

All About Foreign Marriage Act, 1969

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Que. 1 What is the objective of The Foreign Marriage Act,1969 ?

Ans. With reference to the formation of this act it can be said that there is a need to formulate some provision that defines the rules of the marriage of Indian citizens who resides outside India. Because already there is a law which governs the marriage of citizens of India who also resides in India so there is a need of framing this act.

Que. 2 What are the conditions relating to solemnization of foreign marriages under The Foreign Marriage Act,1964?

Ans. 2 Section 4 of the act deals with the conditions relating to solemnization of foreign marriages. The act says that it solemnizes the marriage between parties one of whom which should be an Indian citizen under article 8 of Indian Constitution or if the following conditions got satisfied:

1. Spouse of both party should not be living
2. Both parties should be of sound mind
3. At the time of marriage the bridegroom should be of 21 years and bride should be of 18 years
4. Neither of the party is within the degree of prohibited relationship

With an element that personal law and custom laws governing at least one party permits marriage between them including that they are not within the degree of prohibited relationship.

Que. 3 What is need of intended marriage according to The Foreign Marriage Act? And what Marriage Officer does with that notice?

Ans. 3 Section 5 of the act deals with need of intended marriage. The section states that when a marriage is solemnized under this act the parties who got married has to give notice to the marriage officer of the district in writing specified in the First Schedule of the act.

The district specified there is the place in which at least one party who has married to each has resided for a period of not less than 30 days immediately preceding the date on which the notice is issued stating the party resided in the said district.

Further, Section 5 of the act says that the copy of every notice is to be kept in Marriage Notice Book and the notice is to be published by Marriage Officer.

Que. 4 What is the provision of creating objection to marriage?

Ans. 4 There are 2 provision of creating objection to marriage under section 8 of the act which are as follows:

1. If before the expiration of 30 days from the date of the publication of the notice of intended marriage, any person object to the marriage on the ground of provisions of conditions of solemnization of marriage
2. The objection made by the person or by any person duly authorised should be written and signed and that objection should be mentioned by the Marriage Officer in Marriage Notice Book.

Que. 5 When the marriage would be finally solemnized?

Ans. 5 Section 9 of the act says that after expiration of 30 days in which objection can be made if no objection is made by any person as mentioned in Section 8 of the act then the marriage will be finally get solemnized.

Que. 6 What is the procedure when an objection to the foreign marriage is made?

Ans. 6 Under Section 10 of the act there are two procedure which deals with these provisions which are as follows:

1. After creating an objection by any person to the marriage he can't stop the solemnization of the marriage untill the marriage officer should do detailed enquiry until he find fit and is satisfied that the objection doesn't prevent the solemnization of marriage or the said objection is taken back by the person.
2. If in a case the marriage officer finds the objection satisfactory then he shall record the statement and transmit it toh the Central Government, then the marriage officer have to work as upon the guidelines of Central Government on such case

Que. 7 When the foreign marriage got registered?

Ans. 7 There are two provisions of registration:

1. Where-

- The marriage officer is satisfied with the fact that the marriage has no objection and duly solemnized in foreign country in accordance with the laws or rules and regulations of that country between parties of whom one at least was citizen of India.
- The party who has done the marriage under the provisions or it can be said under the section of the act has to inform the marriage officer to get there marriage registered.

2. Untill the marriage satisfies the conditions mentioned in section 4 of the act no marriage can be get registered.

3. The marriage officer can refuse to register the marriage under this act on the ground that the marriage is inconsistent with international law or the comity of nations in his opinion.

4. The person married under this act can appeal to the central government if the marriage got refused by marriage officer under clause 3 of this section and then the marriage officer has to work as per guidelines given by centrak government to him.

5. The effect of the registration of the said marriage would be that the marriage officer will issue them a certificate of being married to them which is to be signed by both the parties and 3 witnesses.

6. The marriage registered under this act should be from the date of the registeratiin to be said as marriage solmnized under this act.

Que. 8 What is punishment of bigamy under this act?

Ans. 8 Section 19 of the act deals with this punishment and says as follows:

1. If any person whose marriage is already solemnized or deemed to be solemnized under the act, during the sustenance of the marriage, contracts anyother marriage in India shall

be subject to the penalties as provided in section 494 and 495 of IPC and the contracted marriage would be declared void.

2. The provision of clause 1 of the act is also applied to any offence committed by a citizen of India without and beyond India.

Que. 9 What is the provision of Punishment for contravention of certain other conditions for marriage under section 20 of the act?

Ans. 9 If the party who are solemnizing their marriage under this act found not following the clause 3rd and 4th of the section 4 of the act and they would be punishable as follows:

- In the case of clause 3rd the punishment would be imprisonment which may be extended to 15 days or fine which may be extended to ₹ 1000 or both.
- In the case of clause 4th the punishment would be imprisonment which may be extended to 1 month or fine which may be extended to ₹ 1000 or both.

Que. 10 What is the provision of Punishment for false declaration?

Ans. 10 If a person who is solemnizing his/her marriage under this act makes any false declaration or signs a false certificate.

Then he/she would be bounded for this punishment under section 21 of this act.

Que. 11 What is the provision of Punishment for wrongful action of Marriage Officer?

Ans. 11 If a marriage officer who knowingly or willingly solemnizes a marriage which is actually violating the provisions of this act would be punished with simple imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

