

REGISTRATION OF MARRIAGES IN INDIA: LEGAL PERSPECTIVE

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Received: 04 May 2018

Accepted: 09 May 2018

Published: 19 May 2018

ABSTRACT

Marriage and Divorce in India are governed by the personal law applicable to a party. The personal law is usually determined by the religious community one belongs to. Since India is a land of diverse religious communities, the personal laws are also multiple. The personal laws generally provide for solemnization of a marriage by performing some religious ceremony. The only secular law regarding marriages is the Special Marriage Act 1954 which provides for a civil marriage and a procedure for its registration. Registration of marriage is not made compulsory in India by any Central Statute. It has been left to the State Governments to enact rules providing for compulsory registration of marriages. The Hindu Marriage Act 1955 also provides for registration of marriages solemnized under the Act, but the same is not compulsory under the Act. Moreover the non-registration of marriage does not affect the validity of such marriages. Lately, the hazards of non-registration have been emphasized at various forums. The most important consequence has been the inability of many wives to prove a valid marriage in maintenance suits and thus being unable to establish their identity as a legally wedded wife. The importance of proving the validity of marriages in bigamy cases too cannot be undermined. Another ill effect has been the rise in the fraudulent NRI marriages affecting the rights of many young brides. The child marriages are also rampant as registration is not compulsory in many states.

KEYWORDS: *Marriage, Divorce, Legal Marriage*