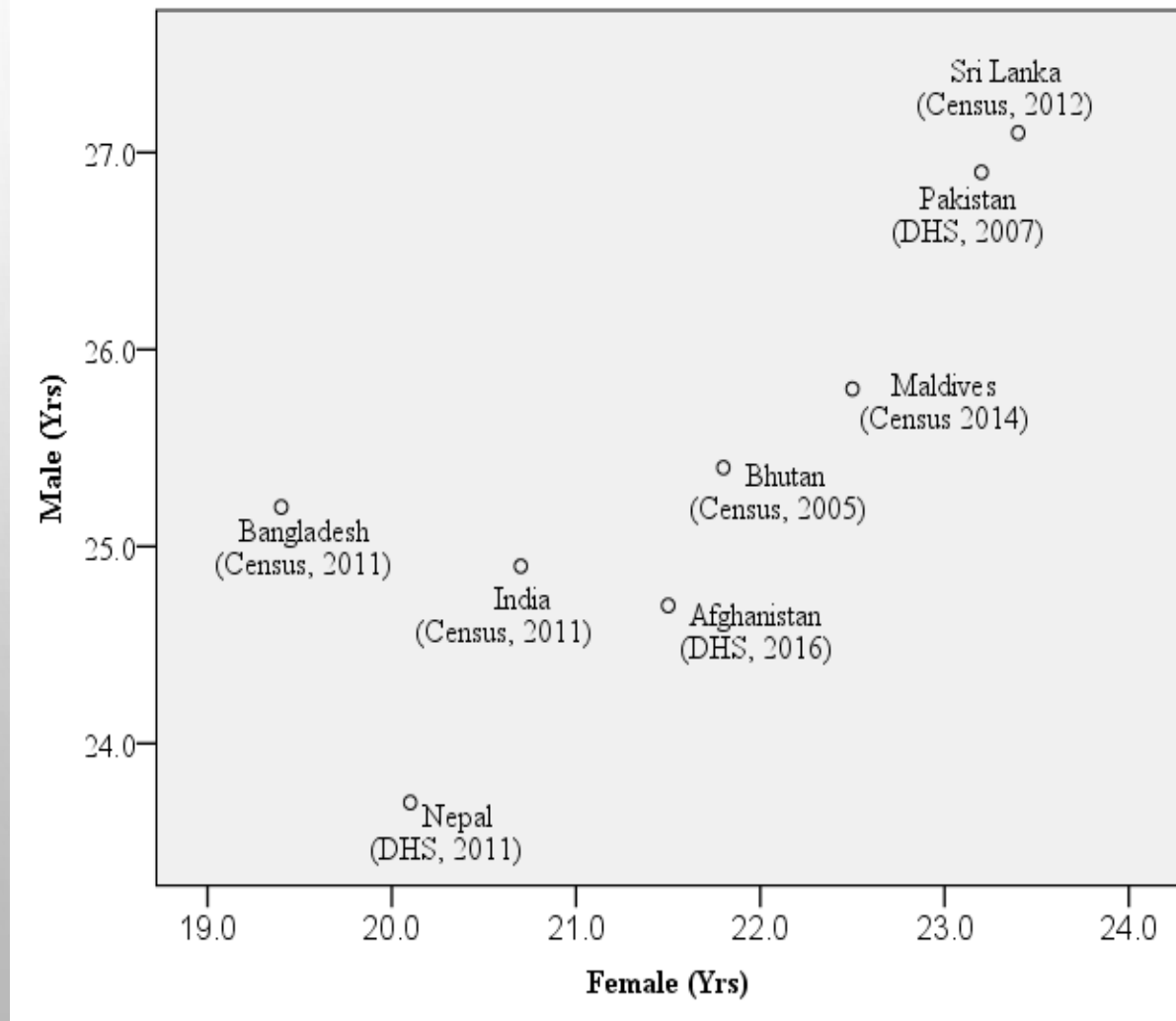
Age at marriage

Country	Without parental consent (age yrs)		With parental/court consent
	Women	Men	
Afghanistan	16	18	Girls with parental or court consent can marry at 15 years.
Bangladesh	18	21	No provisions for minimum age either for girls or boys.
Bhutan	16	18	No provisions provided; Guidelines for issuance of marriage certificate between Bhutanese and foreign spouses the legal age of marriage in Bhutan for both men and women is 18 years.
India	18	21	-
Maldives	18	18	Under the Family Act, children under 18yrs can get married if they attain puberty & received special permission from the court.
Nepal	20	20	-
Pakistan	Punjab 16 Sindh 18 Hindu 18	18 18 18	-
Sri Lanka	18	18	No minimum for Muslim marriages. The Muslim Marriage and Divorce Act, which governs Muslim marriages, doesn't set minimum age of marriage.

