

**Emphazing Marriage Identity Status of Citizens in India Sub-Continent**A.Jenita Mary<sup>1</sup>, P.Muthulakshmi<sup>2</sup>, A.Subashini<sup>3</sup><sup>1</sup>Department of Computer Applications, Faculty of Science and Humanities, SRM IST<sup>2</sup> Department of Computer Science, Faculty of Science and Humanities, SRM IST<sup>3</sup> Department of Computer Applications, Faculty of Science and Humanities, SRM IST

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**Abstract:** In India, large numbers of fraudulent marriages are reported to the Department of Home Affairs every year. Marriage fraud is a severe criminal offence that has detrimental effect for the women trapped in sham marriages. A trustworthy facility to check the marital status of a person is the need of the hour. At present, we live in digital era that Aadhar database can be effectively used to check the veracity of the marital status of a person. The idea of this proposal is to curb the number of sham marriages and to eradicate the negative impact it creates on the society. This paper proposes a methodology of how idea can be implemented for the sustainable growth and development of our nation.

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**Keywords:** Aadhar Number, Marital Status, Marriage Identity Number.

**Introduction:**

Marriage is a state of being united to a person of the opposite sex as husband or a wife in a consensual and contractual relationship recognized by law. Marriage is considered as a sacred institution in the Indian culture. It is a sacred bond between two people, whereby they agree to spend the rest of their lives together. There are quite a few marriage registration laws in India. After the marriage is solemnized between the bride and the groom, there are certain requirements that must be fulfilled in order to give it a legal standing, i.e. to make it valid under the laws prevalent in India[1]. Though the laws are wide enough to prevent illegal weddings, still there are illegalities like marrying under aged, marrying for many number times hiding the previous marriage status, etc. Under these circumstances, the lives of victims get affected and are not able to claim justice. This can be avoided by verifying the marital status of a citizen of India through Aadhar Identity. In India, each citizen is uniquely identified through Aadhar number which holds information of their demographics. Whenever a wedding is registered, the details of the wedded should be updated in the Aadhar database, by uploading the scanned images of bride, groom and marriage certificate. A Marriage Identity Number, which shall be a shared identity between the respective bride and groom can be added to the existing information of the Aadhar database of each. The status domain values may be single, married twice, divorcee, and widower. If the person is single then the scanned image of birth certificate should be enclosed. If the person is widower then the scanned image of spouse death certificate should be enclosed. If the person is divorcee then the scanned image of divorce order should be enclosed. On adding this constraint in the Aadhar database, a lot of whole illegal or fraudulent wedlock could be prevented. The aim of this article is to create an application to verify the marital status of a person through Aadhar number before the wedlock process as it helps to save many innocent lives.

**An Overview of Indian Marriage ,Birth,Death,Divorce Laws:**

Currently, there are two legislations framed to solve the challenge of Marriage Registration Laws in diverse cultures and are

1. The Hindu Marriage Act, 1955
2. The Special Marriage Act, 1954

**The Hindu Marriage Act, 1955** deals with marriage registration in case both husband and wife are Hindus, Buddhists, Jains or Sikhs or where they have converted into any of these religions. It is to be noted that Hindu Marriage Act deals with only marriage registration that has already been solemnized[1].

**The Special Marriage Act, 1954** lays down the procedure for both solemnization and registration of marriages, where either of husband or wife or both are not Hindus, Buddhists, Jains or Sikhs. It is the duty of the judiciary to ensure that the rights of both the husband and wife are protected. In case this union between the husband and wife breaks, it should be determined that if this break-up was a result of actions of any of the parties or not[1].

**The Indian Christian Marriage Act, 1872** says that all Christian marriages shall be solemnized under its own provisions[3]. Also, it states that apart from Christian-Christian marriages, the marriage of a Christian with a non-Christian must be solemnized under this Act[1].

**Registration of Births & Deaths Act, 1969**, Registration of Births and Deaths is compulsory as per provisions of registration of Births and Deaths Act, 1969. In India, it is mandatory under the law as per the Registration of Births and Deaths Act, 1969 to register every birth/still-birth and death with the concerned state or Union Territory (UT) Government within 21 days of its occurrence. Accordingly, the government has provided for well-defined system for registration of Birth headed by the

Registrar General at the centre and the Chief registrars in the States, running through district registrars to the village and town registrars at the periphery[4]. A Death Certificate is a document issued by the Government to the nearest relatives of the deceased, stating the date, fact and cause of death. It is essential to register death to prove the time and date of death, to establish the fact of death for relieving the individual from social, legal and official obligations, to enable settlement of property inheritance, and to authorize the family to collect insurance and other benefits[4].

**To Get A Divorce in India**, There are different laws of divorce for different religions. Hindus (which includes Sikh, Jain, Budh) are governed by Hindu Marriage Act, 1955. Christians are governed by Indian Divorce Act-1869 & The Indian Christian Marriage Act, 1872. Muslims are governed by Personnel laws of Divorce and also the Dissolution of Marriage Act, 1939 & The Muslim Women (Protection of Rights on Divorce) Act, 1986. Parsis are governed by the Parsi Marriage & Divorce Act-1936. Also, there is a secular law called Special Marriage Act, 1954.

A cursory reading of the entire gamut of Indian Laws regarding Divorce makes it clear broadly that the Divorce can be obtained by two ways,

1. Divorce by Mutual Consent
2. Contested Divorce

1. Mutual Consent Divorce

It is a simple way of coming out of the marriage and dissolves it legally. Important requirement is the mutual consent of the husband and wife. There are two aspects on which husband and wife have to reach to consensus. One is the alimony or maintenance issues. As per Law there is no minimum or maximum limit of maintenance. It could be any figure or no figure. Next important consideration is the Child Custody. This can also be worked out effectively between the parties. Child Custody in Mutual Consent Divorce can be shared or joint or exclusive depending upon the understanding of the spouses. Duration of Divorce in Mutual Consent varies from one month to six months or more from States to States and as per the High Court directions.

2. Contested Divorce

Indian laws in general recognizes cruelty (Physical and Mental), Desertion (Period varies from 2 to 3 years), Unsoundness of mind (of Incurable form), impotency, renouncing the world, etc. Aggrieved party has to take one of the above grounds of divorce and will have to file the case in the Court of appropriate jurisdiction. Party which files the case has to prove the case with support of evidence and documents. On successfully proving the case, divorce will be granted and divorce decree will be drawn up accordingly [6].

#### **PROCEDURE FOR MARRIAGE REGISTRATION:**

It is essential to carefully understand the procedure to be followed to get the marriage registered as per law. For the purpose of registration of marriage, one has to approach the office of the Sub Divisional Magistrate under whose jurisdiction the marriage took place or where either of the spouses stayed for at least six months before the marriage.

#### **Documents required for marriage registration**

As per the official website of Delhi Government[7], following documents are required to be submitted after being duly attested by the Gazette Officer, for obtaining registration of marriage as per Hindu culture,

- Application form or Memorandum of marriage duly signed by husband and wife.
- Documentary evidence for support of date of birth of both the parties. This age, under both the Hindu Marriage Act and Special Marriage Act, is 21 years for male and 18 years for female. This document can be in the form of matriculation certificate/passport/birth certificate.
- Residence proof of husband and wife (Ration Card, Aadhar Card, Election Voter Id, PAN Card, or bills like Electricity Bill etc.)
- Two passport size photographs of both the parties and one marriage photograph.
- Marriage invitation card, if available.
- In case the marriage was solemnized at a religious place, a certificate from the priest is required to solemnize the marriage.
- The parties are required to give affirmation that they are not related and do not fall within the degree of prohibited relationship, as laid down under the Hindu Marriage Act 1955 and the Special Marriage Act, 1955.
- Attested copy of divorce decree/order in case of a divorcee and death certificate of spouse in case of widow/widower.
- 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) is required.
- Affidavit by both the parties stating place and date of marriage, date of birth, marital status at the time of marriage and nationality.

### Obtaining of birth/death certificate

Birth or death certificate can be obtained after the registration by the submitting an application on plain paper to the concerned area registrar/Sub-Registrar giving following details:

1. Date of Birth/Death
2. Sex i.e. Male or Female
3. Place of Birth/Death
4. Father's Name
5. Mother's Name
6. Name of hospital/nursing home/medical institutions
7. Residential address in case of domiciliary birth/death [5].

### Purpose of Marriage Certificate:

A Marriage Certificate is an official statement establishing the marital status of a couple. It is an important document, which one can rely upon to prove that they are legally married to someone, and for various other purposes like obtaining a passport, opening a bank account, changing one's maiden name, and applying for an income certificate, among other things. A marriage certificate is essentially the legal proof of registration of a marriage[8].

### Proposed system:

It is thoroughly studied that found that many laws for registering birth, death, doing marriage, legal separation that all deals with a single constraint marital status. In spite of these, fraudulent weddings are happening. This is takes place because of the unavailability of proper system to check the citizen's marital status. In order to overcome this problem, we proposed a new idea enhance the existing system of marriage registration through the addition of marital status in the present Aadhar information. The Aadhar includes the demographic and biographic information of every citizen, it could be easy to extend the system and updates consumes less time. Apart from the marital status updates, if the marital status ensures that the citizen is married, it should get updated with the Marriage Identity Number (MID) that could be shared by the bride and groom. MID is unique to every couple and cannot be shared by other persons shows in Fig.1.

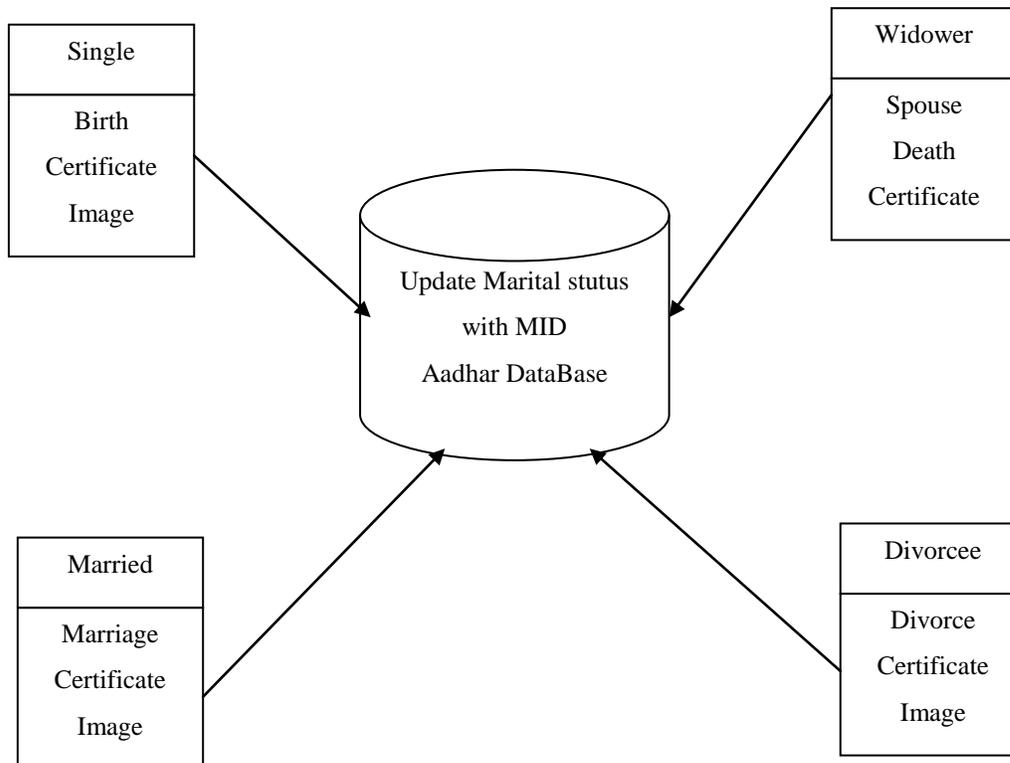


Fig.1 Updated Aadhar DataBase with Marital Status and MID

This ensures the validity of marriage of the couple. In conditions, when either one of the couple is died, divorced the number becomes invalid and marital count shall be increment by one, if she/he gets married for the second time and the MID shall be

allocated with a second Identity string as a part of the MID. This can be done for repeated times if the case is died/divorced; MID should be revitalized to say the count of marriages that a citizen has taken so far.

**Methodology**

1. For each citizen, add the marital status, MID to the existing information of the Aadhar. The domain values may be defined to single/married/divorced/widow.
  - If single, add the scanned copy of birth certificate.
  - If married, add the scanned copy of marriage certificate and photo of the either.
  - If divorced, add the scanned copy of divorce order.
  - If a widow, add the scanned copy of death certificate of the either.
2. It is mandatory to make the Aadhar number in wedding registration process
3. After the end of the registration process, the information listed in the previous steps should be updated.
4. Before the procedure of wedlock, the person’s Aadhar number shall be used to ensure the information validity provided by the groom or bride.
5. Based on the truthfulness of the groom or bride, the process of marriage can either be continued or stopped. To extend, a complaint can be lodged when found fraudulent. The Methodology to Retrieve of Marital Status and MID from Updated Aadhar Database shown in Fig.2.

