

Rep by Act 56 of 1974, s-2 + sch I

## THE SPECIAL MARRIAGE (AMENDMENT) ACT, 1963

No. 32 OF 1963

[22nd September, 1963]

An Act to amend the Special Marriage Act, 1954.

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

1. This Act may be called the Special Marriage (Amendment) Act, 1963. Short title.

43 of 1954.

2. In section 4 of the Special Marriage Act, 1954,—

Amendment  
of section 4.

(i) for clause (d), the following clause shall be substituted, namely:—

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

Provided that where 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; and”;

(ii) the following *Explanation* shall be inserted at the end—

*Explanation.*—In this section, “custom”, in relation to a person belonging to any tribe, community, group or family, means any rule which the State Government may, by notification in the Official Gazette, specify in this behalf as applicable to members of that tribe, community, group or family:

Provided that no such notification shall be issued in relation to the members of any tribe, community, group or family, unless the State Government is satisfied—

(i) that such rule has been continuously and uniformly observed for a long time among those members;

(ii) that such rule is certain and not unreasonable or opposed to public policy; and

(iii) that such rule, if applicable only to a family, has not been discontinued by the family.’