



A & S LAW WEEKLY

Week - 16

Special marriage Registration



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S.4 - CONDITIONS RELATING TO SOLEMNIZATION OF SPECIAL MARRIAGES



CONDITIONS RELATING TO SOLEMNIZATION OF SPECIAL MARRIAGES- S.4 OF SPECIAL MARRIAGES ACT



A Valid marriage under S. 4 of the act must possess the following conditions

- 1. Neither party has a spouse living*
- 2. Parties must be sound and mentally capable*
- 3. Male must have completed 21 years and female 18 years of age*
- 4. Parties must not be in degrees of prohibited relationship*



S.5 - NOTICE OF INTENDED MARRIAGE



SPECIAL MARRIAGE ACT, 1954

SECTION 5 of Special Marriage

Act:

Notice of intended marriage

- *Parties should give a notice in writing to the marriage officer of the district.*
- *Parties should reside for a period of 30 days before the date of service of notices .*

S.6 - MARRIAGE NOTICE BOOK & PUBLICATION



SPECIAL MARRIAGE ACT, 1954

SECTION 6 of the Special Marriage

Act:



Marriage Notice Book and publication.

- *Marriage notice book is maintained by the marriage officer, for recording notices under section 5.*
 - *Notices should be caused to published at a conspicuous place in his office.*
 - *If the party is not permanently residing in the place of service of notice, then the copy shall be given to the district marriage officer in the permanent residence*
- The same shall be caused to be published in conspicuous place in his office*

S.12 - PALCE AND FORM OF SOLEMNIZATION



SECTION 12 OF SPECIAL MARRIAGE ACT 1954

Place and form of solemnization

- **THE MARRIAGE MAY BE SOLEMNIZED AT THE OFFICE OF THE MARRIAGE OFFICER, OTHER PLACE WITHIN A REASONABLE DISTANCE.**

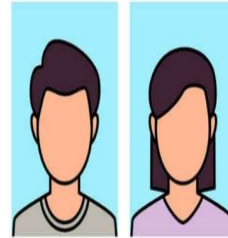
SUCH CONDITIONS PAYMENT OF ADDITIONAL FEES IS REQUIRED

- **THE MARRIAGE MAY BE SOLEMNIZED IN ANY FORM WHICH THE PARTIES MAY CHOOSE TO ADOPT**
- **IT SHALL NOT BE COMPLETE AND BINDING ON THE PARTIES UNLESS**
- **EACH PARTY SAYS TO THE OTHER IN THE PRESENCE OF THE MARRIAGE OFFICER AND THE 3 WITNESSES**
- **IN ANY LANGUAGE UNDERSTOOD BY THE PARTIES, -"I, (A), TAKE THE (B), TO BE MY LAWFUL WIFE (OR HUSBAND)."**



S.13 - MARRIAGE CERTIFICATE

MARRIAGE CERTIFICATE



Section 13 - Special Marriage Act

- **The marriage office issue a certificate in the precibed form**
- **Marriage Certificate shall be signed by the parties and the three witness**
- **It is conclusive Evidence of the the marriage**

Party 1

Party 2

witnesses:

**Register of
Marriage**

S.14 - NEW NOTICE WHEN MARRIAGE NOT SOLEMNIZED WITHIN THREE MONTHS



Section 14 of Special Marriage Act



The marriage is not solemnised within three months from the notice to the marriage officer followings:

- **Section 5 Notice of intended marriage**
- **With in the decision of the district court Appeal under section 8(2)**
- **When the record of a case has been Transmitted to a central government under section 10**
- **It's deemed to lapses and the marriage officer soleminized the marriage after the filing of new notice.**

S.15 - REGISTRATION OF MARRIAGES CELEBRATED IN OTHER FORMS



S.15 - REGISTRATION OF MARRIAGES CELEBRATED IN OTHER FORMS:

Any marriage celebrated either before / after the commencement of this Act may be registered by a **MARRIAGE OFFICER**, if the following conditions are fulfilled —

- (a) A **CEREMONY** of marriage has been performed between the parties and they **HAVE BEEN LIVING TOGETHER AS HUSBAND AND WIFE EVER SINCE.**
- (b) Neither party has more than one spouse living.
- (c) Neither party is an **IDIOT / a LUNATIC.**
- (d) The parties have **completed** the age of **TWENTY-ONE (21) YEARS.**
- (e) The parties are **NOT within the degrees of PROHIBITED RELATIONSHIP** - [Provided this condition shall be subject to any law, custom or usage having the force of law governing each of them, which permits of such marriage between the two]
- (f) The parties have been **residing within the district of the Marriage Officer for a PERIOD OF NOT LESS THAN THIRTY (30) DAYS** immediately preceding the date on which an application is made to him for registration.