The Foreign Marriage Act, 1969

(ACT NO. 33 OF 1969)

(*As onthe* 26*thSep*, 2025)

LIST OF AMENDING ACTS

1.The Delegated Legislation Provisions (Amendment) Act, 1983 (20 of 1983).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

THE FOREIGN MARRIEGE ACT, 1969

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THE FOREIGN MARRIAGE ACT, 1969

ACT NO. 33 OF 1969

[31*st August,* 1969.] An Act to make provision relating to marriages of citizens of India outside India.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

1. Short title.—This Act may be called the Foreign Marriage Act, 1969.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "degrees of prohibited relationship" shall have the same meaning as in the Special Marriage Act, 1954 (43 of 1954);

(*b*) "district", in relation to a Marriage Officer, means the area within which the duties of his office are to be discharged;

(*c*) "foreign country" means a country or place outside India, and includes a ship which is for the time being in the territorial waters of such a country or place;

(*d*) "Marriage Officer" means a person appointed under section 3 to be a Marriage Officer; (*e*) "official house", in relation to a Marriage Officer, means—

(*i*) the official house of residence of the officer;

(*ii*) the office in which the business of the officer is transacted;

(*iii*) a prescribed place; and

(*f*) "prescribed" means prescribed by rules made under this Act.

3. Marriage Officers.—For the purposes of this Act, the Central Government may, by notification in the Official Gazette, appoint such of its diplomatic or consular officers as it may think fit to be Marriage Officers for any foreign country.

Explanation.—In this section, "diplomatic officer" means an ambassador, envoy, minister, high commissioner, commissioner, *charge d' affairs* or other diplomatic representative or a counsellor or secretary of an embassy, legation or high commission.

CHAPER II

SOLEMNIZATION OF FOREIGN MARRIAGES

4. Conditions relating to solemnization of foreign marriages.—A marriage between parties one of whom at least is a citizen of India may be solemnized under this Act by or before a Marriage Officer in a foreign country, if, at the time of the marriage, the following conditions are fulfilled, namely:— (*a*) neither party has a spouse living,

(*b*) neither party is an idiot or a lunatic,

(*c*) the bridegroom has completed the age of twenty-one years and the bride the age of eighteen years at the time of the marriage, and

(*d*) the parties are not within the degrees of prohibited relationship:

Provided that where the personal law or a custom governing at least one of the parties permits of a marriage between them, such marriage may be solemnized, notwithstanding that they are within the degrees of prohibited relationship.

5. Notice of intended marriage.—When a marriage is intended to be solemnized under this Act, the parties to the marriage shall give notice thereof in writing in the form specified in the First Schedule to the Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days immediately preceding the date on which such notice is given, and the notice shall state that the party has so resided.

6. Marriage Notice Book.—The Marriage Officer shall keep all notices given under section 5 with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the "Marriage Notice Book", and such book shall be open, for inspection at all reasonable times, without fee, by any person desirous of inspecting the same.

7. Publication of notice.—Where a notice under section 5 is given to the Marriage Officer, he shall cause it to be published—

(*a*) in his own office, by affixing a copy thereof to a conspicuous place, and

(*b*) in India and in the country or countries in which the parties are ordinarily resident, in the prescribed manner.

8. Objection to marriage.—(*1*) Any person may, before the expiration of thirty days from the date of publication of the notice under section 7, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

Explanation.—Where the publication of the notice by affixation under clause (*a*) of section 7 and in the prescribed manner under clause (*b*) of that section is on different dates, the period of thirty days shall, for the purposes of this sub-section, be computed from the later date.

(*2*) Every such objection shall be in writing signed by the person making it or by any person duly authorised to sign on his behalf, and shall state the ground of objection; and the Marriage Officer shall record the nature of the objection in his Marriage Notice Book.

9. Solemnization of marriage where no objection made.—If no objection is made within the period specified in section 8 to an intended marriage, then, on the expiry of that period, the marriage may be solemnized.

10. Procedure on receipt of objection.—(*1*) If an objection is made under section 8 to an intended marriage, the Marriage Officer shall not solemnize the marriage until he has inquired into the matter of the objection in such manner as he thinks fit and is satisfied that it ought not to prevent the solemnization of the Marriage or the objection is withdrawn by the person making it.

