



Special Marriage Act, 1954

For Prelims: Special Marriage Act 1954, UK's Marriage Act of 1949, Inheritance rights, Muslim Marriage Act, 1954, Hindu Marriage Act 1955.

For Mains: Basic Provisions of Special Marriage Act, Issues Related to SMA.

Why in News?

In India, the secular personal law - [Special Marriage Act \(SMA\) 1954](#), provides an alternate route to religious laws for **marriage to interfaith couples**.

What is the Special Marriage Act 1954?

▪ About:

- The **Special Marriage Act (SMA)**, 1954 is an Indian law that provides a **legal framework for the marriage of people belonging to different religions** or castes.
 - It governs a **civil marriage where the state sanctions the marriage rather than the religion**.
- The Indian system, where both civil and religious marriages are recognised, is similar to the laws in the **UK's Marriage Act of 1949**.

▪ Basic Provisions:

- **Applicability:**
 - The applicability of the Act extends to the people of all faiths, including **Hindus, Muslims, Sikhs, Christians, Sikhs, Jains, and Buddhists**, across India.
- **Recognition of Marriage:**
 - The Act provides for the **registration of marriages, which gives legal recognition to the marriage** and provides a number of legal benefits and **protections to the couple, such as inheritance rights, succession rights**, and social security benefits.
 - It **forbids polygamy and declares a marriage null and void** if either party had a spouse living at the time of the marriage or if **either of them is incapable of giving a valid consent to the marriage** due to unsoundness of mind.
- **Written Notice:**
 - **Section 5 of the Act** specifies that the **parties must give written notice to the Marriage Officer of the District** and that at least one of the parties must have lived in the district for at least 30 days immediately before the date of such notification.
 - **Section 7** of the Act allows any person to object to the marriage before the expiration of **30 days from the date of the notice's publication**.
- **Age Limit:**
 - The minimum age to get married under the SMA is **21 years for males and 18 years for females**.

▪ Differentiation from Personal Laws:

- Personal laws, such as the [Muslim Marriage Act, 1954](#), and the [Hindu Marriage Act](#).

[1955](#), require **either spouse to convert to the religion of the other before marriage.**

- However, the **SMA enables marriage between inter-faith or inter-caste couples without them giving up their religious identity** or resorting to conversion.
 - But, once married as per the **SMA**, an individual is deemed **severed from the family** in terms of rights like the **right to inheritance.**

▪ **Issues Related to SMA:**

- **Objections to Marriage:** One of the main issues with the Special Marriage Act is the provision for **objections to be raised against marriage.**
 - This **can often be used to harass consenting couples** and delay or prevent their marriage from taking place.
 - In January 2021, the Allahabad HC ruled that couples who wish to solemnise their marriage under the Special Marriage Act can choose **not to publish the mandatory 30-day notice of their intention to marry.**
- **Privacy Concerns:** The requirement for notices to be published can also be seen as **a violation of privacy**, as it can disclose the personal information of the couple and their plans to get married.
- **Social Stigma:** Inter-caste or inter-religious marriages are still not widely accepted in many parts of India, and **couples who choose to get married under the SMA may face social stigma and discrimination** from their families and communities.

Way Forward

- **Streamlining the Process:** The government could work to simplify and streamline the process to make it **easier for couples to get married under this law.**
 - Also, the requirement for a 30-day notice period has been a contentious issue, as it **can lead to interference or harassment from third parties.**
 - The government could **consider removing this requirement or making it optional in certain cases.**
- **Raising Awareness:** Many people in India are not aware of the provisions of the Special Marriage Act or **may not know that they have the option to marry someone from a different religion or caste** under this law.
 - The government could work to raise awareness about this law and its benefits, **especially in rural areas where awareness is low.**

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