**REGISTRATION OF MARRIAGE IN INDIA**

There are two categories of marriage mentioned in the Indian marriage code of conduct:

The Hindu Marriage Act, 1955 : The Hindu Marriage Act is applicable for cases where the husband and wife both are Hindus, Buddhists, Jains or Sikhs and if they were converted to any of these religions.

The Special Marriage Act 1954: A marriage is registered under the Special Marriage Act, 1954 when both the husband and wife are not Hindus, Buddhists, Jains or Sikhs.

A couple, who has already performed the religious rituals of their marriage and are applying to register later, will also fall under the Special Marriage Act.

**The Process**

You should approach the Sub-Divisional Magistrate during 9:00 am to 1:00 pm whose jurisdiction lies in the colony of the husband or wife.

Important documents to carry along

Application form duly signed by both husband and wife :

1. Documentary evidence of the date of birth of parties (Matriculation Certificate / Passport / Birth Certificate) minimum age of both parties is 21 years at the time of registration under the Special Marriage Act.
2. Ration card of husband or wife whose area Sub Division Magistrate has been approached for the certificate.
3. In the case of Special Marriage Act, documentary evidence regarding stay in Delhi of the parties for more than 30 days.
4. Affidavit by both the parties stating place and date of marriage, date of birth, marital status at the time of marriage and nationality.
5. Two passport size photographs of both the parties and one marriage photograph.
6. Marriage invitation card, if available.
7. If marriage was solemnized in a religious place, a certificate from the priest is required who solemnized the marriage.
8. Rs. 100/- in case of Hindu Marriage Act and Rs.150/- in case of Special Marriage Act to be deposited with the cashier of district and the receipt should be attached with the application form.
9. Affirmation that the parties are not related to each other within the prohibited degree of relationship as per Hindu Marriage Act or Special Marriage Act as the case may be.
10. Attested copy of divorce decree/order in case of a divorcee and death certificate of spouse in case of widow/widower.
11. In case one of the parties belong to other than Hindu, Buddhist, Jain and Sikh religions, a conversion certificate from the priest who solemnized the marriage(in the case of Hindu Marriage Act).

Following this, the process varies according to the law which the Marriage is to be registered.

* Under Hindu Marriage Act

Verification of all the documents is done on the date of application and a day is fixed and communicated to the parties for registration.

On the appointed day, both parties, along with a Gazetted Officer who attended their marriage, need to be present before the Sub Division Magistrate.

The certificate is issued on the same day.

* Under Special Marriage Act

Both parties are required to be present after the submission of documents for issuance of public notice inviting objections.

One copy of the notice is pasted on the notice board of the office and a copy of the notice and is sent by registered post to both parties as per the given address.

Registration is done 30 days after the date of notice after deciding any objection that may have been received during that period by the Sub Division Magistrate.

Both parties along with three witnesses are required to be present on the date of registration.

In Seema vs Ashwani Kumar[[1]](#footnote-0) the Supreme Court made an observation that in large number of matrimonial suits over the years, unscrupulous people denied the existence of marriage by taking the advantage of unavailability of any official record of solemnization of marriage which leads to abeyance of proceedings. A division bench consisting of Justices Arijit Pasayat and S H Kapadia held the registration of marriages would be a step in right direction and consequently issued a directive to the state governments and union territories to take measures in the direction of compulsory registration of marriages within a span of three months.

In Rubi vs State of U.P[[2]](#footnote-1) it was held that enactment of compulsory marriage registration rules containing provisions for compulsory registration of marriages and consequences of giving false information and filing fake papers, appears to be the urgent need so as to protect genuine couples on one hand and on the other hand to deal sternly with the law breakers.

1. 2006(2) SCC 578 [↑](#footnote-ref-0)
2. 2015 ALJ 2 241 [↑](#footnote-ref-1)