



Nyaaya Guide on Registration of Inter-Religious Marriages

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How can the guide help you?

The **Nyaaya Guide on Inter-religious Marriages** outlines the **process** involved if you wish to enter into an **inter-religious or inter-faith civil marriage**. Under the **Special Marriage Act, 1954**, two people belonging to different religions can **get married without converting** to another religion. This guide summarises the legal and procedural aspects of entering into an inter-religious (special) marriage, including **giving notice** of the marriage, **performing** the marriage, and obtaining the **marriage certificate**.

What are the laws being discussed in the guide?

The **Nyaaya Guide on Inter-religious Marriages** explains the [Special Marriage Act, 1954](#). This Guide only covers the general law based on the Special Marriage Act, and you might have to refer to state-specific Special Marriage rules and procedures for more detailed information suited to your situation.

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Contributor: Sruthy Sriram

PROCEDURAL INFORMATION

Things to Remember Before Applying

Who can get married under the Special Marriage law?

Irrespective of religion, any two people can marry under the Special Marriage Act as long as **certain conditions**¹ are fulfilled. However, the Act only provides for a marriage between a **man and a woman**, and has not yet expanded its scope to cover same-sex couples and transgender people.

Recently, the [Delhi High Court](#) took up a petition which seeks that the Special Marriage Act (SMA) should apply to all couples regardless of gender identity and sexual orientation. The Court asked the Central government to respond to the petition, filed by members of the lesbian, gay, bisexual and transgender (LGBT) community and activists Abhijit Iyer Mitra, Gopi Shankar M., Giti Thadani and G. Oorvasi. Follow the [Nyaaya Daily](#) for updates on this.

¹ Section 4, Special Marriage Act, 1954.

Who is eligible to marry under the Special Marriage law?

If you want to get married under this law, then at the time of the marriage you should be:

- **Single or Divorced.** You should not be married to another person who is currently alive.
- **Capable of giving consent** to the marriage with a sound mind.
- Fit for marriage. This means you should **not be suffering from any mental disorder** that prevents you from having children.
- **Of marriageable age.** At least **twenty-one** years of age (if you are a **man**), or **eighteen** years of age (if you are a **woman**).
- In a relationship which is **not prohibited by law.** For instance, you cannot marry your own brother, sister, aunt etc. You can see the list of prohibited relationships [here](#).²

In some cases, **despite your relationship being prohibited by law**, your custom might still permit a marriage with another person. In this case, you **can get married because your custom allows** you to do so.

² First Schedule, Special Marriage Act, 1954.

Where do you go to register an Inter-Religious (Special) Marriage?

To register a special marriage, you should go to the [Marriage Officer's office](#), found in every district.

Steps for an Inter-religious (Special) Marriage

1. Giving Notice of the Marriage

If you want to get married under the Special Marriage Act, you need to give a **written notice** of the marriage.³ The notice should be sent to the [Marriage Officer of the district](#) where you or the person you want to marry have been living. You should have been living in the district you are giving notice in for at least **thirty days** before notifying the Officer.

You have to submit **documents** for registering the marriage. While the required documents **vary** according to the State/Union Territory, here is a general list of documents you might require:

General List of Documents for Marriage Registration

- Multiple copies of the signed Marriage Application Form
- Age Proof (Birth Certificate, Passport, etc.)
- Address Proof (Ration Card, Passport, Voter ID Card, etc.)
- Photo Identity Proof (PAN Card, Voter ID Card, etc.)
- Passport-size photographs of the bride and bridegroom

³ Section 5 and Second Schedule, Special Marriage Act, 1954.

NOTICE OF INTENDED MARRIAGE

To

Marriage Officer for theDistrict.

We hereby give you notice that a marriage under the Special Marriage Act, 1954, is intended to be solemnized between us within three calendar months from the date hereof.

| Name | Condition | Occupation | Age | Dwelling place | Permanent place dwelling if present dwelling place not permanent | Length of residence |
|------|--|------------|-----|----------------|--|---------------------|
| A.B. | <u>Unmarried</u> <u>Widower</u> Divorcee | | | | | |
| C.D. | <u>Unmarried</u> <u>Widow</u> Divorcee | | | | | |

Witness our hands thisday of.....20.....