Marriage before 15 years/18 years

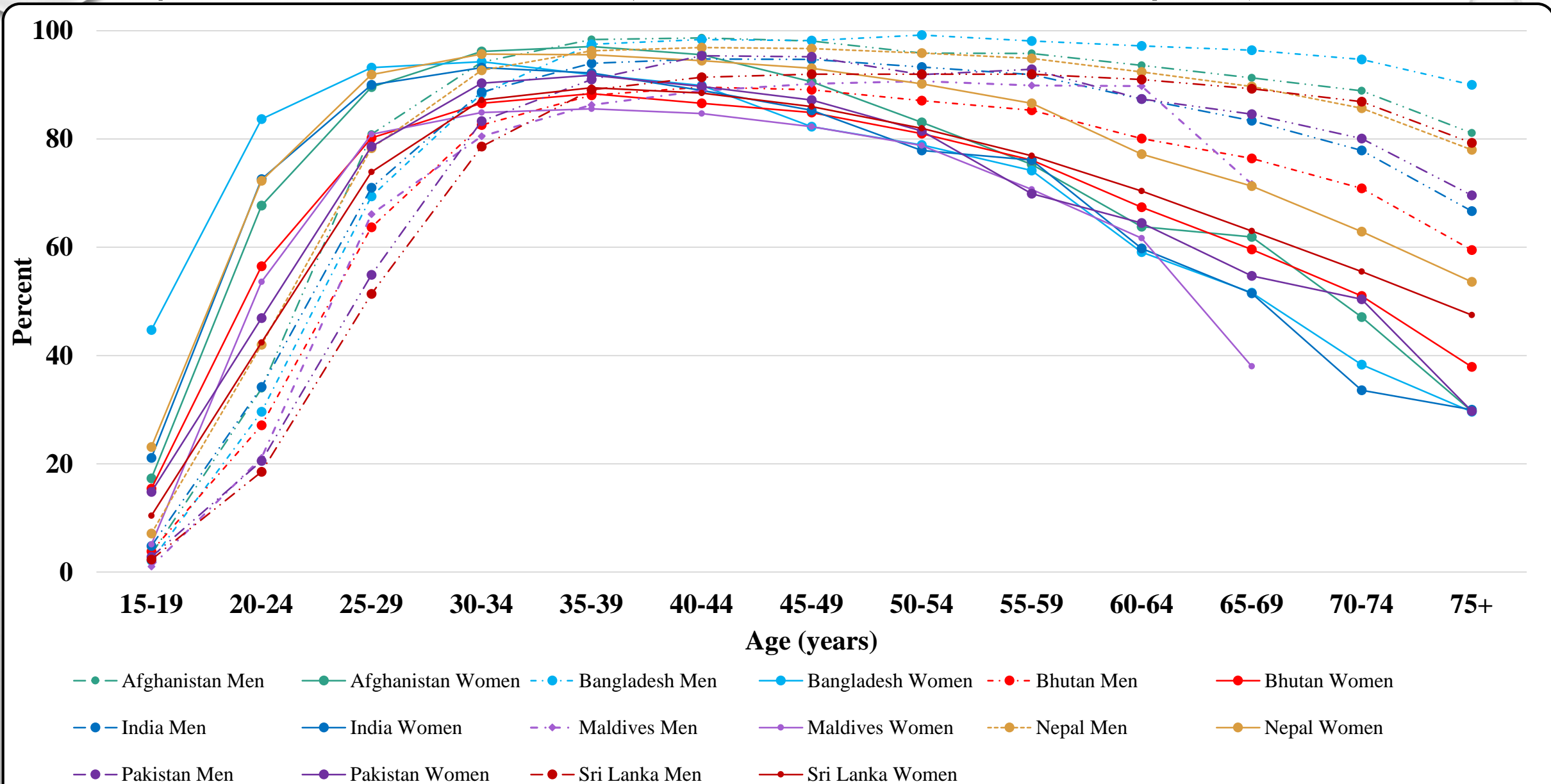


Scatterplot of mean singulate age at marriage (Men vs. Women)