(*2*) Where a Marriage Officer after making any such inquiry entertains a doubt in respect of any objection, he shall transmit the record with such statement respecting the matter as he thinks fit to the Central Government; and the Central Government, after making such further inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Officer, who shall act in conformity with the decision of the Central Government.

11. Marriage not to be in contravention of local laws.—(*1*) The Marriage Officer may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act if the intended marriage is prohibited by any law in force in the foreign country where it is to be solemnized.

(*2*) The Marriage Officer may, for reasons to be recorded in writing, refuse to solemnize a marriage under this Act on the ground that in his opinion, the solemnization of the marriage would be inconsistent with international law or the comity of nations.

(*3*) Where a Marriage Officer refuses to solemnize a marriage under this section, any party to the intended marriage may appeal to the Central Government in the prescribed manner within a period of thirty days from the date of such refusal; and the Marriage Officer shall act in conformity with the decision of the Central Government on such appeal.

12. Declaration by parties and witnesses.—Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Marriage Officer, sign a declaration in the form specified in the Second Schedule, and the declaration shall be countersigned by the Marriage Officer.

13. Place and form of solemnization.—(*1*) A marriage by or before a Marriage Officer under this Act shall be solemnized at the official house of the Marriage Officer with open doors between the prescribed hours in the presence of at least three witnesses.

(*2*) The marriage may be solemnized in any form which the parties may choose to adopt:

Provided that it shall not be complete and binding on the parties unless each party declares to the other in the presence of the Marriage Officer and the three witnesses and in any language understood by the parties,—"I, (*A*), take the (*B*), to be my lawful wife (or husband)":

Provided further that where the declaration referred to in the preceding proviso is made in any language which is not understood by the Marriage Officer or by any of the witnesses, either of the parties shall interpret or cause to be interpreted the declaration in a language which the Marriage Officer or, as the case may be, such witness understands.

14. Certificate of marriage.—(*1*) Whenever a marriage is solemnized under this Act, the Marriage Officer shall enter a certificate thereof in the form specified in the Third Schedule in a book to be kept by him for that purpose and to be called the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and the three witnesses.

(*2*) On a certificate being entered in the Marriage Certificate Book by the Marriage Officer, the certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized, and that all formalities respecting the residence of the party concerned previous to the marriage and the signatures of witnesses have been complied with.

15. Validity of foreign marriages in India.—Subject to the other provisions contained in this Act, a marriage solemnized in the manner provided in this Act shall be good and valid in law.

16. New notice when marriage not solemnized within six months.—Whenever a marriage is not solemnized within six months from the date on which notice thereof has been given to the Marriage Officer as required under section 5 or where the record of a case has been transmitted to the Central Government under section 10, or where an appeal has been preferred to the Central Government under section 11, within three months from the date of decision of the Central Government in such case or appeal, as the case may be, the notice and all other proceedings arising therefrom shall be deemed to have lapsed, and no Marriage Officer shall solemnize the marriage until new notice has been given in the manner laid down in this Act.

CHAPTER III

REGISTRATION OF FOREIGN MARRIAGES SOLEMNIZED UNDER OTHER LAWS

17. Registration of foreign marriages.—(*1*) Where—

(*a*) a Marriage Officer is satisfied that a marriage has been duly solemnized in a foreign country in accordance with the law of that country between parties of whom one at least was a citizen of India; and

(*b*) a party to the marriage informs the Marriage Officer in writing that he or she desires the marriage to be registered under this section,

the Marriage Officer may, upon payment of the prescribed fee, register the marriage.

(*2*) No marriage shall be registered under the section unless at the time of registration it satisfies the conditions mentioned in section 4.

(*3*) The Marriage Officer may, for reasons to be recorded in writing, refuse to register a marriage under this section on the ground that in his opinion the marriage is inconsistent with international law or the comity of nations.

(*4*) Where a Marriage Officer refuses to register a marriage under this section the party applying for registration may appeal to the Central Government in the prescribed manner within a period of thirty days

from the date of such refusal; and the Marriage Officer shall act in conformity with the decision of the Central Government on such appeal.

(*5*) Registration of a marriage under this section shall be effected by the Marriage Officer by entering a certificate of the marriage in the prescribed form and in the prescribed manner in the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and by three witnesses.

(*6*) A marriage registered under this section shall, as from the date of registration, be deemed to have been solemnized under this Act.

CHAPTER IV

MATRIMONIAL RELIEF IN RESPECT OF FOREIGN MARRIAGES

18. Matrimonial reliefs to be under Special Marriage Act, 1954.—(*1*) Subject to the other provisions contained in this section, the provisions of Chapters IV, V, VI and VII of the Special Marriage Act, 1954 (43 of 1954) shall apply in relation to marriages solemnized under this Act and to any other marriage solemnized in a foreign country between parties of whom one at least is a citizen of India as they apply in relation to marriages solemnized under that Act.

Explanation.—In its application to the marriages referred to in this sub-section, section 24 of the Special Marriage Act, 1954 (43 of 1954), shall be subject to the following modifications, namely:— (*i*) the reference in sub-section (*1*) thereof to clauses (*a*), (*b*), (*c*) and (*d*) of section 4 of that Act shall be construed as a reference to clauses (*a*), (*b*), (*c*) and (*d*) respectively of section 4 of this Act, and

(*ii*) nothing contained in section 24 aforesaid shall apply to any marriage—

(*a*) which is not solemnized under this Act; or

(*b*) which is deemed to be solemnized under this Act by reason of the provisions contained in section 17:

Provided that the registration of any such marriage as is referred to in sub-clause (*b*) may be declared to be of no effect if the registration was in contravention of sub-section (*2*) of section 17.

(*2*) Every petition for relief under Chapter V or Chapter VI of the Special Marriage Act, 1954 (43 of 1954) as made applicable to the marriages referred to in sub-section (*1*) shall be presented to the district court within the local limits of whose ordinary civil jurisdiction—

(*a*) the respondent is residing at the time of the presentation of the petition; or

(*b*) the husband and wife last resided together; or

(*c*) the petitioner is residing at the time of the presentation of the petition, provided that the respondent is at that time residing outside India.

Explanation.—In this section, "district court" has the same meaning as in the Special Marriage Act, 1954 (43 of 1954).

(*3*) Nothing contained in this section shall authorise any court—

(*a*) to make any decree of dissolution of marriage, except where—

(*i*)the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(*ii*) the petitioner, being the wife, was domiciled in India immediately before the marriage and has been residing in India for a period of not less than three years immediately preceding the presentation of the petition;

(*b*) to make any decree annulling avoidable marriage, except where—

(*i*) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(*ii*) the marriage was solemnized under this Act and the petitioner being the wife, has been ordinarily resident in India for a period of three years immediately preceding the presentation of the petition;

(*c*) to make any decree of nullity of marriage in respect of a void marriage, except where—

(*i*) either of the parties to the marriage is domiciled in India at the time of the presentation of the petition; or

(*ii*) the marriage was solemnized under this Act and the petitioner is residing in India at the time of the presentation of the petition;

(*d*) to grant any other relief under Chapter V or Chapter VI of the Special Marriage Act, 1954 (43 of 1954), except where the petitioner is residing in India at the time of the presentation of the petition.

(*4*) Nothing contained in sub-section (*1*) shall authorise any court to grant any relief under this Act in relation to any marriage in a foreign country not solemnized under it, if the grant of relief in respect of such marriage (whether on any of the grounds specified in the Special Marriage Act, 1954 (43 of 1954), or otherwise) is provided for under any other law for the time being in force.

CHAPTER V

PENALTIES

19. Punishment for bigamy.—(*1*) Any person whose marriage is solemnized or deemed to have been solemnized under this Act and who, during the subsistence of his marriage, contracts any other marriage in India shall be subject to the penalties provided in section 494 and section 495 of the Indian Penal Code (45 of 1860) and the marriage so contracted shall be void.

(*2*) The provisions of sub-section (*1*) apply also to any such offence committed by any citizen of India without and beyond India.

20. Punishment for contravention of certain other conditions for marriage.—Any citizen of India who procures a marriage of himself or herself be solemnized under this Act in contravention of the condition specified in clause (*c*) or clause (*d*) of section 4 shall be punishable—

(*a*) in the case of a contravention of the condition specified in clause (*c*) of section 4, with simple imprisonment which may extend to fifteen days or with the fine which may extend to one thousand rupees, or with both; and

(*b*) in the case of a contravention of the condition specified in clause (*d*) of section 4, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

21. Punishment for false declaration.—If any citizen of India for the purpose of procuring a marriage, intentionally—

(*a*) where a declaration is required by this Act, makes a false declaration; or

(*b*) where a notice or certificate is required by this Act, signs a false notice or certificate,

he shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

22. Punishment for wrongful action of Marriage Officer.—Any Marriage Officer who knowingly and wilfully solemnizes a marriage under this Act in contravention of any of the provisions of this Act shall be punishable with simple imprisonment which may extend to one year, or with fine which may extend to five hundred rupees, or with both.

