

Special Marriage Act of 1954

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In news

Recently, the law that governs inter-faith marriages in the country, the Special Marriage Act (SMA), 1954, is being challenged in the Supreme court for endangering the lives of young couples seeking refuge under the Act.

What is the Special Marriage Act(SMA)?

- SMA 1954 was enacted to facilitate the marriage of couples professing different faiths and preferring a civil wedding.
- It was enacted to **provide a special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the religion or faith followed** by either party.

Key features of the Act

Applicability of the act:

- Inter-religion marriages are performed under this Act.
- Any person, irrespective of religion, Hindus, Muslims, Buddhists, Jains, Sikhs, Christians, Parsis, or Jews can perform marriage under the Special Marriage Act, 1954.
- The marriages solemnized under Special Marriage Act are **not governed by personal laws.**

Objectives of the act:

- To provide a special form of marriage in certain cases,
- To provide for registration of certain marriages,
- To provide for divorce,

Conditions for marriage under the act:

- Each party involved should **have no other subsisting valid marriage**. In other words, the resulting marriage should be monogamous for both parties.
- The **groom must be at least 21 years old and the bride must be at least 18 years old**.
- The parties should be competent in regard to their mental capacity to the extent that they are able to give valid consent for the marriage.
- The parties should not fall within the degree of prohibited relationship.
- Parties to an intended marriage should give **notice to the 'marriage officer' of the district in which one of them had resided for at least 30 days**.

Objection to marriage: SMA provides for objections to the marriage. Any person can object to the marriage within 30 days of the publication of the notice on the ground that it contravenes one of the conditions for a valid marriage.

Hurdles faced by couples under the act

- **Difficulties to inter-faith marriages:** Under the act, the provisions relating to notice, publication and objection have rendered it difficult for many people intending to solemnize inter-faith marriages.
- **Coercion:** Publicity in the local registration office may mean that family members objecting to the union may seek to stop it by coercion. In many cases, there may be a threat to the lives of the applicants.
- There have been reports of right-wing groups opposed to inter-faith marriages keeping a watch on the notice boards of marriage offices and taking down the details of the parties so that they can be coerced into abandoning the idea.