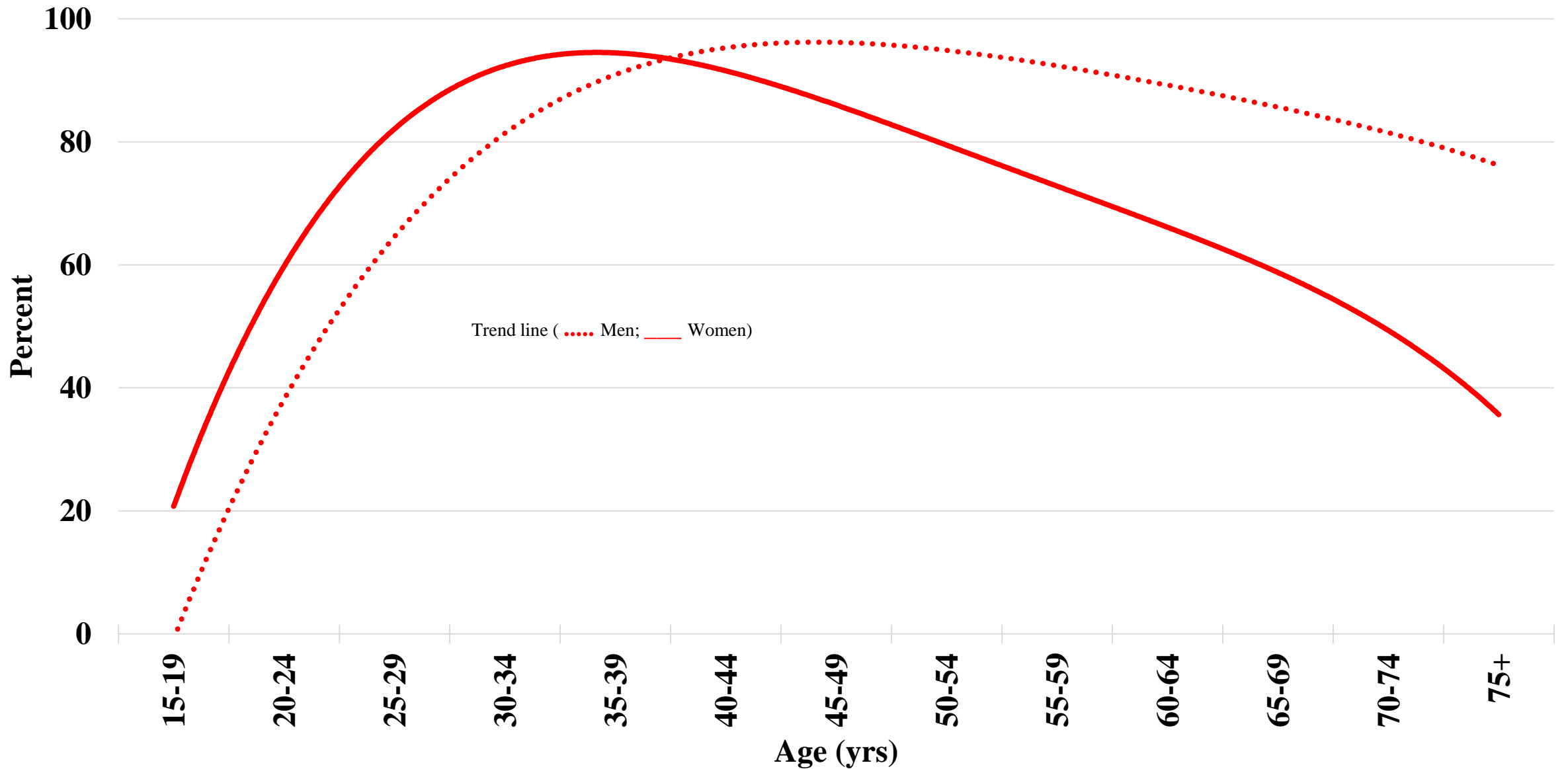


- Girls marry earlier compared to boys
- Younger ages in:
 - Bangladesh
 - Nepal
 - India
- ... compared to:
 - Sri Lanka
 - Pakistan
 - Maldives

