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1. WHAT IS MARRIAGE?

Marriage is a sacred relationship, a sacrament, and a divine covenant meant for procreation and continuation of family lineage. It is a promise between two people to stay together and uphold traditional family values in accordance with Dharma.

2. WHAT ARE THE CONDITIONS OF MARRIAGE?

The conditions of marriage are specified in Section 5 of the Hindu Marriage Act. The act expressly prohibits polygamy by stipulating that a Hindu marriage can be solemnized between two Hindus if neither party has a living spouse at the time of marriage; The conditions also stipulate that at the time of the marriage, neither party is incapable of giving valid consent or suffering from a mental illness that inhibits their fitness for marriage or procreation of children or suffering from recurrent episodes of insanity or epilepsy. The bride is more than eighteen years of age and the groom is more than twenty one years of age.

3. WHAT ARE THE CEREMONIES FOR MARRIAGE?

Section 7 of the Hindu Marriage Act recognizes that there may be different, but equally valid ceremonies and customs of marriage. As such, Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either the bride or the groom. These rites and ceremonies include the Saptapadi.

4. WHEN WILL ONE BE CALLED TO BE MARRIED?

Generally, a couple shall be said to be married if they have completed the Saptapadi. Saptapadi refers to completing the seven steps around the holy fire. Merely exchanging garlands shall not amount to marriage. In cases, where the customs provide for different ceremonies, the couple shall be said to be married if they perform those ceremonies.

5. WHERE IS THE MARRIAGE REGISTERED?

Marriages under Hindu Marriage Act 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 bride or bride-groom resides. In most places the Sub Registrar who registers documents relating to immovable property is also the Marriage Officer.

6. WHAT ARE THE ADVANTAGES OF MARRIAGE CERTIFICATE?

Certificate of Marriage is a document, which provides valuable evidence of Marriage

Certificate of Marriage is a document providing social security, self-confidence particularly among married Women.

7. HOW TO GET MARRIAGE REGISTERED?

- a) A marriage cannot be registered unless the following conditions are fulfilled:
- b) A ceremony of marriage has been performed; and
- c) The parties have been living together as husband and wife

Additionally, the parties must have been residing within the district of the Marriage Officer for a period of not less than thirty days immediately preceding the date on which the application is made to him for registration.

Section 8 of the Hindu Marriage Act allows a state government to make rules for the registration of Hindu marriages particular to that state, particularly with respect to recording the particulars of marriage as may be prescribed in the Hindu Marriage Register. Registration provides written evidence of marriage. As such, the Hindu Marriage Register should be open for inspection at all reasonable times (allowing anyone to obtain proof of marriage) and should be admissible as evidence in a court of law.

8. DOCUMENTS REQUIRED FOR THE PERFORMANCE & REGISTRATION OF COURT MARRIAGE?

FOLLOWING DOCUMENTS REQUIRED FOR REGISTRATION OF MARRIAGE :

- a) Application form duly signed by both husband and wife.
- b) Passport Size Photographs - four each of Marrying Persons.
- c) Residential Proof (Voter Card / Passport / Ration Card / Driving License / Bank Passbook / Lease Deed / Rent Deed) of Marrying Persons.

- d) Date of Birth Proof (Municipal Corporation Certificate, Xth or XIIth Examination Certificate, Passport, PAN Card) of Marrying Persons.
- e) If any party is divorcee Certified copy of Decree of Divorce granted by the Court.
- f) If any party is widow / widower Death Certificate of the dead spouse.
- g) If any party is a Foreign Citizen or holding a foreign Passport or is having foreign residential address - Certificate of Present Marital Status of the party / No Impediment Certificate / NOC from concerned Embassy and Valid VISA.
- h) Affidavit from both the parties.
- i) Two Witnesses (Both should be major)
- j) If marriage was solemnized in a religious place, a certificate from the priest is required who solemnized the marriage.
- k) 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

9. WHERE IS THE JURISDICTION OF COURT FOR MATRIMONIAL LITIGATION UNDER HINDU MARRIAGE ACT?

The place of sue or the jurisdiction of court for matrimonial litigations are fixing and finds as per section 19 of THE HINDU MARRIAGE ACT 1955. The above said section read as follows; Section 19. Court to which petition shall be presented. - Every petition under this Act shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction-

- a) The Marriage Was Solemnized, Or
- b) The Respondent, At The Time Of The Presentation Of The Petition Resides, Or
- c) The Parties To The Marriage Last Resided Together, Or
- d) In Case The Wife Is The Petitioner, Where She Is Residing On The Date Of Presentation Of The Petition; Or
- e) The Petitioner Is Residing At The Time Of The Presentation Of The Petition, In A Case Where The Respondent Is, At That Time, Residing Outside The Territories To Which This Act Extends, Or Has Not Been Heard Of As Being Alive For A Period Of Seven Years Or More By Those Persons Who Would Naturally Have Heard Of Him If He Were Alive.

