

**LAWS OF TRINIDAD AND TOBAGO**

**HINDU MARRIAGE ACT**

**CHAPTER 45:03**

**Act**

**13 of 1945**

Amended by

23 of 1947

14 of 1953

172/1961

8/1962

16 of 1962

2/1963

28 of 1973

136/1976

**Current Authorised Pages**

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**Note**  
**on**  
**Adaptation**

Certain fees in this Chapter were increased by the Commission under paragraph 4 of the Second Schedule to the Law Revision Act (Ch. 3:03). Where this occurs, a marginal reference in the form normally indicating an amendment is made to L.N. 51/1980 (the Legal Notice by which the President's approval was signified).

**CHAPTER 45:03****HINDU MARRIAGE ACT****ARRANGEMENT OF SECTIONS**

## SECTION

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## SCHEDULE

## CHAPTER 45:03

## HINDU MARRIAGE ACT

1950 Ed.  
Ch. 29 No. 5.

13 of 1945.

Commencement.

**An Act to make provision for the Solemnization and Registration of Hindu Marriages.**

[13TH MAY 1946]

Short title.

1. This Act may be cited as the Hindu Marriage Act.

Interpretation.

2. In this Act—

“district” means a Hindu marriage district constituted under section 3;

“District Registrar” means a Registrar of Hindu marriages appointed for a district under section 4;

“Marriage Officer” means a person licensed as such under section 5;

“Registrar” means the Registrar of Hindu Marriages appointed for Trinidad and Tobago under section 4.

Hindu marriage districts.\*

3. The President may by Order divide Trinidad and Tobago into Hindu marriage districts for the purposes of this Act and may from time to time by like Order alter the districts either by change of boundaries or by union or sub-division of districts or by the formation of new districts.

Appointment of Registrar and of District Registrars.

4. The President may appoint a Registrar of Hindu marriages for Trinidad and Tobago and a District Registrar of Hindu marriages for each district.

Hindu Marriage Officers.  
[16 of 1962].

\*5. (1) The President, or any person duly authorised by him, may grant licences to such persons, being priests of the Hindu religion, as the President or such authorised person may, in his discretion, think fit, to be Marriage Officers, and without assigning any reason for so doing, may cancel any such licence.

Form A.  
Schedule.

(2) A licence under this section shall be in the form set out as Form A of Part III of the Schedule.

(3) The grant or cancellation of any such licence shall be notified in the *Gazette* and shall take effect from the date of the publication.

\*See 139/1959 – delegation of powers to Minister of Home Affairs

(4) Whenever a licence has been cancelled, the holder thereof shall return it to the Minister forthwith after notice of the cancellation has been forwarded to him by letter signed by or on behalf of the Minister and addressed at his usual or last known place of abode or business. If he fails to do so, he is liable on summary conviction to a fine of three hundred dollars.

6. Any Marriage Officer may act as such in any district.

Marriage Officers may act in any part of Trinidad and Tobago.

7. (1) Any Hindu priest who desires to be licensed as a Marriage Officer shall make application in writing to the Minister. The application shall state the dwelling place of the applicant and the name of the Hindu sect to which he belongs, and shall be accompanied by a certificate to the effect that the applicant is a fit and proper person to be licensed as a Marriage Officer from the President and Secretary of one of the following organisations: The Sanatan Dharma Maha-Sabha of Trinidad and Tobago, the Kabir Panthi Association of Trinidad, the Arya Pratinidhi Sabha of Trinidad and any other Hindu organisation which may be recognised by the President as hereafter provided.

Applications for licences as Marriage Officers. [14 of 1953 16 of 1962].

(2) If an application is received from any organisation for recognition as provided in subsection (1) notice of the application shall be advertised in the *Gazette* and any one who wishes to object to the recognition shall do so in writing to the Minister within one month of the publication of the notice.

(3) If the President shall thereafter accord recognition to any such organisation it shall be by Notification.

8. Every District Registrar shall keep affixed in a conspicuous place in his office a list containing the names and addresses of all Marriage Officers licensed under this Act.

District Registrars to keep list of Marriage Officers.

9. The requisites of a valid Hindu marriage under this Act are—

Requisites of valid marriage.

- (a) that each of the parties shall belong to and profess the Hindu faith or religion;
- (b) that both parties shall, as regards age, mental capacity and otherwise, be capable of contracting marriage;
- (c) that the parties shall not be within the prohibited degrees of consanguinity and affinity according to the Hindu law relating to marriage;

- (d) that the marriage shall be solemnized by a Marriage Officer in accordance with the rites of the Hindu religion and with the provisions of this Act;
- (e) that the parties understanding the nature of the contract, shall freely consent to marry one another in the presence of the Marriage Officer who solemnizes the marriage and shall sign or mark the certificate drawn up by the said officer in accordance with section 13;
- (f) that the marriages shall be registered in accordance with this Act.

Marriage by  
Marriage  
Officer.

**10.** Any Marriage Officer may, without previous notice of the intended marriage being given and without any other formality required by the Marriage Act, solemnize a marriage between persons belonging to and professing the Hindu faith or religion; and the marriage shall, subject to this Act, be as valid as if it had been solemnized in conformity with the said Marriage Act.

Age limit and  
consent of  
parents.  
[28 of 1973  
26/1975].

**11. (1)** The age at which a person, being a member of the Hindu faith or religion, is capable of contracting marriage shall be eighteen years in the case of males and fourteen years in the case of females.

(2) Without prejudice to the provisions of the subsection (1) a marriage shall not be solemnized by a Marriage Officer if the intended husband (not being a widower) is under eighteen years of age or the intended wife (not being a widow) is under sixteen years of age unless the consent to the marriage of the party who is under age by virtue of this subsection has been given in accordance with the following provisions of this section, and the consent is hereby required for the marriage of such party under age.

(3) The required consent may be given by the father of the party under age, and if the father is dead by the guardian or guardians appointed or one of them, and in case there is no such guardian then by the mother of the party so under age, and if the mother is dead then by such other person as may be appointed for the purpose by the President.

(4) In case the father, mother, or a guardian whose consent to a marriage is required under subsection (3) is absent from Trinidad and Tobago or is unable or refuses to give the consent or is not of sound mind, the party in whose case consent is required may apply to the President to appoint a person, being a member

of the Hindu community, to investigate the circumstances of the intended marriage and if after the investigation it appears to the person so appointed that there are no reasonable objections to the intended marriage such person shall so formally declare in writing and the declaration shall, for the purposes of this Act, be deemed equivalent to the consent as aforesaid.

(5) A consent shall, when not given in the presence of a Marriage Officer, be signified in writing under the hand of the person giving the consent and the Marriage Officer by whom the marriage is solemnized shall record on the certificate drawn up by him in accordance with section 13 the fact that the required consent has been given, the name of the person by whom the consent has been given and whether the consent has been given in his presence or in writing.

12. If any person shall intermarry otherwise than in accordance with this Act, or if the parties to any marriage are within the prohibited degrees of consanguinity or affinity according to the Hindu law relating to marriage, the marriage of such persons shall not be registered under this Act.

Marriages  
which may not  
be registered.

13. (1) Immediately after a Hindu marriage has been solemnized by a Marriage Officer, he shall enter in English or Hindi in a book to be supplied by the Registrar and kept by the Marriage Officer for that purpose (hereinafter referred to as the "Hindu Marriage Certificate Book") a certificate in the form set out as Form B in Part III of the Schedule. The certificate shall be signed by the parties to the marriage by two creditable witnesses of the marriage known to the Marriage Officer, and by the Marriage Officer who shall also enter up in the counterfoil the prescribed particulars and sign the same. If any of the parties to the marriage cannot sign, he shall affix his mark in the presence of the Marriage Officer and of the two witnesses.