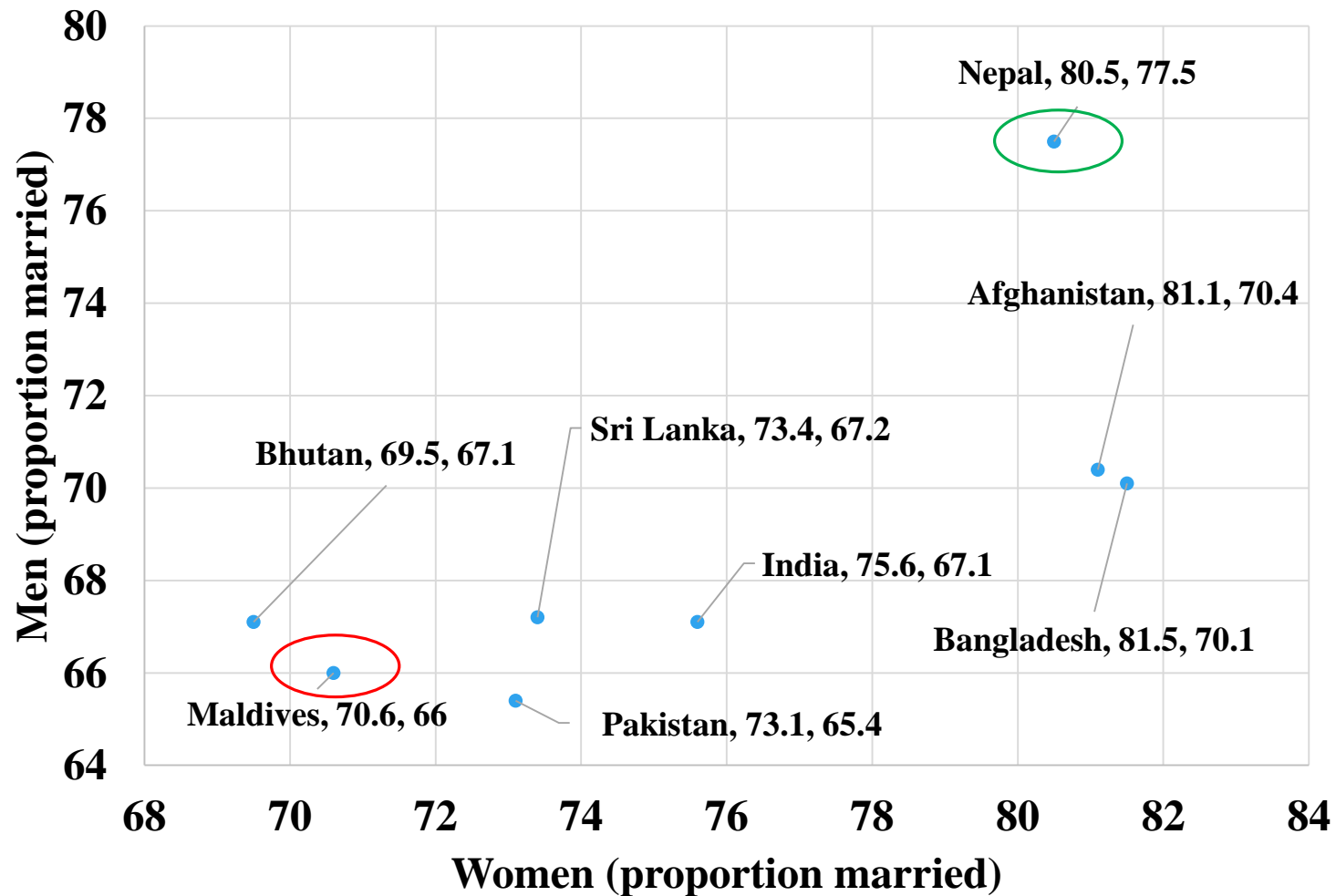
Proportion of those married (Men and Women, 15-75+ years)



Trendline – Proportion of those married (Men and Women (15-75+ years))

