

Rep. by Act 56 of 1974, 52a Sch. 3

THE SPECIAL MARRIAGE (AMENDMENT) ACT, 1970

No. 29 OF 1970

[12th August, 1970.]

An Act further to amend the Special Marriage Act, 1954.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Special Marriage (Amendment) Act, 1970. Short title.

43 of 1954. 2. In section 23 of the Special Marriage Act, 1954 (hereinafter referred to as the principal Act), in clause (a) of sub-section (1), for the words, figures, brackets and letters "in section 27 [other than the grounds specified in clauses (i) and (j) thereof]", the words, brackets and figures "in sub-section (1) of section 27" shall be substituted. Amendment of section 23.

3. Section 27 of the principal Act shall be re-numbered as sub-section (1) thereof, and— Amendment of section 27.

(a) in sub-section (1) as so re-numbered,—

(i) the word "or" at the end of clause (h) shall be omitted;

(ii) clauses (i) and (j) shall be omitted;

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Subject to the provisions of this Act and to the rules made thereunder, either party to a marriage, whether solemnized before or after the commencement of the Special Marriage (Amendment) Act, 1970, may present a petition for divorce to the district court on the ground—

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(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of one year or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of one year or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties."