

Special Marriage Act, 1954

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Special Marriage Act, 1954: Protection or Persecution?

Context

The **Special Marriage Act (SMA), 1954** was enacted to provide a **secular legal framework** for interfaith and inter-caste marriages. It aimed to protect **individual autonomy and choice** but has instead become a **source of harassment** due to certain provisions, particularly the **30-day public notice requirement**.

A recent **Bhopal case** highlights how this provision, instead of ensuring **transparency**, led to **violence and intimidation**, raising concerns about the law's misuse.

Case of Bhopal: When Law Puts Lives at Risk

A **Hindu-Muslim couple** in Bhopal sought to marry under the **SMA**, but their **personal details were leaked**, leading to a **mob attack at the court**.

- Instead of ensuring **legal protection**, the law **exposed them to threats**.
- The **public notice provision**, intended for transparency, became a tool for **social and communal backlash**.

This case underscores the **urgent need for reforms** to protect couples from such dangers.

Key Issues with the SMA

1. Violation of Privacy

The **Supreme Court's Puttaswamy judgment (2017)** affirmed the **Right to Privacy** under **Article 21**. However, the **public notice** provision:

- **Forces personal decisions into public scrutiny**.
- **Exposes couples to societal pressure, harassment, and violence**.

2. Social and Religious Backlash

- **Moral policing and communal interference** discourage interfaith marriages.
- **Women face immense family pressure** to abandon their marriage plans.
- **Registrars' offices leak information**, making couples vulnerable to threats.

3. Misuse of the No-Objection Clause

- **Objections often stem from communal motives or personal vendettas** rather than legal reasons.
 - **Delays in marriage registration** force couples to seek alternative methods, including conversion.
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Need for Reform

To **prevent misuse** and **align the SMA with constitutional values**, key reforms are needed:

- **Remove or modify the public notice requirement** to protect privacy.
 - **Ensure confidentiality** in marriage registration.
 - **Strict action against harassment** to safeguard couples from societal threats.
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Conclusion

The **Special Marriage Act, 1954**, meant to **safeguard interfaith and inter-caste couples**, has become a **tool for persecution** due to **outdated provisions**. The **Bhopal case** is a **clear example** of its dangers.

Urgent reforms—such as **removing the public notice clause and ensuring privacy protections**—are essential to uphold **secularism, personal liberty, and the fundamental right to marry freely**.