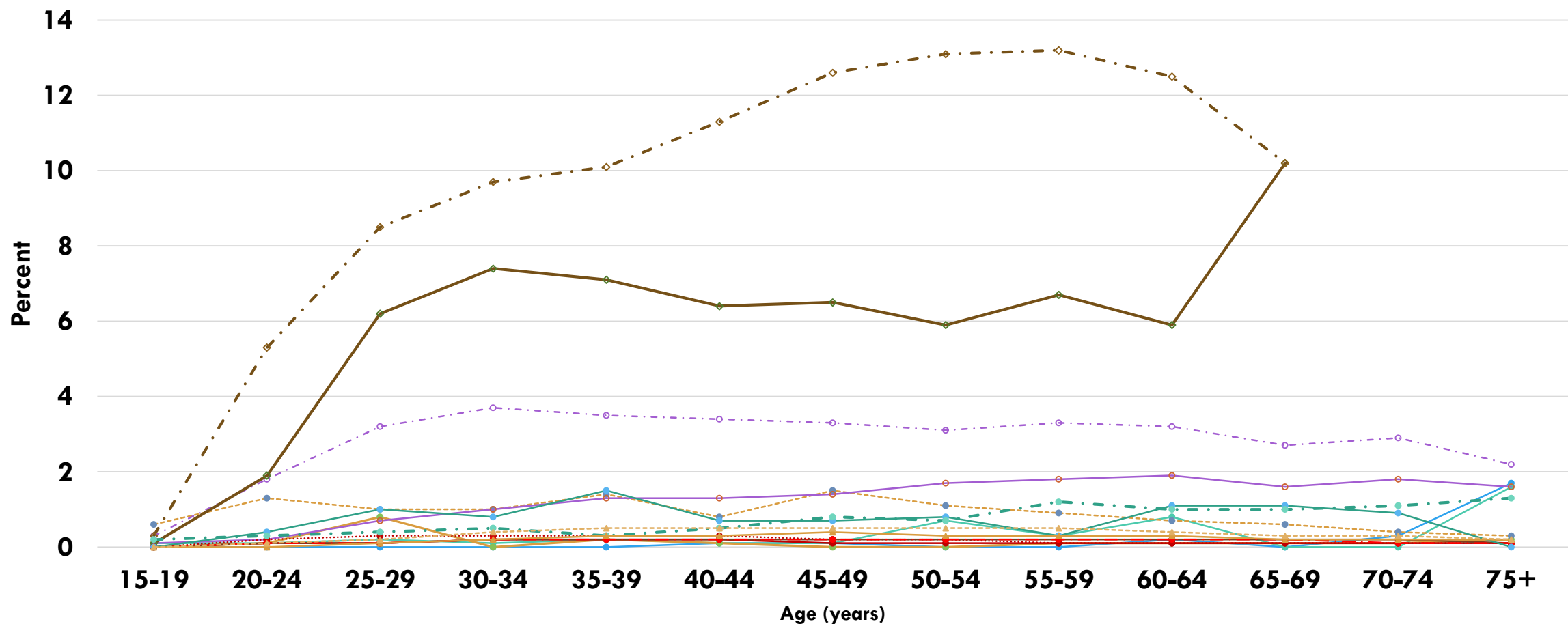


Scatterplot of proportion of those married (15-75+ yrs)