10. WHAT IS THE RESULT OF A MARRIAGE SOLEMNIZED WITHOUT FULFILLMENT OF THE NECESSARY CONDITIONS?

IN THREE SITUATIONS SUCH A MARRIAGE IS SAID TO BE VOID, WHICH MEANS THAT IT IS INVALID, AS IF IT NEVER TOOK PLACE :

- a) If one of the parties to the marriage has a living husband or wife; or
- b) If the parties are within the prohibited degrees of relationship; or
- c) If they are sapindas of each other.
- d) If the conditions regarding valid consent have not been fulfilled, the resulting marriage is void. That means that the party wishing to challenge it can approach the court for a decree of nullity.
- e) What is the remedy if a woman has been married off before she turned 18?
- f) A woman whose marriage was performed when she was under 15 years of age can reject the marriage, or "repudiate" it and get a divorce on that ground alone. She can only take the step after turning 15, but before turning 18. However, by doing so she loses the right to maintenance or alimony which a divorced woman can claim legally.

11. IF A WOMAN HAS BEEN FORCED INTO A MARRIAGE, IS SUCH A MARRIAGE VOID OR VOIDABLE?

Such marriages are voidable. If the consent of the complaining party has been obtained by force or by fraud relating to the nature of the ceremony performed or to any significant fact or circumstance concerning the opposing party, the marriage can be voided.

12. WHAT IF A FRAUD HAS BEEN PLAYED?

A petition for annulment in such a case must be presented within one year after the force ceased to operate or the fraud has been discovered. Most important of all, the petitioner or complaining party should not have lived willingly with the other after the end of the force or after discovering the fraud. A marriage is also voidable if it can be proven that the wife was pregnant at the time of marriage by another man. In this situation the husband must file his petition within one year of the date of the marriage.

13. WHAT REMEDY CAN AVAIL IF A WOMAN IS BEING FORCED TO MARRY AGAINST HER WILL?

A woman can seek the help of the police to help her stop her marriage if she is being forced to marry against her will or can file complaint before the court.

14. WHAT OPTIONS ARE OPEN TO A WOMAN WHOSE HUSBAND MARRIES SOMEONE ELSE WHILE STILL MARRIED TO HER? IS THAT BIGAMY?

Yes, marrying again during the lifetime of one's wife or husband is known as bigamy. It is a criminal offence, punishable with imprisonment and fine. A bigamous marriage is void, a complete nullity. If a woman has prima facie evidence that she is lawfully married to a man who is about to or has remarried, she can register a criminal complaint. If a wife learns that her husband is going to marry again she can get an injunction from the court forbidding the marriage before it occurs. After it has taken place, a wife can ask the court for a "declaration" that the second or bigamous marriage is null and void.

15. IF A HINDU WISHES TO MARRY A PERSON WHO IS NOT A HINDU, UNDER WHAT LAW CAN THEY DO SO?

If the couple wishes to have a religious marriage governed by Hindu law, then the non-Hindu partner must convert to Hinduism. If the non-Hindu partner is a Christian then it is also possible for the couple to marry according to Christian rites under the Indian Christian Marriage Act, 1872. Christian Personal Law then governs the marriage. The third option, in some ways the simplest, is to have a civil marriage under the Special Marriage Act which facilitates marriages between any two people, including members of any two religious communities. It does not involve conversion and also permits people to avoid various complications that arise from marriages under various religion-based personal laws.

16. WHAT RIGHTS DOES A HINDU CHILD, WHO IS BORN TO PERSONS WHOSE MARRIAGE IS DECLARED VOID OR VOIDABLE, HAVE UNDER THE HINDU MARRIAGE ACT?

Such a child is considered legitimate regardless of the status of the parent's marriage, if the marriage was performed according to Hindu rites under the Hindu Marriage Act, 1955 or was a civil marriage under

the Special Marriage Act, 1954. Such a child may inherit the property of his parents. However, he/she does not acquire rights in relation to joint family or ancestral property.

17. WHAT REMEDY SHALL AVAIL IF ONE OF THE SPOUSE DESERT OTHER?

As per the Hindu marriage Act aggrieved party can avail remedy by filling a petition for restitution of Conjugal Right before the Court. The Hindu Marriage Act , 1955 - Section 9. Restitution of conjugal rights.- When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

18. WHAT IS THE PROCEDURE TO SOLEMNIZE THE MARRIAGE UNDER SPECIAL MARRIAGE ACT?

- a) Solemnization of special Marriages
- b) A marriage between any two persons may be solemnized under this Act provided the following conditions are satisfied. Namely:
- c) Neither party has a spouse living
- d) Neither party is an idiot or a lunatic
- e) The male must have completed the age of twenty-one years and female the age of eighteen years.
- f) The persons seeking to marry must not be within the degrees of prohibited relationship.

