BLOGS

Registration of Marriage under Hindu Law

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Introduction

The Hindu Marriage Act was passed into law in 1955. It is a set of rules about how Hindus, Buddhists, Jains, and Sikhs can get married. Under this Act, a marriage is considered valid if it meets certain criteria and is registered with the relevant authority. Section 8 of the Hindu Marriage Act, 1955 lays down for registration of marriages. Registration under this Act allows the person to have proof of marriage by registration.

In this post, we will discuss the importance and process of registering a marriage under the Hindu Marriage Act.

Need for Registration of Marriage

Firstly, it is important to understand why registration of marriage is crucial. The registration of a marriage is proof of its existence and legitimacy. It serves as a legal document that provides evidence of the marriage and the rights and obligations that come with it. In case of any dispute or legal issue related to the marriage, the registration certificate can be used as evidence in a court of law. It also enables the couple to avail themselves of various legal benefits and protections, such as inheritance, property rights, and social security schemes.

Process of Registering a Marriage under the Hindu Marriage Act

The State Government has been empowered to make rules for marriage registration. The registration process can be completed in three steps:

Step 1: The first step in registering a marriage is to file an application with the relevant authority. The application must be filed by both the bride and the groom, and it must be accompanied by the following documents:

• A proof of age for both the bride and the groom (such as a birth certificate or school leaving certificate)

• A proof of residence for both the bride and the groom (such as a passport or voter ID card)

• A proof of marriage (such as a marriage invitation card or a joint photograph)

The application must also include the details of the marriage, such as the date, time, and place of the marriage, the names and addresses of the witnesses, and the name of the person who solemnized the marriage.

Step 2: The relevant authority will verify the details provided in the application. This may involve a physical verification of the addresses of the bride and groom, as well as a verification of the age and identity of the couple. The authorities may also check if the marriage was solemnized in accordance with the provisions of the Hindu Marriage Act.

Step 3: Once the verification is complete and the authorities are satisfied that the marriage is valid, a certificate of marriage is issued to the couple. This certificate serves as proof of the marriage and contains all the details of the marriage, such as the date, time, and place of the marriage, the names of the bride and groom, and the names of the witnesses.

It is important to note that the registration of a marriage under the Hindu Marriage Act is voluntary and not mandatory. However, it is highly recommended to register the marriage, as it provides various legal benefits and protections to the couple.

In addition to the registration process, there are certain rules and regulations that govern marriages under the Hindu Marriage Act.

These include:

1. The bride must be at least 18 years old, while the groom must be at least 21 years old.
2. The marriage must be solemnized in the presence of at least two witnesses.
3. The marriage must be solemnized by a person who is authorized to do so under the Hindu Marriage Act, such as a priest or registrar.

4. The marriage must be solemnized according to the customs and traditions of the community to which the couple belongs.

Section 7 of the Hindu Marriage Act also states that a Hindu marriage is lawful under the 1955 Act if it is performed in conformity with the traditional rites and ceremonies of either party.

Conclusion

In conclusion, the registration of a marriage under the Hindu Marriage Act is an important step that provides legal recognition to the marriage and enables the couple to avail of various legal benefits and protections.