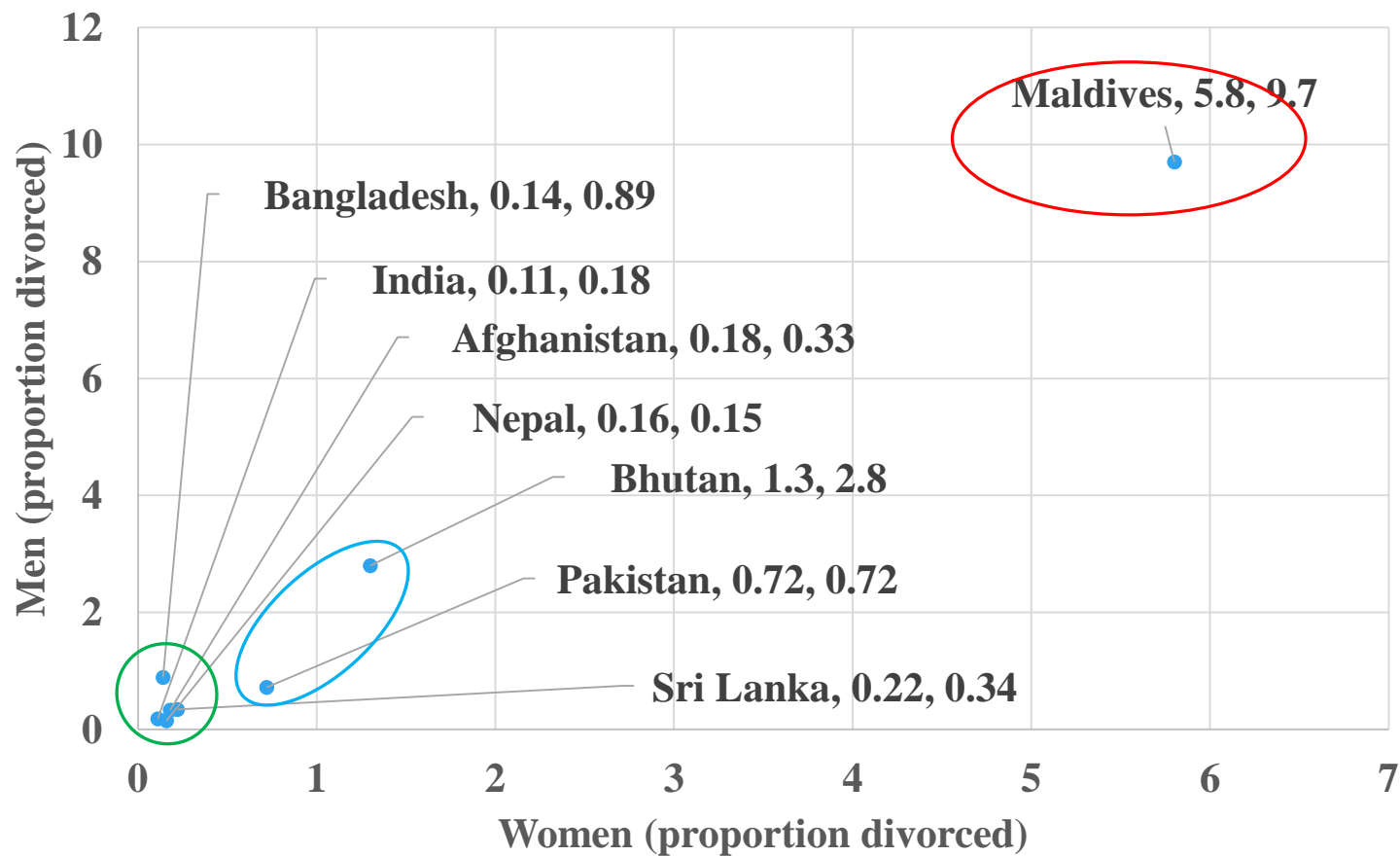
- Generally the proportion of married women is higher than that for married men
- The highest proportion of men and women married is found in Nepal
- Lowest proportion of married women and men is in the Maldives

Divorce in South Asia region



- Afghanistan Men
- Afghanistan Women
- Bangladesh Men
- Bangladesh Women
- Bhutan Men
- Bhutan Women
- India Men
- India Women
- Maldives Men
- ◇— Maldives Women
- Nepal Men
- Nepal Women
- Pakistan Men
- Pakistan Women
- Sri Lanka Men
- Sri Lanka Women

Stability of unions in South Asia region



- Most unstable unions are in the Maldives
- Most stable unions are found in India, Bangladesh, Sri Lanka, Nepal
- Bhutan and Pakistan lie in the middle

