

### **Guidelines for marriage and registration of marriage, with Forms:**

A marriage which has already been solemnised can be registered either under the Hindu Marriage Act, 1955 or under the Special Marriage Act, 1954. The Hindu Marriage Act is applicable in cases where both husband and wife are Hindus, Buddhists, Jains or Sikhs or where they have converted into any of these religions. Where either of the husband or wife or both are not Hindus, Buddhists, Jains or Sikhs the marriage is registered under the Special Marriage Act, 1954.

Further, marriage can be solemnised between any two persons (often when they are of different religion or nations) under the provisions of the Special Marriage Act, 1954

### **For Registration of Marriages which have already been solemnized, following documents are required:**

1. Application form duly signed by both husband and wife.
2. Documentary evidence of date of birth of parties (Matriculation Certificate / Passport / Birth Certificate). Minimum age of both parties is 21 years for male and 18 years for female, at the time of registration under the Special Marriage Act / Hindu Marriage Act.
3. Ration card of husband or wife, at least one should be resident of Delhi for 30 days.
4. In case of Special Marriage Act, documentary evidence regarding stay in Delhi of the parties for more than 30 days (ration card or report from the concerned SHO, Police Station). **(NOTE: Delhi High Court in Vikram Aditya Singh & others Vs. UOI & others, CW15079/2006 held that this condition in Delhi Hindu Marriage Registration Rules, is ultra vires and solemnisation is sufficient for registration; see other case - Seema Vs Ashmin Kumar 2006 2SCC 578)**
5. Affidavit by both the parties stating place and date of marriage, date of birth, marital status at the time of marriage and nationality.
6. Two passport size photographs of both the parties and one marriage photograph.
7. Marriage invitation card, if available.
8. If marriage was solemnized in a religious place, a certificate from the priest is required who solemnized the marriage.
9. Rs. 100/- in case of Hindu Marriage Act and Rs.150/- in case of Special Marriage Act to be deposited and the receipt should be attached with the application form.
10. 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. For details of such relationships please read below at end.
11. Attested copy of divorce decree/order in case of a divorcee and death certificate of spouse in case of widow/widower.
12. 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 case of Hindu Marriage Act).

All documents excluding receipt should be attested by a Gazetted Officer.

### **Documents required for marriage (Court marriage) under Special Marriage Act:**

1. Application form / Notice duly filled and signed by the bride and the groom.
2. Fee of Rs.150/- and the receipt should be attached with the form.
3. Documentary evidence of date of birth of both parties (Matriculation Certificate/ Passport/ Birth Certificate).
4. Documentary evidence regarding stay in Delhi of one of the parties for more than 30 days (ration card or report from the concerned SHO, Police Station).
5. Separate affidavits from bride and groom giving:
  - a. Date of birth.
  - b. Present marital status: unmarried/widower/ divorcee.
  - c. Affirmation that the parties are not related to each other within the degree of prohibited relationship defined in the Special Marriage Act (See at end to know the meaning of prohibited relationship).
6. Passport size photographs of both parties (2 copies each) duly attested by a Gazetted Officer.
7. Copy of divorce decree/order in case of a divorcee and death certificate of spouse in case of widow/widower.
8. In case of a foreign national, a certificate from the concerned Embassy regarding his / her present status.
9. Some countries insist for proof of proceeding of civil marriage & marriageability certificate of Indian fiancée before granting visa to a foreign national to visit / stay in India for marriage.
10. Foreign national who intent to stay in India for long time after marriage should know before marriage about grant of citizenship of India and about profession / tax liability.

(It is reported by many couples that without a lawyer, marriage solemnisation is a difficult task)

#### **Process:**

For registration under Hindu Marriage Act

Verification of all the documents is carried out on the date of application and a day is fixed and communicated to the parties for registration. On the said day, both parties, along with witness should attend office of marriage officer. The Certificate of Marriage is issued on the same day.

#### **B) Special Marriage Act**

For solemnization of marriage (Court marriage), presence of both parties is required after submission of documents of issuance of notice of intended marriage. A copy of the notice is pasted on the office notice board by the Marriage Officer. Any person may within 30 days of issue of notice, file objection to the intended marriages. In such a case, the Marriage Officer shall not solemnise the marriage (between 9.30 to 1 pm) until he has decided the objection, within 30 days of its receipt. If the Marriage Officer refuses to solemnise the marriage, any of the parties may file an appeal within 30 days to the District Court. In case no objection is received, the Marriage Officer solemnises the marriage after 30 days of the notice. Both parties along with 3 witnesses are required to be present on the date of solemnisation of marriage. It is advisable to submit names of witnesses atleast one day in advance, one of them be a lawyer.

For registration under Special Marriage Act :

Both parties are required to be present after submission of documents for issuance of public notice inviting objections. One copy of notice is pasted on the notice board of the office and copy of the notice is sent to both parties. Registration is done 30 days after the date of notice after deciding any objection that may have been received during that period by the Marriage Officer. Both parties alongwith three witnesses are required to be present on the date of registration.