(Sd.) A.B.,

(Sd.) C.D.,

The marriage must be performed **within three months** from the date of **giving notice** to the Marriage Officer, or the notice becomes **invalid**. After that, no Marriage Officer will conduct the marriage until you give a **new notice**.⁴

2. Publication of the Notice

The [Marriage Officer](#) will keep the notice with their office records and enter a true copy in the **Marriage Notice Book**, which can be **inspected by any**

⁴ Section 14, Special Marriage Act, 1954.

person at all reasonable times, **free of cost**.⁵ The Officer will also **publish the notice** by attaching a copy of the notice in a **clearly visible place in their office**.⁶

At the time of applying for marriage, if you are not **permanently residing** within the district, the Marriage Officer will **transfer** a copy of the notice to the Marriage Officer of the **district where you are permanently residing**, and that Marriage Officer will attach a copy of the notice in a clearly visible place in their office.⁷

3. Objecting to the Marriage

After a [Marriage Officer](#) publishes the marriage notice, **any person can object** to the intended marriage if it **violates** any of the **conditions for a valid marriage** under the Special Marriage Act. The **objection must be made within thirty days** of the notice publication.⁸

Objection and Inquiry

If a person makes an objection, the **Marriage Officer** will record the nature of the **objection** in the **Marriage Notice Book**, and read it over and explain it to the person making the objection. The person objecting or someone on their behalf must sign the record.⁹

⁵ Section 6(1), Special Marriage Act, 1954.

⁶ Section 6(2), Special Marriage Act, 1954.

⁷ Section 6(3), Special Marriage Act, 1954.

⁸ Section 7(1), Special Marriage Act, 1954.

⁹ Section 7(3), Special Marriage Act, 1954.

If an **objection** is made, the Marriage Officer will **not perform** the marriage until they have **inquired** into the objection and are convinced that the marriage can be conducted and registered. The Officer should inquire and make their decision **within thirty days** of the objection.¹⁰

While inquiring into the objection, the **Marriage Officer has judicial powers** like a civil court for summoning and examining **witnesses**, asking for **documents**, etc. The Officer can summon any person within the district to give required evidence.¹¹

If the Officer believes that the **objection** is unreasonable and **not in good faith**, they may impose **compensation costs** of up to **Rupees one thousand** on the objecting person, and give the **compensation to the couple** getting married.¹²

4. Upholding Objection

If the Marriage Officer **upholds the objection** and **refuses to perform** the marriage, you can **appeal** to the concerned **district court** i.e., the court having judicial authority in the district where the Marriage Officer has their office. You should make the appeal **within thirty days** of the Officer's refusal. The **district court** will take the **final decision** on the appeal, and the **Officer will obey** the decision of the court.¹³

¹⁰ Section 8(1), Special Marriage Act, 1954.

¹¹ Section 9(1), Special Marriage Act, 1954.

¹² Section 9(2), Special Marriage Act, 1954.

¹³ Section 8(2), Special Marriage Act, 1954.

If the **marriage** is not performed **within three months** of the **court's decision**, the marriage notice becomes **invalid**, and no Marriage Officer will conduct the marriage and you will have to give a **new notice**.¹⁴

Examples of objections that have been upheld

- **Bride** is **below eighteen** years of age
- Bridegroom is **already married**

5. Performing the Marriage

Before the marriage is performed, you, the person you are marrying, as well as **three witnesses**, should sign a **declaration**¹⁵ in front of the [Marriage Officer](#). The Officer will also sign the declaration.

¹⁴ Section 14, Special Marriage Act, 1954.

¹⁵ Section 11, Special Marriage Act, 1954.

DECLARATION TO BE MADE BY THE BRIDEGROOM

I, A.B., hereby declare as follows:—

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
2. I have completedyears of age.
3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) A.B. (the Bridegroom).

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:—

1. I am at the present time unmarried (or a widow or a divorcee, as the case may be).
2. I have completed ...years of age.
3. I am not related to A.B. (the Bridegroom) within the degrees of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) C.D. (the Bride)

Signed in our presence by the above-named A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage.