CHAPTER VI

23. Recognition of marriages solemnized under law of other countries.—If the Central Government is satisfied that the law in force in any foreign country for the solemnization of marriages contains provisions similar to those contained in this Act, it may, by notification in the Official Gazette, declare that marriages solemnized under the law in force in such foreign country shall be recognized by courts in India as valid.

24. Certification of documents of marriages solemnized in accordance with local law in a foreign country.—(*1*) Where—

(*a*) a marriage is solemnized in any foreign country specified in this behalf by the Central Government, by notification in the Official Gazette, in accordance with the law of that country between parties of whom one at least is a citizen of India; and

(*b*) a party to the marriage who is such citizen produces to a Marriage Officer in the country in which the marriage was solemnized—

(*i*) a copy of the entry in respect of the marriage in the marriage register of that country certified by the appropriate authority in that country to be a true copy of that entry; and

(*ii*) if the copy of that entry is not in the English language, a translation into the prescribed language of that copy; and

(*c*) the Marriage Officer is satisfied that the copy of the entry in the marriage register is a true copy and that the translation, if any, is a true translation;

the Marriage Officer, upon the payment of the prescribed fee, shall certify upon the copy that he is satisfied that the copy is a true copy of the entry in the marriage register and upon the translation that he is satisfied that the translation is a true translation of the copy and shall issue the copy and the translation to the said party.

(*2*) A document relating to a marriage in a foreign country issued under sub-section (*1*) shall be admitted in evidence in any proceedings as if it were a certificate duly issued by the appropriate authority of that country.

25. Certified copy of entries to be evidence.—Every certified copy purporting to be signed by the Marriage Officer of an entry of a marriage in the Marriage Certificate Book shall be received in evidence without production or proof of the original.

26. Correction of errors.—(*1*) Any Marriage Officer who discovers any error in the form or substance of any entry in the Marriage Certificate Book may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other witnesses, correct the error by entry in the margin without any alteration of the original entry and add thereto the date of such correction.

(*2*) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

27. Act not to affect validity of marriages outside it.—Nothing in this Act shall in any way affect the validity of a marriage solemnized in a foreign country otherwise than under this Act.

28. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the duties and powers of Marriage Officers and their districts;

(*b*) the manner in which a Marriage Officer may hold any inquiry under this Act;

(*c*) the manner in which notices of marriage shall be published;

(*d*) the places in which and the hours between which marriages under this Act may be solemnized;

(*e*) the form and the manner in which any books required by or under this Act to be kept shall be maintained;

(*f*) the form and manner in which certificates of marriages may be entered under sub-section (*5*) of section 17;

(*g*) the fees that may be levied for the performance of any duty imposed upon a Marriage Officer under this Act;

form in which and the intervals within which copies of entries in the Marriage Certificate Book shall be sent, and, when corrections are made in the Marriage Certificate Book, the manner in which Certificates of such corrections shall be sent to the authorities;

(*i*) the inspection of any books required to be kept under this Act and the furnishing of certified copies of entries therein;

(*j*) the manner in which and the conditions subject to which any marriage may be recognised under section 23;

(*k*) any other matter which may be, or requires to be, prescribed.

(*3*) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or [1][in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. Subs. by Act 20 of 1983, s. 2 and Sch., for certain words (w.e.f. 15-3-1984).

29. Amendment of Act 43 of 1954.—In the Special Marriage Act, 1954,—

(*a*) in section 1, in sub-section (*2*), for the words "outside the said territories", the words "in the State of Jammu and Kashmir" shall be substituted;

(*b*) in section 2, clauses (*a*) and (*c*) shall be omitted;

(*c*) in section 3, for sub-section (*2*), the following sub-section shall be substituted, namely:—

"(*2*) For the purposes of this Act, in its application to citizens of India domiciled in the territories to which this Act extends who are in the State of Jammu and Kashmir, the Central Government may, by notification in the Official Gazette, specify such officers of the Central Government as it may think fit to be the Marriage Officers for the State or any part thereof.";

(*d*) in section 4, for clause (*e*), the following clause shall be substituted, namely:—

"(*e*) where the marriage is solemnized in the State of Jammu and Kashmir, both parties are citizens of India domiciled in the territories to which this Act extends.";

(*e*) in section 10, for the words "outside the territories to which this Act extends in respect of an intended marriage outside and said territories", the words "in the State of Jammu and Kashmir in respect of an intended marriage in the State" shall be substituted;

(*f*) in section 50, in sub-section (*1*), the words "Diplomatic and consular officers and other" shall be omitted.

30. *Repeal.*—The Indian Foreign Marriage Act, 1903 (14 of 1903), is hereby repealed.

THE FIRST SCHEDULE

(*See* section 5)

FORM OF NOTICE OF INTENDED MARRIAGE

To

The Marriage Officer

for ....…….

We hereby give you notice that a marriage under the Foreign Marriage Act, 1969 is intended to be solemnized between us within three months from the date hereof.

Name and father's name	Condition	Occupation	Date of birth	Dwelling place	Permanent dwelling place and present dwelling place if not permanent	Length of residence in the present dwelling place
A.B.	*Unmarried* *Widower* *Divorcee*					
C.D.	*Unmarried* *Widow* *Divorcee*					

Witness our hands, this …… day of …….. 19.....

Sd. A.B.

Sd. C.D.

THE SECOND SCHEDULE

(*See* section 12)

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 completed …… years of age.

3. I am not related to C.D. (the bride) within the degrees of prohibited relationship.

4. I am a citizen of ....……

(to be filled up)

5. I am aware that, if any statement in this declaration is false, 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 widower, 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 a citizen of.....

(to be filled up)

5. I am aware that, if any statement in this declaration is false, 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. Sd. K.L. Three witnesses.

(Countersigned) E.F.

Marriage Officer

Dated the ……..... day of ……..... 19……..

THE THIRD SCHEDULE

(*See* section 14)

FORM OF CERTIFICATE OF MARRIAGE

I, E.F., hereby certify that on the …… day of …… 19..... A.B. and C.D ……*appeared before me and that the declaration required by section…… of the Foreign Marriage Act, 1969, was duly made, and that a marriage under that Act was solemnized between them in my presence and in the presence of three witnesses who have signed hereunder.

Sd. E.F.

Marriage Officer,
Sd. A.B. (bridegroom)
Sd. CD. (bride)
Sd. G.H.

Sd. I.J. Three witnesses.

Sd. K.L.

Dated the ……..... day of ……..…. 19.....

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*Herein give particulars of the parties.

To be entered.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to implement the twenty-third Report of the Law Commission on the law relating to foreign marriages. There is, at present, considerable uncertainty as to the law on the subject as the existing legislation touches only the fringes of the subject and the matter is governed by principles of private international law which are by no means well settled, and which cannot readily be applied to a country such as ours in which different marriage laws apply to different communities. The Special Marriage Act, 1954 sought to remove the uncertainty to some extent by providing that marriages abroad between citizens of India who are domiciled in India might be solemnized under it.

In the course of the debates in relation to that Act in Parliament, it was urged that a provision should be made for marriages abroad where one of the parties alone is an Indian citizen. In this context, an assurance was given that Government would, after careful consideration, introduce comprehensive legislation on the subject of foreign marriages. The present Bill is the outcome of that Assurance.

2. The Bill is modelled on the Special Marriage Act, 1954, and the existing English and Australian Legislation on the subject of foreign marriages, subject to certain important modifications rendered necessary by the peculiar conditions obtaining in our country.

The following are the salient features of the Bill:—

(*i*) It provides for an enabling form of marriage more or less on the same lines as the Special Marriage Act, 1954, which can be availed of outside India where one of the parties to the marriage is an Indian citizen; the form of marriage thus provided being not in supersession of but only in addition to or as an alternative to, any other form that might be permissible to the parties.

(*ii*) It seeks to lay down certain rules in respect of capacity of parties and conditions of validity of marriage and also provides for registration of marriage on lines similar to in the Special Marriage Act, 1954.

(*iii*) The provisions of the Special Marriage Act, 1954, in regard to matrimonial reliefs are sought to be made applicable, with suitable modifications, not only to marriages solemnized or registered under the proposed legislation, but also to other marriages solemnized abroad to which a citizen of India is a party.

NEW DELHI; ASHOK K. SEN

The 3*rdMay*, 1963.