Marriage  
certificates

Form B.  
Schedule.

(2) Every Marriage Officer shall, within seven days of a Hindu marriage being solemnized by him, transmit to the District Registrar the certificate referred to in the subsection (1) together with the prescribed fee collected by him from the parties to the marriage.

(3) Upon receipt of the certificate, the District Registrar, if it appears to him that the requisites of a valid Hindu marriage have been complied with and that the consent of every person required by this Act to consent to the marriage has been obtained, shall countersign the certificate so forwarded and

transmit the same to the Registrar for registration. In the case of a certificate drawn up in Hindi, the District Registrar shall cause a translation into English to be made and certified by an interpreter attached to a magistrate's court and shall, in proper cases, countersign the certificate and the translation and transmit the same to the Registrar for registration.

(4) Whenever it is alleged that a Marriage Officer has duly solemnized a marriage under this Act but has failed to comply with any of the provisions of subsections (1) and (2), any party to the alleged marriage may apply by summons to a Judge in Chambers for an order directing the Registrar to register the marriage.

Such summons shall be served upon the Registrar, upon the other party to the alleged marriage (when not an applicant) and upon the Marriage Officer (if alive and in Trinidad and Tobago). Upon the hearing of the summons the Judge may summon such person as is likely in his opinion to give material evidence in the matter and shall hear and determine the matter in a summary manner. If the Judge is satisfied from the evidence that the alleged marriage was duly solemnized, that the requisites of a valid Hindu marriage have been complied with, and that the consent of every person required by this Act has been obtained, he shall make the order prayed for and award such costs as he may deem fit.

Any such order shall set out the essential particulars contained in the form set out as Form B in Part III of the Schedule (including the names of the witnesses) and any other matter which the Judge may deem necessary to give effect to the provisions of subsections (1) and (2), and the order shall be dealt with by the Registrar as if it were a certificate transmitted to him for registration by a District Registrar in accordance with subsection (3).

(5) Any Marriage Officer who—

- (a) fails to comply with subsection (1);
- (b) without reasonable cause or excuse, fails to transmit to the District Registrar any certificate in accordance with this section together with the prescribed fees; or
- (c) solemnizes a Hindu marriage without proof that the persons whose consent is required by this Act have given the consent,

is liable on summary conviction to a fine of three hundred dollars.

14. (1) Notwithstanding anything to the contrary in sections 9 and 12, any Hindu marriage, which was entered into prior to the commencement of this Act between Hindus domiciled in

Form B.  
Schedule.

Registration of  
marriages  
entered into  
prior to  
commencement  
of Act.

Trinidad and Tobago at the date of the marriage and which marriage is still subsisting and is valid according to the Hindu law relating to marriage, may be registered under this Act in accordance with the provisions contained below.

(2) The parties to the prior marriage shall attend before a Marriage Officer and shall make and sign a declaration in the form set out as Form C in Part III of the Schedule. The declaration shall be signed in the presence of the Marriage Officer by two creditable witnesses, known to the Marriage Officer who shall identify the parties; but if any of the parties to the prior marriage cannot sign his name he shall affix his mark in the presence of the two witnesses.

Form C.  
Schedule.

(3) The Marriage Officer shall then, in proper cases, immediately fill in, date and sign the certificate on the said Form C and shall transmit it to the District Registrar within seven days with the prescribed fee collected by him from the parties.

(4) The fees prescribed for the registration of a certificate of marriage shall apply in respect of the registration of the declaration of a former marriage.

(5) If the District Registrar is satisfied that the requisites of a valid Hindu marriage were complied with at the date it was contracted and that the prior marriage is still subsisting he shall transmit the declaration to the Registrar for registration.