(Sd.) G.H. }
(Sd.) I.J. } *Three witnesses.*
(Sd.) K.L. }

Countersigned E.F.,

Marriage Officer

Dated the day of 20

You can perform the marriage at the **office** of the Marriage Officer. You can also choose to get married at **any other place** within a reasonable distance from the office. However, for this, you have to pay **additional fees**.¹⁶

You can conduct the marriage in **any form or religious practice** that you wish to follow. For instance, it can be a Hindu religious ceremony or a wedding in a church. However, any special marriage is only **complete** if you and the person you are marrying say the following **statement** in front of the Officer and three witnesses:

¹⁶ Section 12(1), Special Marriage Act, 1954.

“I, (A), take (B), to be my lawful wife (or husband)”.

This statement can be made in any language you understand.¹⁷

6. The Marriage Certificate

After the marriage has been conducted, the **Marriage Officer** will enter a **certificate**¹⁸ in the **Marriage Certificate Book**.

CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the.....day of
.....20.....,A.B. and C.D* appeared before me and
that each of them, in my presence and in the presence of three witnesses who have signed hereunder,
made the declarations required by section 11 and that a marriage under this Act was solemnized between
them in my presence.

(Sd.) E.F.,

Marriage Officer for

(Sd.) A.B.,

Bridegroom

(Sd.) C.D.,

Bride.

(Sd.) G.H.

(Sd.) I.J.

(Sd.) K.L.

} *Three witnesses*

Dated the

day of

20

You, the person you are marrying as well as **three witnesses** must sign the marriage certificate.¹⁹ After the Officer enters the certificate in the Book, this certificate becomes conclusive **evidence of the marriage**.

¹⁷ Section 12(2), Special Marriage Act, 1954.

¹⁸ Fourth Schedule, Special Marriage Act, 1954.

¹⁹ Section 13(1), Special Marriage Act, 1954.

The **marriage certificate** is **legal proof** of a marriage under the Special Marriage Act, 1954. It confirms that the marriage is **valid** and has been completed with all formalities under the law.²⁰

RESOURCES

Help and Support

Given below are specific State/Union Territory registration websites and related online services for Special Marriages.

| State/Union Territory | Special Marriage Registration resources |
|-----------------------|---|
| Andaman and Nicobar | https://southandaman.nic.in/service/marriage-registration/ https://northmiddle.andaman.nic.in/service/marriage-registration/ https://nicobars.andaman.nic.in/service/marriage-registration/ |
| Andhra Pradesh | http://registration.ap.gov.in/ |
| Arunachal | https://eservice.arunachal.gov.in/resources/homePage/12/services |

²⁰ Section 13(2), Special Marriage Act, 1954.

| | |
|------------------|--|
| Pradesh | html |
| Assam | https://igr.assam.gov.in/ |
| Bihar | https://www.biharregd.gov.in/ |
| Chandigarh | http://chdservices.gov.in/ http://chdservices.gov.in/forms/How_do_I%20Do_It_Marriage_ChandigarhAdministration.pdf |
| Chhattisgarh | https://cgstate.gov.in/obtain-marriage-certificate https://edistrict.cgstate.gov.in/PACE/instructionPageHome.do?serviceId=3&OWASP_CSRFTOKEN=BMQC-SJHA-6K68-KMRB-W5OF-GOCX-BOLO-PUOK |
| Delhi | http://health.delhigovt.nic.in/wps/wcm/connect/DoIT/delhi+govt/community/marriage+certificate+and+registration |
| Gujarat | https://enagar.gujarat.gov.in/DIGIGOV/ |
| Haryana | https://saralharyana.gov.in/getServiceDesc.html?serviceId=8220010&state=6&templd=2448&templStatus=243&backButtonUrl=&grievDefined=0 |
| Himachal Pradesh | http://edistrict.hp.gov.in/ |
| Jharkhand | https://jharsewa.jharkhand.gov.in/ |
| Karnataka | https://karunadu.karnataka.gov.in/karigr/Pages/marriage-registration.aspx |
| Kerala | http://keralaregistration.gov.in/pearlpublic/ |

