



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12251 of 2025

Deepak Pal

.....Appellant(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Appellant(s)	: Akash Singh, Sanjay Singh, Shivam Singh
Counsel for Respondent(s)	: G.A.

Court No. - 89

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the appellant, learned A.G.A for the State and perused the record.

2. On the previous date, compliance affidavit had been filed by the Learned AGA in pursuance of the order dated 02.09.2026 wherein Shri Amitabh Kumar, Assistant Inspector General Registration had personally appeared before the Court and had provided guidelines issued by Inspector General Registration, Uttar Pradesh dated March 2, 2016. He had stated that marriage had been registered on the basis of the transfer certificate as well as Aadhar Card but has not been verified as provided in the aforesaid letter dated 02.03.2026. For the same, he had submitted unconditional apology on an affidavit that he shall be very careful in future and shall ensure the verification of the date of birth before registering the marriages.

3. The necessity of compulsory registration of marriages was considered by the Supreme Court in ***Smt. Seema v. Ashwani Kumar, (2006) 2 SCC 578***. The National Commission for Women placed before the Court the purposes sought to be achieved by compulsory registration, and indicated that non-registration adversely affects women and that compulsory registration would be of critical importance for:-

(a) prevention of child marriages and to ensure minimum age of marriage;

(b) prevention of marriages without the consent of the parties;

(c) check on illegal bigamy/polygamy;

(d) enabling married women to claim their right to live in the matrimonial house, maintenance, etc.;

(e) enabling widows to claim their inheritance rights and other benefits and privileges to which they are entitled after the death of their husband;

(f) deterring men from deserting women after marriage; and

(g) deterring parents/guardians from selling daughters/young girls to any person including a foreigner, under the garb of marriage.

4. These purposes show that compulsory registration is not intended merely as a mechanism for maintaining a record of marriages. It is a statutory safeguard against the consequences of an unrecorded or unverifiable matrimonial relationship. Its effectiveness in preventing child marriages and ensuring the minimum age of marriage depends upon the reliability of the process by which the age of the parties is ascertained before the marriage is registered. The issue is therefore not merely whether the date of birth is entered in the marriage register, but whether the process of registration is so structured that it meaningfully verifies age and thereby serves the very purpose for which compulsory registration has been contemplated.

5. The registering authority is, moreover, not a mere recording office. In ***Dolly Rani v. Manish Kumar Chanchal*, 2024 INSC 355**, the Supreme Court observed that the Registering Authority cannot treat the issue of a certificate as settling the status of the parties, and must be satisfied that the conditions of the Act are met before it registers any marriage.

29. “No doubt, under the Special Marriage Act, 1954, a man and a woman can acquire the status of being a husband and a wife as per the provisions of the said Act. The Special Marriage Act, 1954 is not restricted to Hindus. Any man and woman irrespective of their race, caste or creed can acquire the status of being a husband and a wife under the provisions of the Special Marriage Act, 1954 but under the provisions of the Hindu Marriage Act, 1955 (‘the Act’), there should not only be compliance of the conditions as prescribed under Section 5 of the said Act but also the couple must solemnise a marriage in accordance with Section 7 of the Act. In the absence of there being any such marriage in accordance with Section 7 of the Act, a certificate issued in that regard by any entity is of no legal consequence. Further, any registration of a marriage which has not

at all taken place under Section 8 of the Act and as per the rules made by the State Government would not be evidence of a Hindu marriage and also does not confer the status of a husband and a wife to a couple.”

6. The Hindu Marriage Act, 1955 requires, as a condition of a valid marriage under section 5(iii), that the bridegroom has completed twenty-one years and the bride eighteen years. The same ages are fixed by section 2(a) of the Prohibition of Child Marriage Act, 2006. Age is thus a fact that the registering authority must establish before registration, and it can do so only by documents that the law recognises. In ***Jaswinder Singh and Another v. State of Punjab and Another***, the High Court of Punjab and Haryana observed that:

“The matter is no longer res integra and is covered by the decision of the Supreme Court in Smt. Seema vs. Ashwani Kumar, (2006) 2 SCC 578 and the decision of the Division Bench of this Court in Baljit Kaur Boparai and another vs. State of Punjab and another, 2008 (3) RCR (Civil) 109. In Baljit Kaur Boparai case, this Court held that in case one of the spouses is less than 21 years of age when marriage was solemnized, marriage can be registered when the spouse attains age of 21 years. Registration of marriage cannot be refused on the ground that they had solemnized their marriage when one of the spouses was less than 21 years of age.

In Sonia Giri, supra it was held that Registering Authority cannot refuse registration of marriage on the ground that parents of bride were not present at the time of registration. Registrar is only to see that there was valid marriage. In Mandeep Kaur, supra, it has been held that if the application for registration of marriage is made after the statutory age is attained, registration of marriage cannot be refused on the ground that at the time of marriage one of the spouses was not of marriageable age. The Registering Authority at the time of registration of marriage is only to see that there was a valid subsisting marriage at the time of application and the parties have completed the age of 21 years at the time of registration and the conditions required under the Hindu Marriage Act, 1955 are satisfied.”

7. The Registering Authority has to see and make sure that the parties have completed the statutory age on the date of the application and that the conditions of

the Hindu Marriage Act are satisfied, and that cannot be done without first verifying age.

8. In reference to documents on which reliance can be placed on with respect to verification of age while registration of marriage, the court has considered several views.

9. In the State of Uttar Pradesh, registration of marriage is governed by the Uttar Pradesh Marriage Registration Rules, 2017. The Rules contemplate an online mechanism for registration and prescribe verification of the particulars of the parties. The original scheme of the Rules places considerable emphasis upon Aadhaar-based identification and authentication, and Rule 10 contemplates verification through Aadhaar and, in the circumstances specified therein, generation of the marriage registration certificate through the online system.

10. A distinction, however, must be maintained between verification of identity and verification of age. Aadhaar authentication may establish that the person appearing before the authority corresponds to the identity associated with a particular Aadhaar number. It does not, by itself, establish that the date of birth recorded therein is conclusive or authoritative proof of the date of birth of that person. The Supreme Court has so held in ***Saroj v. IFFCO-Tokio General Insurance Co. Ltd.*, 2024 INSC 816**: an Aadhaar card establishes identity and is not, per se, proof of date of birth. The Court there took note of UIDAI Circular No. 08 of 2023, which records that Aadhaar may establish identity but is not, by itself, proof of date of birth.

11. In ***Shikha Kanti and Another v. State of U.P. and 3 Others* (2024 AHC 45603)** the court has observed that Aadhar Card is not a valid proof for age as the same has been relied upon by the registering authority to register the marriage.

In the aforesaid circumstances, the Court reached to the conclusion that petitioner no.2 is not of marriageable age and Aadhar card is not a valid proof of age and there are major contradictions in the contents/prayer of the petition as well as application moved by petitioner no.1 for protection before the Senior Superintendent of Police, Kanpur Dehat on 09.02.2024. Therefore, there is no ground to grant protection to the petitioners at this stage. The age, aadhar petition lacks merits and liable to be dismissed.

12. This Court has taken the same view in the context of marriage registration., the registering authority had relied upon the Aadhaar card to register the marriage, and the Court held that an Aadhaar card is not a valid proof of age.

13. Where the age of a person is in dispute, the statutory measure is section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (“the JJ Act”), which prescribes the documents to be considered and the order in which they are to be considered. The Supreme Court considered the section in **P. Yuvaprakash v. State Rep. by Inspector of Police, 2023 INSC 626**, and observed that the criteria in section 94 are to be followed, that no other document is to be taken as proof of age apart from those mentioned in the provision, in the same sequence, and that a mere transfer certificate cannot be proof of age.

13. “It is evident from conjoint reading of the above provisions that wherever the dispute with respect to the age of a person arises in the context of her or him being a victim under the POCSO Act, the courts have to take recourse to the steps indicated in Section 94 of the JJ Act. The three documents in order of which the Juvenile Justice Act requires consideration is that the concerned court has to determine the age by considering the following documents:

‘(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board’.”

14. “Section 94 (2)(iii) of the JJ Act clearly indicates that the date of birth certificate from the school or matriculation or equivalent certificate by the concerned examination board has to be firstly preferred in the absence of which the birth certificate issued by the Corporation or Municipal Authority or Panchayat and it is only thereafter in the absence of these such documents the age is to be determined through ‘an ossification test’ or ‘any other latest medical age determination test’ conducted on the orders of the concerned authority, i.e. Committee or Board or Court. In the present case, concededly, only a transfer certificate and not the date of birth certificate or matriculation or equivalent certificate was considered. Ex. C1, i.e., the school transfer certificate showed the date of birth of the victim as 11.07.1997. Significantly, the transfer certificate was

produced not by the prosecution but instead by the court summoned witness, i.e., CW-1. The burden is always upon the prosecution to establish what it alleges; therefore, the prosecution could not have been fallen back upon a document which it had never relied upon. Furthermore, DW-3, the concerned Revenue Official (Deputy Tahsildar) had stated on oath that the records for the year 1997 in respect to the births and deaths were missing. Since it did not answer to the description of any class of documents mentioned in Section 94(2)(i) as it was a mere transfer certificate, Ex C-1 could not have been relied upon to hold that M was below 18 years at the time of commission of the offence.”

14. The Supreme Court thus held that a transfer certificate, being a mere transfer certificate, does not answer the description of any class of documents mentioned in section 94(2)(i) and cannot be relied upon to establish age. That was said in fixing the age of a victim in a trial under the Protection of Children from Sexual Offences Act, 2012, but section 94 is the statutory measure of age wherever age is in dispute, and the reasoning applies with equal force when the registering authority is called upon to ascertain whether either party to a marriage is a child.

15. The same sequence was explained by the Supreme Court in **Ashwani Kumar Saxena v. State of M.P., (2012) 9 SCC 750**, with reference to the corresponding Rule 12 of the Juvenile Justice Rules, 2007:

“32. ‘Age determination inquiry’ contemplated under Section 7-A of the Act read with Rule 12 of the 2007 Rules enables the court to seek evidence and in that process, the court can obtain the matriculation or equivalent certificates, if available. Only in the absence of any matriculation or equivalent certificates, the court needs to obtain the date of birth certificate from the school first attended other than a play school. Only in the absence of matriculation or equivalent certificate or the date of birth certificate from the school first attended, the court needs to obtain the birth certificate given by a corporation or a municipal authority or a panchayat (not an affidavit but certificates or documents). The question of obtaining medical opinion from a duly constituted Medical Board arises only if the abovementioned documents are unavailable. In case exact assessment of the age cannot be done, then the court, for reasons to be recorded, may, if considered necessary, give the benefit to the child or juvenile by considering his or her age on lower side within the margin of one year.”

16. Consistently with these decisions, this Court in ***Smt. Prem Lata Singh and Another v. State of U.P. and Others*, 2015 SCC OnLine All 6873**, examined the statutory scheme concerning registration of births and deaths and observed that the extract of the birth register is the basic and most authentic document for establishing the date of birth, while the High School certificate is the next important document. The Court deprecated the practice of authorities relying upon secondary documents in preference to the primary records.

17. In ***Shanidev v. State of Uttar Pradesh (Writ Petition No. 22491 of 2024***, order dated 12.05.2025, 2025 Supreme(All) 2305 the Court directed amendment of the Rules so that the Marriage Registration Officer is empowered to register a marriage only after verifying age. Until the amendment, the duty to verify rests on the instructions of the Inspector General of Registration, namely Letter No. 3375/3-A/Sc dated 10.10.2024 and Office Memorandum No. 1933/2025 dated 06.06.2025, which this Court directed to be followed in letter and spirit. The effect is that, although the Rules are yet to be amended, the Marriage Registration Officer is not free to register a marriage on the strength of whatever documents the parties produce. Verification of the date of birth of both parties is an obligation under those instructions. The Court also highlighted the deficiencies arising from registration based on forged or fabricated documents and underscored the need for effective verification before a marriage certificate is issued.

18. The mechanism was specifically elaborated through the instructions issued by the Inspector General, Stamp and Registration, Uttar Pradesh, pursuant to the proceedings in ***Shanidev (supra)***. Paragraph 29 of that judgment extracts Notification No. 1547/24 dated 14.10.2024, which refers to the circular of the Inspector General Registration, Uttar Pradesh, No. 3375/3-A/Sc dated 10.10.2024 superseding the earlier circulars. So far as verification of age is concerned, the Notification provides that:

- (a) *the identity of both parties is to be established through Aadhaar authentication on their consent, and the particulars of both parties and two witnesses are to be entered on the software provided by the Stamp and Registration Department along with their photographs and biometric thumb;*
- (b) *the registration proceedings are to be undertaken only after the Marriage Registration Officer has verified the date of birth of both the bride and the groom;*
- (c) *certificates of the Central Board of Secondary Education are to be verified through the online system created for the collection of digital educational documents, integrated with the DigiLocker platform (apisetu.gov.in); certificates of the*

Uttar Pradesh Board of Secondary Education bearing the date of birth, for results declared after the year 2002, are to be verified at results.upmsp.edu.in; and certificates of the CISCE Board are to be verified at www.cisce.org;

- (d) the certificate issued by the Registrar of Births and Deaths is to be verified from the CRS portal after its integration with the departmental portal, and preliminary information relating to the birth certificate may be obtained from the Census department;*
- (e) the date of birth recorded in a passport, permanent driving licence and PAN is to be verified from the portal of the concerned department, and integration with the portal of Protean e-Gov Technologies Ltd is in process so that all three can be verified from one portal;*
- (f) where the records of the educational institutions of the parties are not available online, the date of birth is to be verified by comparison with the original certificate, and where no date of birth certificate is available, by the age certificate issued by the Chief Medical Officer of the concerned district; and*
- (g) as proof of age (date of birth), any one of the following is to be uploaded: passport, permanent driving licence, PAN card, High School/SSC certificate issued by a board recognised by the Government, certificate issued by the Registrar of Births and Deaths, or a date of birth/age certificate issued by the Chief Medical Officer.*

19. Upon a reading of the Notification, the Court finds the following gaps in the verification mechanism:

- (a) There is no hierarchy amongst the prescribed age documents. It permits upload of any one of the passport, permanent driving licence, PAN, High School/SSC certificate, birth certificate issued by the Registrar, or CMO-issued date of birth/age certificate, but does not prescribe which is to prevail where two or more documents disclose different dates of birth. This is inconsistent with the sequence mandated by section 94(2) of the JJ Act.*
- (b) There is no procedure for resolving conflicting dates of birth. It prescribes source-wise verification of the date of birth*

recorded in CBSE, U.P. Board, birth-registration, passport, driving licence, PAN and CISCE records, but do not expressly prescribe the course to be followed where verification from two or more such sources produces inconsistent dates of birth.

- (c) The record is verified, but there is no express mechanism for examining the foundation of the entry. It does not expressly requires examination of the underlying material or source on the basis of which the date of birth was originally entered in that record.*
- (d) There is no specific mechanism where the verified record itself is doubtful. It does not prescribe a separate procedure where the authenticity or correctness of the date of birth appearing in the original certificate is questioned or is inconsistent with another authoritative record.*

20. The mechanism requires to be strengthened accordingly, in the two respects set out below.

21. First, a hierarchy of age documents must be prescribed, specifying which document has priority where more than one is available. A hierarchy consistent with the age-determination jurisprudence discussed above would ordinarily place:

- (a) the school date of birth certificate or the matriculation or equivalent certificate, and the birth certificate given by a corporation, municipal authority or panchayat, in the order provided in section 94(2) of the JJ Act;*
- (b) other officially maintained educational and birth records;*
- (c) the passport and other identity documents;*
- (d) the PAN, driving licence and similar derivative documents; and*
- (e) medical age determination, only where reliable documentary evidence is unavailable.*

22. Second, a mandatory discrepancy protocol must be introduced. Where two authoritative records show different dates of birth, the system should not automatically accept the document showing attainment of the statutory age. The application should be flagged, and the Marriage Registration Officer should:

- (a) identify the conflicting records;*

- (b) obtain and verify the underlying records from the issuing authorities;*
- (c) determine which record has the superior legal and evidentiary foundation; and*
- (d) record brief reasons for accepting the date of birth relied upon.*

23. Tested against the above, the registration in the present case cannot be sustained. The marriage was registered on the basis of a transfer certificate and an Aadhaar card. An Aadhaar card cannot prove age and a mere transfer certificate does not answer the description of any class of documents mentioned in section 94(2)(i) of the JJ Act. The transfer certificate was, in addition, not verified in the prescribed manner. The registering authority therefore had no verified proof of age before it registered the marriage, and thereby did not discharge the duty.

24. In view of the above, and having regard to the concern that marriages of persons below the statutory age are getting registered, the Court is of the view that a mechanism needs to be evolved and put in place so that such registrations are stopped. The following directions are accordingly issued and shall be followed by the Registration Department and all Marriage Registration Officers, pending amendment of the Uttar Pradesh Marriage Registration Rules, 2017 or issuance of a comprehensive statutory procedure:

- (a) No marriage shall be registered where either party has not completed the statutory age on the date of the application for registration. Where the material before the registering authority shows, or raises a reasonable doubt, that either party is below the statutory age, the application shall not be processed as a routine registration and shall be brought forthwith to the notice of the Child Marriage Prohibition Officer and the District Magistrate for action in accordance with law.*
- (b) The State Government shall ensure that the online registration system does not issue a marriage registration certificate on Aadhaar authentication alone, makes verification of the date of birth of both parties a mandatory step recorded together with the source verified, and does not allow an application to proceed where age is unverified or a discrepancy is flagged.*
- (c) The State shall prescribe and circulate a clear hierarchy of age records, consistent with the governing law. The date of birth certificate issued by the competent authority under the law governing registration of births and deaths, and the*

matriculation or equivalent record, shall be dealt with in the prescribed order; other educational or governmental records may be considered in the circumstances and order notified by the State. .

- (d) The Principal Secretary, Stamp and Registration Department, shall ensure that the Standard Operating Procedure clearly provides for ordinary cases, conflicting records, doubtful documents, unavailable records and escalation. The online portal shall, as far as technically feasible, capture the verification particulars, flag discrepancies and prevent automatic generation of a certificate while mandatory verification remains incomplete.*
- (e) The learned Registrar General of this Court shall communicate this order to all the learned District Judges across the State. Each learned District Judge, as Chairman of the District Legal Services Authority, shall convene a meeting with the District Magistrate, the registering authorities and officers of the Stamp and Registration Department of the district and the Child Marriage Prohibition Officer, to discuss this order and the mechanism for its implementation, and may convene further meetings as required. The District Magistrate shall ensure the attendance of the officers concerned. The learned District and Sessions Judges in all districts shall further ensure that these guidelines are discussed in the upcoming District Monitoring Cell Meetings.*
- (f) The Inspector General of Registration, Uttar Pradesh, shall organise a State-level sensitisation programme for Marriage Registration Officers and concerned supervisory officers on age verification, source checking, conflicting records and identification of suspected child marriage. The Inspector General shall coordinate with the Director, Judicial Training & Research Institute, Lucknow, for suitable resource persons.*
- (g) The Registration Department shall conduct periodic supervisory audits to ensure uniform compliance and shall retain the records in accordance with the applicable record-retention policy.*
- (h) The Secretary of the District Legal Services Authority shall inspect the offices of the registering authorities in the district bi-monthly, examine a sample of the marriages registered since the previous inspection and the record of age verification kept for them, and submit a report to the learned District Judge, who shall forward it to the Registrar General for being placed before the Court. The registering authorities shall give the Secretary access to the record.*

(i) *A copy of this order shall be sent through the Registrar (Compliance) of this Court to the Principal Secretary, Stamp and Registration Department, Government of Uttar Pradesh, the Inspector General Registration, Uttar Pradesh, and the Member Secretary, Uttar Pradesh State Legal Services Authority, for compliance. A copy shall also be sent to the Director, Judicial Training & Research Institute, Lucknow, and all the learned District and Sessions Judges for compliance. The Inspector General Registration, Uttar Pradesh, shall ensure immediate circulation of these directions to all competent registration authorities.*

25. Put up this case on 27.11.2026, alongwith the Compliance report, submitted by all concerned.

(Tej Pratap Tiwari,J.)

October 09, 2026

PS