15. (1) The Registrar shall file in his office all certificates and declarations of Hindu marriages (including translations thereof) which shall be transmitted to him in accordance with the provisions of this Act and shall forthwith register in a book in the form set out as Form D in Part III of the Schedule to be kept in his office for that purpose (hereinafter referred to as the "Hindu Marriage Register") the particulars of every such certificate and declaration, and every entry shall be dated on the day on which it is so made and shall be signed by the Registrar. The Register shall be kept in such manner as is best suited for easy reference.

Filing of  
certificate and  
registration of  
marriage by  
Registrar.

Form D.  
Schedule.

(2) Upon the registration by the Registrar and upon payment of the prescribed fee, the Registrar shall issue and transmit to the parties to the marriage a certificate of registration of the marriage in the form set out as Form E in Part III of the Schedule. In the case of a marriage solemnized after the commencement of this Act the Registrar shall send a notification of the fact and date of registration to the Marriage Officer by whom the marriage was solemnized, and the officer shall thereupon enter such particulars

Form E.  
Schedule.

in the space provided for the purpose on the counterfoil of the "Hindu Marriage Certificate Book."

Legitimacy of children.

16. The children of any Hindu marriage registered in accordance with this Act shall be legitimate, and in the case of the children of a prior marriage registered by virtue of sections 14 and 15 the date of the legitimation shall be the date of registration of the prior marriage under this Act. The legitimation in respect of each child of the prior marriage shall have effect as from the date of the birth of each such child.

The provisions of this section shall not operate to alter the status of any child deemed legitimate by virtue of any other law.

Application of Legitimation Act.  
Ch. 46:04.

17. The Legitimation Act, save and except sections 3 and 10 thereof, shall apply *mutatis mutandis* to persons legitimated by reason of registration of marriage under this Act.

Correction of clerical errors.

18. The Registrar may correct any clerical error in any certificate or declaration of Hindu marriage filed in his office and in the Hindu Marriage Register and shall authenticate every such correction by his signature and the date of the correction.

Searches in registers and copies of entries.

19. (1) Upon payment of the prescribed fees, the Registrar shall at all reasonable times allow searches to be made in the Hindu Marriage Register and shall give certified copies therefrom.

(2) Any copy certified under the hand of the Registrar to be a correct copy of any entry in the Hindu Marriage Register shall be admissible as evidence of the registration of the marriage to which it relates in all courts or before any person now or hereafter having by law or consent of parties authority to hear, receive and examine evidence.

False declaration, etc.

20. Any person who knowingly and wilfully makes any false declaration, or signs or marks any false application, notice or certificate, required by this Act, for the purpose of the registration of any marriage, and any person who wilfully makes, or causes to be made, for the purpose of being inserted in any register of marriages any false statement touching any of the particulars required by this Act to be known and registered, is liable to the same penalties as if he were guilty of perjury.

Forging or altering register, etc.

21. Any person who knowingly and wilfully forges or alters or falsely makes, or offers, utters or disposes of, knowing the same

to have been forged or altered or falsely made, any register or any licence, certificate, declaration, entry or other statement mentioned in this Act, or any certified copy or translation thereof, respectively, or wilfully inserts in any such register or certified copy thereof any false entry of marriage, or certifies any writing to be a copy, a translation or an extract or any certificate or register, mentioned in this Act, knowing the same to be false in any part thereof, or forges or counterfeits the seal of the Registrar General, is liable on conviction on indictment to imprisonment for seven years.

22. Any person who unlawfully and maliciously destroys or injures, or causes to be destroyed or injured, any register or any licence, certificate, declaration, entry or statement mentioned in this Act, or any certified copy or translation thereof, respectively, is liable on conviction on indictment to imprisonment for five years.

Destroying or  
injuring  
register, etc.

23. Any person who without being duly licensed as a Marriage Officer—

Offences by  
unlicensed  
Marriage  
Officer

- (a) knowingly or wilfully solemnizes any marriage purporting to be a marriage under this Act; or
- (b) knowingly and wilfully makes or signs any certificate or signs any declaration required by this Act to be made or signed by a Marriage Officer,

is liable on conviction on indictment to imprisonment for three years.

24. No prosecution for any offence under this Act shall be commenced after the expiration of three years from the commission of the offence nor without the written consent of the Director of Public Prosecutions.

Prosecution of  
offences.  
[\*172/1961  
136/1976].

25. All fees received by the Registrar General under this Act shall be paid into public funds.

Disposal of  
fees.

26. (1) The President may make such regulations as may be necessary for the proper carrying out of this Act and more especially may prescribe—

Regulations.

- (a) the place or places at which shall be situated the offices of the several District Registrars;

\*Repealed by 8/1962 post independence

- (b) the form of any certificate, declaration, register or other document required for the purposes of this Act;
- (c) the conditions under which registers or other documents may be inspected;
- (d) the fees to be paid in respect of anything required or permitted to be done under this Act, and provision for their remission on account of the poverty of the parties or for other good reason.

(2) The Hindu Marriage Regulations (formerly contained in a Schedule to this Act) shall be deemed to be made under subsection (1) and may be amended or revoked under this section.

Civil marriage  
permissible.

Ch. 45:01.

**27.** Nothing contained in this Act shall be construed to prevent or disable any Hindu from contracting a civil marriage before the Registrar according to the provisions of the Marriage Act.

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## SUBSIDIARY LEGISLATION

## HINDU MARRIAGE REGULATIONS

13 of 1945  
[2/1963  
51/1980].*deemed to be made under section 26*

1. These Regulations may be cited as the Hindu Marriage Regulations. Citation.
2. The fees set out in Part II of this Schedule shall be payable in respect of the matters there specified. Fees.
3. The forms set forth in Part III of this Schedule shall be the forms to be used in respect of the matters there specified. Forms.  
Forms B and C may be in English or Hindi.

## PART II.—FEES.

Marriage registration fee—	\$	c.
If marriage certificate drawn up in Hindi . . . . .	1.50	
If marriage certificate drawn up in English . . . . .	1.25	
(Payable to District Registrar by Marriage Officer on transmitting certificate of marriage.)		
On issue of certificate of registration of marriage . . . . .	1.25	
For every search in any register book . . . . .	1.00	
For every certified copy of any entry . . . . .	1.00	

## PART III.—FORMS.

TRINIDAD AND TOBAGO

FORM A

(Section 5).

## HINDU MARRIAGE ACT

## Licence to be a Marriage Officer

A.B., being a priest of the \_\_\_\_\_ sect of the Hindu Religion residing at \_\_\_\_\_, is hereby licensed as a Marriage Officer for the purposes of the Hindu Marriage Act.

[Subsidiary]

Hindu Marriage Regulations

(Section 13). TRINIDAD AND TOBAGO

FORM B

HINDU MARRIAGE ACT

No.

No.

Hindu Marriage Certificate Book.

Hindu Marriage Certificate Book.

Counterfoil.	Certificate.					
Marriage district Date of marriage Place of marriage Husband's name and age Wife's name and age Witnesses' names—	Date and place of marriage.	Husband's name, age and sect.	Occupation of husband and address.	Wife's name, age and sect.	Name of father of husband and address.	Name of father of wife and address.
(1)						
(2)						
Consent to marriage was given by _____ in writing/ in person*  <i>Signature of Marriage Officer.</i>	Signature or mark of parties to the marriage— (1) (2)					
Certificate forwarded to District Registrar at _____ on _____ day of _____, 19____  <i>Signature of Marriage Officer,</i>	Signature of witnesses (1) (2)					
†Registered on the day of _____, 19____  <i>Signature of Marriage Officer.</i>	I _____ of _____, a Hindu Marriage Officer certify that a marriage between the above mentioned parties in accordance with the Hindu Law of Marriage and the Hindu Marriage Act was solemnized by me on the _____ day of _____, 19____ (and that the consent of _____ to the said marriage was given in writing/in person).*  <i>Signature of Marriage Officer.</i>					
*Delete if not applicable. †To be filled in by Marriage Officer when notified by Registrar.	<i>Signature of District Registrar for Marriage District of _____</i>  Date *Delete if not applicable.					