| | |
|----------------|--|
| | https://cr.lsgkerala.gov.in/Content.php?id=D |
| Madhya Pradesh | https://www.mpenagarpalika.gov.in/irj/portal/anonymous/Citizen Services/MarriageRegistration/qIMarriageRegistration |
| Maharashtra | https://mregigr.maharashtra.gov.in/autonoticepublic |
| Manipur | https://www.eservicesmanipur.gov.in/eda/ |
| Meghalaya | https://megedistrict.gov.in/ |
| Nagaland | https://kohima.nic.in/service/marriage-certificate/ |
| Odisha | https://www.ulbodisha.gov.in/or/emun/marriage-dashboard |
| Puducherry | http://itestweb.in/pdy30/marriage-registration |
| Punjab | http://edistrict.punjab.gov.in/EDA/Landing.aspx https://punjab.gov.in/wp-content/uploads/2020/05/Issuance-of-Marriageability-Certificate.pdf |
| Rajasthan | https://pehchan.raj.nic.in/pehchan2/MainPage.aspx |
| Tamil Nadu | https://tnreginet.gov.in/portal/ |
| Telangana | https://registration.telangana.gov.in/marriageRegistration.htm |
| Tripura | https://edistrict.tripura.gov.in/# |
| Uttar Pradesh | https://igrsup.gov.in/igrsup/defaultAction.action |
| West Bengal | https://rgmwb.gov.in/MARREG_Portal/MARREG_Home.aspx |

Checklists

1. Check whether you are [eligible](#) to marry under the Special Marriage Act, 1954.
2. Notify the district Marriage Officer about the intended marriage.
3. Submit the marriage application form, along with required documents and fees.
4. Check whether anyone has objected to the marriage.
5. Ensure that you have three witnesses to the marriage.
6. Sign the marriage declaration and ensure that you make the statement: “I, (A), take (B), to be my lawful wife (or husband)” in front of the Marriage Officer.
7. Get a copy of the Marriage Certificate from the Marriage Officer.

Sample Forms

1. Notice of Intended Marriage

NOTICE OF INTENDED MARRIAGE

To

Marriage Officer for theDistrict.

We hereby give you notice that a marriage under the Special Marriage Act, 1954, is intended to be solemnized between us within three calendar months from the date hereof.

| Name | Condition | Occupation | Age | Dwelling place | Permanent place dwelling if present dwelling place not permanent | Length of residence |
|------|---|------------|-----|----------------|--|---------------------|
| A.B. | <u>Unmarried</u> <u>Widower</u> <u>Divorcee</u> | | | | | |
| C.D. | <u>Unmarried</u> <u>Widow</u> <u>Divorcee</u> | | | | | |

Witness our hands thisday of.....20.....

(Sd.) A.B.,

(Sd.) C.D.,

2. Declarations by the Couple

DECLARATION TO BE MADE BY THE BRIDEGROOM

I, A.B., hereby declare as follows:—

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).
2. I have completedyears of age.
3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) A.B. (the Bridegroom).

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:—

1. I am at the present time unmarried (or a widow or a divorcee, as the case may be).
2. I have completedyears of age.
3. I am not related to A.B. (the Bridegroom) within the degrees of prohibited relationship.
4. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and also to fine.

(Sd.) C.D. (the Bride)

Signed in our presence by the above-named A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage.

(Sd.) G.H. }
(Sd.) I.J. } *Three witnesses.*
(Sd.) K.L. }

Countersigned E.F.,

Marriage Officer

Dated the _____ *day of* _____ 20

3. Marriage Certificate

CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the.....day of
.....20.....,A.B. and C.D* appeared before me and
that each of them, in my presence and in the presence of three witnesses who have signed hereunder,
made the declarations required by section 11 and that a marriage under this Act was solemnized between
them in my presence.

(Sd.) E.F.,

Marriage Officer for

(Sd.) A.B.,

Bridegroom

(Sd.) C.D.,

Bride.

(Sd.) G.H. }

(Sd.) I.J. } *Three witnesses*

(Sd.) K.L. }

Dated the

day of

20

Source of Information

- **Legislation**

[Special Marriage Act, 1954](#)

- **Legal news articles**

Plea to recognise same-sex marriages, Bar and Bench, accessed at

<https://www.barandbench.com/news/litigation/delhi-high-court-grants-last-opportunity-centre-respond-recognise-same-sex-marriages>

- **Nyaaya Daily**

5 things you didn't know about Inter-religious Marriages, accessed at

<https://nyaaya.org/nyaayadaily/5-things-you-didnt-know-about-inter-religious-marriages/>

GLOSSARY TERMS

- **Marriage Officer** - A person appointed by the State Government after notification in the Official Gazette. The main duty of a Marriage Officer is to facilitate the marriage registration and provide the certificate of marriage.