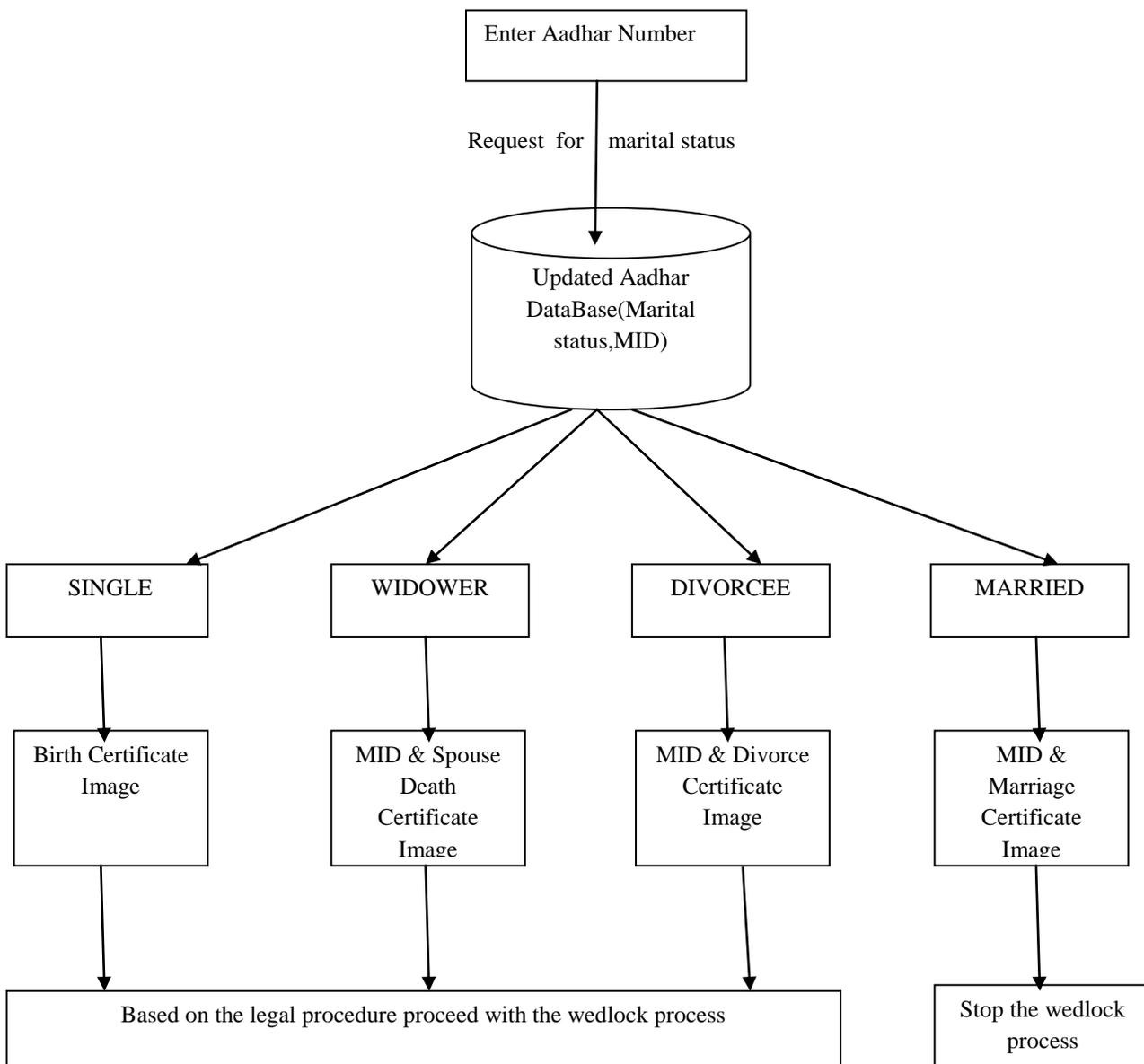


Fig.2 Methodology to Retrieve of Marital Status and MID from Updated Aadhar Database

**Conclusion:**

With the alarming rise in the number of fraudulent marriages, it is high time effective steps to be taken to eradicate it. The Aadhar database which has digital identity for each citizen can be effectively used with the proposed methodology to prevent the citizens from fraudulent weddings. It reduces many legal problems. Through this many innocents life will be saved. Each citizen can get a secured marriage life.

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