

## Frequently asked Questions on Marriage Registration

1. What are the advantages of registering a marriage?

Ans:- A Certificate of marriage is a document, which provides valuable evidence as to the fact of marriage; Certificate of marriage is a document providing social security, self-confidence, particularly among married women;

Certificate of marriage is useful in getting the visa for the wife/husband.

It may help in claiming the Bank deposits or Life Insurance benefits when the depositor or the Insurer dies without a nomination or otherwise.

It will be helpful in arresting frauds related to marriages.

2. What are the laws under which marriages are registered in Registration offices?

Ans: Marriages are registered in Sub Registry or District Registrar Offices under the following Acts:

Hindu Marriage Act, 1955

Special Marriage Act, 1954

Uttarakhand Compulsory Marriage Act 2010

3. Where can people get their marriages registered?

Ans:- Marriages can be registered in the office of the Registrar of Marriage within the jurisdiction of which the marriage has taken place or in the office of Marriage Officer in whose jurisdiction the bridegroom resides permanently. Similarly they can be

registered at the concerned District Registrar, Marriage under Special Marriage Act can be registered in the office of the Marriage Officer in whose jurisdiction bridegroom resides.

4. Where are these marriage officer /Registrar of marriages located?

Ans:-

Sub Registrar who registers documents relating to immovable property is also the Marriage Officer. The offices are usually located in Tehsil Head Quarters/District Head Quarters. The list of SROs/Marriage Officers can be seen in the SRO Jurisdiction page.

5. To whom does the Hindu Marriages Act applies?

Ans:- It applies to Hindu, Buddhist, Brahma, Sikhs and Aryasamaj. It does not apply to Muslim, Christian, Parsi or Jew Communities. But it also applies to those who follow Hindu religious customs.

6. To whom does the Special Marriages Act applies?

Ans:- It applies to all, irrespective of religion, caste, language.

7. What should be the minimum age of bride and bride groom at the time of marriage?

Ans:- Bridegroom must have completed 21 years age and bride 18 years.

8. What are the restrictions for the registration of marriages?

Ans:- Following are the restrictions under Hindu Marriage Act, 1955 and Special Marriage Act, 1954:

1. Bridegroom or bride who desire to marry should not have married wife / husband

Bridegroom or bride who cannot voluntarily give consent for marriages owing to mental illness is not Eligible for marriage

Marriage of those who are capable of giving consent for marriage but (d) incapable of getting child owing to unsound mind cannot be solemnised nor be registered

Those suffering from insanity are ineligible for solemnisation of marriage

Those who are within degree of prohibited relationship are ineligible for marriage provided they can marry if it is permitted according to the usage of custom or usage governing such persons

9. How to register a marriage?

Ans:- Registration under Hindu Marriage

Application for marriage filled in prescribed form with name and address of bridegroom and bride, signature of bride and bridegroom, signature of 2 attesting witness present at the time of marriage along with their names and address.

o Joint photo of bride and bridegroom

o Wedding card

o Date of Birth proof certificates like SSC marks memo, copies of passport, residential proof should be presented to the Registrar of Marriage.

Marriage officer will verify the contents of the application and records. He will issue certificate of marriage if he is satisfied that the records produced are in accordance with law.

#### 10. Registration Under Uttarakhand Compulsory Marriage Act 2010.

Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnized in the state after the commencement of this act shall be registered within 90 days of solemnization of marriage in such manners as may be prescribed

#### **Solemnization under Special Marriage Act, 1954**

Bridegroom and bride should give notice of intended marriage 30 days in advance for the solemnization of marriage along with prescribed fees. Bride or bridegroom must have lived continuously for not less than 30 days within the jurisdiction of marriage officer before giving the notice

If no objections are received within 30 days from the date of notice of intended marriage, bridegroom and bride should appear before the Marriage Officer within next 60 days after lapse of initial 30 days from such notice along with three witnesses for solemnisation of the Marriage. Marriage Officer after following procedure prescribed under act and rules will solemnise the marriage. If marriage is not solemnised within 90 days from the date of notice, then a fresh notice has to be issued.

Marriage Officer will administer oath in the prescribed form and solemnise marriage and issue certificate of marriage.

Bridegroom and bride and three witnesses shall sign the declaration and the certificate of marriage.

#### 10. What is the time limit for the registration of Marriage?

Ans:-Marriage under Hindu Marriage Act can be registered any time after marriage. There is no time limit. Now, in Uttarakhand, the Sub Registrar (Marriage Officer) can register the Hindu marriage at any time and there is no necessity for Condonation of delay by the District Registrar, which was there till recently.

#### 11. Can a marriage performed already according to religious customs be registered under Special Marriage Act? If so how to get it registered?

Ans:-Application duly filled in should be given in prescribed form in duplicate under Section 16 of the Special Marriage Act 1954 along with prescribed fee to the marriage officer. If there are no objections, marriage officer will register the marriage after 30 days if the husband and wife appear along with 3 witnesses subject to following conditions:

- They should have married and must be living together since then
- At the time of marriage any of them should not have more than one living wife or husband
- Any of them should not be idiot or lunatic at the time of registration of marriage
- Husband and wife should have completed age of 21. They should not be within the degree of prohibited relationship described in schedule I of the Act
- Husband and wife should have lived for a period not less than 30 days within the jurisdiction of marriage officer where registration is sought to.