Marriage/Divorce Legal Frameworks - i

Afghanistan	<ul style="list-style-type: none">• Civil Code of 1977• Islamic law• Regional customary law• Traditional ethnic rules• The Mohammedan Law	Bhutan	<ul style="list-style-type: none">• Marriage Act of the Kingdom of Bhutan 2017
Bangladesh	<ul style="list-style-type: none">• Muslim Marriage and Divorces Act, 1974• Child Marriage Prevention Act, 2014• Child Marriage Restraint Act, 1929• Hindu Marriage Act, 1946• Divorce Act, 1869• Christian Marriage Act, 1872• Muslim Family Laws Ordinance, 1961• Dissolution of Muslim Marriages Act, 1939• Special Marriage Act	India	<ul style="list-style-type: none">• The Hindu Marriage Act, 1955• Hindu Succession Act, 1956• Muslim Women's Protection of Rights on Divorce Act, 1986• Parsi Marriage and Divorce Act, 1936• Dowry Prohibition Act, 1961• The Special Marriage Act, 1954• The Indian Christian Marriage Act, 1872• Sharia and Mohammedan Law
		Maldives	<ul style="list-style-type: none">• Maldives Family Law Act, 2001• The Mohammedan Law

Marriage/Divorce Legal Frameworks - ii

Nepal	<ul style="list-style-type: none">• Marriage Registration Act, 2018• The Social Practices Reform Act, 1976• General Code (Muluki Ain)	Pakistan	<ul style="list-style-type: none">• The Christian Marriage Act, 1872 (Christian)• The Christian Divorce Act, 1869 (Christian)• The Hindu Marriage Act 2017• The Child Marriage Restraint Act 1929• Parsi Marriage and Divorce Act, 1936 (Parsi)• Dissolution of Muslim Marriages Act 1939 (Muslim)• Muslim Family Laws Ordinance, 1961 (Muslim)• Family Courts Act, 1964 (Muslim)• Dowry and Bridal Gifts (Restriction) Act 1976 (All citizens of Pakistan)• Guardians and Wards Act (applicable to all citizens Pakistan but communities may follow their own personal law instead)
Sri Lanka	<ul style="list-style-type: none">• Muslim Marriage and Divorce Act• Marriage Registration Ordinance, 1908 (General Law)• Kandyan Marriage and Divorce Act• Thesawalamai Law (Tamil inhabitants in Jaffna)		

Obligation to register marriages - i

Country	Marriage and Divorce	Legal obligation to register marriage	Fines for late registration	Organizational Structure	Records digitalized?
Afghanistan	Ministry of Justice — Afghanistan Central Civil Registration Authority (ACCRA)	Immediately (30 days when marriage abroad) (fees apply)	No	Centralized	No
Bangladesh	Ministry of Law, Justice and Parliamentary Affairs Division. Also Office of the Muslim marriage registrar	30 days (fees apply)	No	Decentralized	??
Bhutan	Royal Court of Justice	Yes (fees apply)	No	Centralized	??
India	Registrar of Marriage/ Marriage Officer, who is generally the District Magistrate	No (fees apply)	No	Decentralized	Partial (some States yet to digitize; in others only in urban areas)

Obligation to register marriages - ii

Country	Marriage and Divorce	Legal obligation to register marriage	Fines for late registration	Organizational Structure	Records digitalized?
Maldives	Family courts. Also responsible for adoptions	Immediately (2 or 6 months when marriage abroad) (fees apply)	No	Centralized	??
Nepal	Ministry of Federal Affairs and General Administration. Department of Civil Registration	35 days (free of charge)	Yes	Decentralized	??
Pakistan	Union Councils under Provincial Local Government Departments	Yes (free of charge)	No	Decentralized	??
Sri Lanka	Ministry of Internal Affairs. Department of Registrar General	Immediately (fees apply)	No	Centralized	??

Legal status of polygamy

Legal status of polygamy	Countries (source: SIGI 2019)
Legal	Afghanistan, Bangladesh, Maldives, Pakistan
Legal for Muslims only	India, Sri Lanka
Illegal and practice criminalized by law	Bhutan, Nepal

- Legal provisions for other marriages
 - Are there any?

Barriers to registration of marriage and divorce

- Socio-cultural factors
- Cost
- Religion
- Legal factors
 - requirements
- Ignorance
- Accessibility
 - Distance
- Lack of financial independence
- Avoidance labeling

Concluding remarks

CRVS in the context of marriage & divorce

- National planning
- Protection of individual rights
- Social protection
- Health monitoring
- Monitoring other indicators

Bottlenecks to marriage & divorce registration

- Weakness of data – lacking or incomplete
- Systemic factors, e.g. distance
- Legal factors



THANK YOU