**Forms:** Application for registration of marriage under Hindu Marriage Act, [Affidavit](#), [Notice](#) under Special Marriage Act, Identification [Certificate](#)

#### **Degree of Prohibited relationship as per the Hindu Marriage Act, 1955**

##### **Section 3 (f):**

- i. "*Sapinda relationship*" with reference to any person extends as far as the third generation (inclusive) in the line of ascent through the mother, and the fifth (inclusive) in the line of ascent through the father, the line being traced upwards in each case from the person concerned, who is to be counted as the first generation;
- ii. two persons are said to "sapindas" of each other if one is a lineal ascendant of the other within the limits of sapinda relationship, or if they have a common lineal ascendant who is within the limits of sapinda relationship with reference to each of them;

##### **Section 3 (g):**

"degrees of prohibited relationship" – two persons are said to be within the "degrees of prohibited relationship" –

- i. if one is a lineal ascendant of the other; or
- ii. if one was the wife or husband of a lineal ascendant or descendant of the other; or
- iii. if one was the wife of the brother or the father's or mother's brother or of the grandfather's or grandmother's brother of the other; or
- iv. if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters;

**Explanation** – For the purposes of clauses 3(f) and 3(g), relationship includes –

- i. relationship by half or uterine blood as well as by full blood;
- ii. illegitimate blood relationship as well as legitimate;
- iii. relationship by adoption as well as by blood;

and all terms of relationship in those clauses shall be construed accordingly.

#### **Degrees of Prohibited relationship as per the Special Marriage Act, 1954**

##### **Section 2 (b):**

"Degrees of prohibited relationship" – a man and any of the persons mentioned in Part I of the First Schedule and a woman and any of the persons mentioned in Part II of the said Schedule are within the degrees of prohibited relationship.

*Explanation (I) – Relationship includes, --*

- a. *relationship by half or uterine blood as well as by full blood;*
- b. *illegitimate blood relationship as well as legitimate;*
- c. *relationship by adoption as well as by blood;*

*and all terms of relationship in this Act shall be construed accordingly.*

**Explanation (II)** – *"Full blood" and "half blood" – two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives.*

**Explanation (III)** – *"Uterine blood" – two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.*

**Explanation (IV)** – *In Explanations II and III, "ancestor" includes the father and "ancestress" the mother;*

## THE FIRST SCHEDULE [ DEGREE OF PROHIBITED RELATIONSHIP]

### PART – I

Mother.  
Father's widow (step mother).  
Mother's mother.  
Mother's father's widow (step grand-mother).  
Mother's mother's mother.  
Mother's mother's father's widow (step great grand-mother).  
Mother's father's mother.  
Mother's father's father's widow (step great grand-mother).  
Father's mother.  
Father's father's widow (step grand-mother).  
Father's mother's mother.  
Father's mother's father's widow (step great grand-mother).  
Father's father's mother.  
Father's father's father's widow (step great grand-mother).  
Daughter.  
Son's widow.  
Daughter's daughter.  
Daughter's son's widow.  
Son's daughter.  
Son's son's widow.  
Daughter's daughter's daughter.  
Daughter's daughter's son's widow.  
Daughter's son's daughter.  
Daughter's son's son's widow.  
Son's daughter's daughter.  
Son's daughter's son's widow.  
Son's son's daughter.  
Son's son's son's widow.  
Sister.  
Sister's daughter.  
Brother's daughter.  
Mother's sister.  
Father's sister.  
Father's brother's daughter.  
Father's sister's daughter.  
Mother's sister's daughter.  
Mother's brother's daughter.

**Explanation** – For the purposes of this Part, the expression "widow" includes a divorced wife.

### PART – II

Father.  
Mother's husband (step-father).  
Father's father.  
Father's mother's husband (step grand-father).

Father's father's father.  
Father's father's mother's husband (step great grand-father).  
Father's mother's father.  
Father's mother's mother's husband (step great grand-father).  
Mother's father.  
Mother's mother's husband (step grand-father).  
Mother's father's father.  
Mother's father's mother's husband (step great grand-father).  
Mother's mother's father.  
Mother's mother's mother's husband (step great grand-father).  
Son.  
Daughter's husband.  
Son's son.  
Son's daughter's husband.  
Daughter's son.  
Daughter's daughter's husband.  
Son's son's son.  
Son's son's daughter's husband.  
Son's daughter's son.  
Son's daughter's daughter's husband.  
Daughter's son's son.  
Daughter's son's daughter's husband.  
Daughter's daughter's son.  
Daughter's daughter's daughter's husband.  
Brother.  
Brother's son.  
Sister's son.  
Mother's brother.  
Father's brother.  
Father's brother's son.  
Father's sister's son.  
Mother's sister's son.  
Mother's brother's son.

**Explanation** – For the purposes of this Part, the expression "husband" includes a divorced husband.