:**REGISTRATION OF MARRIAGE**

BY

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# Supreme Court makes marriage registration compulsory

The SC has directed the Centre and the state governments to make registration of marriage compulsory.

WHETHER MARRIAGE REGISTRATION IS ESSENTIAL FOR ALL RELIGIONS. WHAT ARE BENEFITS AND CONSEQUENSES ON FAILURE TO MAKE REGISTRATION OF THE MARRIAGE IN INDIA.?

The Supreme Court has ruled that all marriages, irrespective of their religion, be compulsorily registered and directed the Centre and state governments to frame and notify rules for this within three months.

Moved by the plight of deserted women fighting for their rights like maintenance and custody of children, a Bench comprising Justices Arijit Pasayat and S H Kapadia, in a 14-page judgment, asked the governments to amend the law or frame rules and notify them within three months.

Though the court was moved by considerations of gender justice, the order which many saw as demonstration of judicial activism can also provide a fillip to the campaign for the promulgation of a uniform civil code.

Writing the judgment for the Bench in a matter that was an offshoot of a matrimonial case, Justice Pasayat directed the Centre and the state governments to incorporate "consequences of non-registration of marriages" in the rules, which should be formalised after inviting public response and considering them.

The court said the rules so framed would continue to operate till the respective governments framed proper legislations for compulsory registration of marriages.

Giving no room for appeasement or dilution of the objective to be achieved through such legislations, Justice Pasayat said all new laws to be framed by the governments have to be placed for scrutiny before the apex court

The law panel has suggested that marriage registration should be compulsory to prevent fraud

**New Delhi:** Batting for making registration of marriages compulsory, the Law Commission today said this will help prevent "marriage fraud" and protect women often denied the status of a wife due to absence of matrimonial records.  
In its report submitted to the Law Ministry on Tuesday, the panel said in the absence of compulsory registration, women are duped into marrying without performance of the conditions of a valid marriage.

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In India, a marriage can be registered under either of the two Marriage Acts: the Hindu Marriage Act, 1955 or the Special Marriage Act, 1954. The Hindu Marriage Act is applicable only to the Hindus, whereas the Special Marriage Act is applicable to all citizens of India.

**Requirements :**The minimum age limit is 21 for males and 18 for females.

* The parties to a Hindu marriage should be unmarried or divorced, or if previously married, the spouse by that marriage should not be alive.
* The parties should be physically and mentally healthy.
* The parties must not be related with each other in a way prohibited by the law.
* Affidavits from both prospective husband and wife\*.
* Signed Vakalatnama\*\*

**Documents and Information we need** :1. Under Hindu Marriage Act

* Name, Father's name, address, and place where the marriage was solemnized.
* Duration of residence at given addresses.
* Proof of marriage under Hindu Marriage Act
* Signed Vakalatnama\*\*

Both the parties have to appear before the Registrar along with at least two witnesses of marriage. One witness of marriage must be a gazetted officer with his official. The marriage should be Registered within one month from the date of marriage. There is a provision for condonation of delay by Concerned Authorities depending on delay.

2. Under the Special Marriage Act:

* Name, Father's name, address, and place where the marriage was solemnized.
* Duration of residence at given addresses.
* Proof of marriage under if already celebrated
* Affidavits from both prospective husband and wife\*.

Both the parties have to appear before the Registrar along with two witnesses of marriage. Both witness must be at least 18 years old.

**Post marriage Counseling**

Most couples have ups and downs in their marriages and it is natural and routine to sit back and try to analyze the bad situations. We try to answer their questions and solve their problems to sustain their marriage. Generally the problems with newly married couple are the lack of communication, over communication, ego problems, sometimes little abuse but mainly it is the peer pressure. We counsel and advise the couple to solve the problem and to sustain the marriage.