19. WHO ARE PERSONS GOVERNED BY THIS SPECIAL MARRIAGE ACT?’

Any person in India and all Indian nationals in foreign countries.

20. WHAT ARE THE OTHER CONDITIONS FOR A VALID MARRIAGE UNDER THIS ACT?

- a) Any two persons belonging to different religions may marry under this Act without changing their religions.

- b) Neither party should have a spouse living at the time of marriage. Widow, widower and a divorcee may perform marriage under this Act.
- c) Neither party should be incapable of giving a valid consent in consequence of unsoundness of mind.
- d) Neither party should be suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and procreation of children.
- e) Neither party should be suffering from incurable insanity.

21. WHICH AUTHORITY IS COMPETENT TO SOLEMNIZE MARRIAGE AND THE PROCEDURE FOR SOLEMNIZATION AND REGISTRATION OF MARRIAGE UNDER SPECIAL MARRIAGE ACT?

- a) No religious ceremonies are required.
- b) The marriage is performed by Marriage Officer appointed by the Government.
- c) Parties to the marriages shall give notice to Marriage Officer in the prescribed Performa.
- d) Marriage Officer enters this information in the Register maintained by him and a public notice of this information is given by the Marriage Officer.
- e) The Marriage is to be performed after 30 days of this public notice and before expiry of two months from issue of notice.
- f) Before marriage the applicants and three witnesses shall sign a declaration in the form specified.
- g) Marriage shall not be complete and binding unless each party says to the other in presence of Marriage Officer and three witnesses “I (A) Take the (B) to be my lawful wife/husband (in any language understood by the parties)”
- h) The marriage is thus completed and recorded in a book kept for that purpose. The entry is signed by the applicants and the witnesses.

22. WHAT IS MARRIAGE UNDER MUSLIM LAW?

Marriage or “Nikah” in Muslim law is a contract pure and simple needing no writing and no sacred rites. All that is necessary is offer and acceptance made in the presence and hearing of two male or female witnesses and recording the factum of marriage in the “Nikah” Register maintained in every mosque signed by the parties and attested by

witnesses. In India, there is no need to register the Muslim marriage, as there is no law requiring registration.

23. WHAT ARE THE ESSENTIAL ELEMENTS OF VALID MARRIAGE UNDER MUSLIM LAW?

THE ESSENTIALS OF A VALID MARRIAGE ARE AS FOLLOWS:

- a) Every Mahomedan of sound mind and having attained puberty can marry. Where there is no proof or evidence of puberty the age of puberty is fifteen years.
- b) A minor and insane (lunatic) who have not attained puberty can be validly contracted in marriage by their respective guardians.
- c) Consent of party is must. A marriage of a Mahomedan who is of sound mind and has attained puberty, is void, if there is no consent.
- d) There should be a proposal made by or on behalf of one of the parties to the marriage, and an acceptance of the proposal by or on behalf of the other party.
- e) The proposal and acceptance must both be expressed at once meeting.
- f) The parties must be competent.
- g) There must be two male or one male & two female witnesses, who must be sane and adult Mahomedan present & hearing during the marriage proposal and acceptance.
- h) Neither writing nor any religious ceremony is needed.

24. KINDS OF MARRIAGE IN MUSLIM LAW?

Under Muslim generally two types of marriage is recognized :

- a) Regular Marriage
- b) Muta marriage- Muta marriage is a temporary marriage.

25. WHAT ARE THE BENEFITS OF REGISTRATION OF HINDU MARRIAGE, ARYA SAMAJ MANDIR MARRIAGE, ANAND MARRIAGE, MUSLIM MARRIAGE, CHRISTIAN MARRIAGE, AND MARRIAGES PERFORMED IN ANY OTHER FORMS?

Ceremonial Marriage is not recognized by foreign embassies in India and Foreign Countries outside India. For the proof of marriage in foreign embassies in India and Foreign Countries outside India, you need to

have Marriage Registration Certificate. While applying for Spouse VISA, the foreign Embassies ask for Marriage Registration Certificate. And Hence, if a husband or wife want to travel outside India on spouse visa then Hindu Marriage Registration Certificate is a must, or If the persons want to get married against the Will of their Elders and Family Members – Marriage Registration Certificate provide protection against false and fraudulent Civil as well as Criminal cases filed by the warring elders and family members of the spouses such as Missing, Abduction, Kidnapping, Rape etc. In the unhappy circumstances of disputes (whether civil or criminal) between the spouses relating to divorce, dowry, maintenance and other cases, Marriage Registration Certificate provide protection against false denial of marriage by either of the spouses.