*Hindu Marriage Regulations*

[Subsidiary]

TRINIDAD AND TOBAGO

FORM D

(Section 15).

HINDU MARRIAGE ACT

**Hindu Marriage Register Book**

Registered No.

Marriage District.

Date and place of Marriage.	Husband's name, age and sect.	Occupation of husband and address.	Wife's name, age and sect.	Name of father of husband and address.	Name of father of wife and address.	Marriage Officer.	District Registrar.

Registered this                      day of                      , 19

*Registrar of Hindu Marriages.*

N.B.—In the case of registration of a marriage in existence prior to the Act the details to be entered shall be those appearing on the declaration and certificate on Form C.

TRINIDAD AND TOBAGO

FORM E

(Section 15).

HINDU MARRIAGE ACT

**Certificate of Registration of Marriage**

This is to certify that a marriage solemnized by a Hindu Marriage Officer\* entered into† on the                      day of                      , 19                      , between                      , of                      and                      , was duly registered in accordance with the provisions of the Hindu Marriage Act on the                      day of                      , 19                      .

*Registrar of Hindu Marriages.*

\*To be deleted in the case of registration of a marriage in existence prior to the Act.

†To be deleted when marriage solemnized under the Act.

[Subsidiary]

*Hindu Marriage Regulations*

(Section 14).

TRINIDAD AND TOBAGO

FORM C

HINDU MARRIAGE ACT

DECLARATION FOR PURPOSES OF SECTION 14

Date or approximate date and place of marriage.	Husband's name and age at date of marriage.	Wife's name and age at date of marriage.	Names and sex of children, with date of birth.	Names of children who are dead, with date and place of death.

I, \_\_\_\_\_ of \_\_\_\_\_, and I, \_\_\_\_\_, his wife respectively do solemnly and sincerely declare as follows:

1. The details of the marriage set out above are true and such marriage was in accordance with the Hindu Law relating to marriage.
2. That at the date of such marriage we were domiciled in Trinidad and Tobago.
3. That such marriage is still subsisting according to the Hindu Law at the date hereunder written.

Declared at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, before me

Signature or mark of parties—

(1)  
(2)

Signature of witnesses who identify the parties—

(1)  
(2)

Marriage Officer

I, \_\_\_\_\_ of \_\_\_\_\_, a Hindu Marriage Officer appointed under the Hindu Marriage Act do hereby certify as follows:

1. That the parties to the marriage specified above are desirous of registering such marriage under the said Act.
2. That I have enquired into the circumstances of such marriage and to the best of my knowledge, information and belief the details specified above are true and such marriage was in accordance with the Hindu Law and is still subsisting between the said parties at the date hereunder written.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

*Marriage Officer.*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, and countersigned by

*District Registrar of Hindu Marriage for  
Marriage District of \_\_\_\_\_*

**HINDU MARRIAGE DISTRICTS ORDER**

106/1946.

*made under section 3*

**ARRANGEMENT OF CLAUSES**

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1. This Order may be cited as the Hindu Marriage Districts Order. Citation.

2. The following have been appointed Hindu Marriage Districts for the purposes of the Act: Districts.

“St. George” to consist of the County of St. George inclusive of the city of Port-of-Spain.

“Eastern Counties” to consist of the Counties of St. Andrew, St. David, Nariva and Mayaro.

“Caroni” to consist of the County of Caroni.

“Victoria-St. Patrick” to consist of the County of Victoria and the County of St. Patrick.

“Tobago” to consist of the Island of Tobago.

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**RECOGNITION NOTIFICATION**

38/1955.

*made under section 7(3)*

It has been notified that the organisation known as the Sanatan Dharma Maha Sabha of Trinidad and Tobago Incorporated has been accorded recognition for the purposes of section 7 of the Act.