

## THE SPECIAL MARRIAGE (KERALA AMENDMENT) BILL

A bill to expressly enable foreign nationals to solemnize marriages in Kerala under the Special Marriage Act, 1954 (Act 43 of 1954) and to indicate the special conditions to be complied with before solemnization of such marriages.

BE it enacted in Fifty ninth year of the Republic of India as follows:—

1. *Short title and Commencement.*—(1) This Act may be called the Special Marriage (Kerala Amendment) Act ———

(2) It extends to the whole of State of Kerala.

(3) It shall come into force at once.

2. *Amendment of Section 6 Act 43 of 1954.*—In the Special Marriage Act, 1954 (43 of 1954), hereinafter referred to as the Act, in section 6, after sub-section (3) the following sub-section shall be inserted namely:—

(4) Where any party is a foreign national, he shall cause it to be published in the following manner:—

(a) By affixing a true copy thereof under his seal and signature to some conspicuous place in his office.

(b) By forwarding true copies thereof under his seal and signature to the parents of the parties to the marriage by any mode of communication including e-mail at the expense of the parties if so requested.

Provided that when service of notice is effected through any internet process ‘a print out’ of the ‘delivery note’ which appears in the computer system when communication is sent through the system shall be kept in the file and will be deemed to be evidence of acknowledgment of notice sent by the person to whom notice is issued.

(c) By publishing it in a newspaper having circulation:—

(i) In the State or States in India to which the parties or, as the case may be, the Indian party, to the marriage belong or belongs; and

(ii) In the country or countries in which the parties are ordinarily resident.

3. *Amendment of Section 7 of the Act.*—In sub-section (1) of Section 7 after the words “under section (2)” the following words shall be inserted namely:

“Or sub-section (4) of Section 6”

4. *Amendment of section 8 of the Act.*—After sub-section (1) of Section 8, the following explanation shall be added namely.—

*Explanation.*—Where the publication of the notice by affixation under clause (a), (b) and (c) of sub section (4) of section (6) is on different dates the period of thirty days shall be, for the purpose of this sub section, be computed from the later date

5. *Amendment of Section 14 of the Act.*—(1) In heading of Section 14 after the words “three” the following shall be inserted namely: