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Kerala High Court Clarifies: No Embassy NOC Required for Inter-Nationality Marriages under Special Marriage Act

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In a significant reaffirmation of individual autonomy and statutory interpretation, the Kerala High Court has held that a **No Objection Certificate (NOC)** from a foreign embassy is not a mandatory requirement for solemnizing marriages between an Indian citizen and a foreign national under the *Special Marriage Act, 1954*[1].

Keywords

- Special Marriage Act, 1954
- Embassy NOC requirement
- Inter-national marriage India
- Kerala High Court ruling
- Right to marry (Article 21)

Background of the Case

In ***Vinu Vikraman v. State of Kerala and Anr***[2]., the petitioner, an Indian citizen, intended to marry a Sri Lankan woman under the **Special Marriage Act**. He duly submitted a notice of intended marriage along with the required affidavit before the Sub-Registrar/Marriage Officer at Mavelikkara.

However, the authority refused to proceed unless the petitioner produced an NOC from the Sri Lankan Embassy. Challenging this insistence as legally unsustainable, the petitioner approached the High Court under its **writ jurisdiction**.

Legal Issue

The central issue before the Court was whether a **Marriage Officer** can mandate submission of an NOC from a foreign embassy as a precondition for solemnizing a marriage under the Special Marriage Act.

Court's Reasoning

Justice Easwaran S. relied on the earlier precedent of ***Saranya R. A. v. State of Kerala***[3], wherein the Court had categorically held that:

- The Special Marriage Act does **not prohibit** marriages between an Indian and a foreign national.
- There is no **statutory requirement** under the Act mandating an NOC from the concerned embassy.

The Court emphasized that administrative authorities cannot impose **extra-legal conditions** that are not contemplated by the statute. Any such insistence would amount to an arbitrary restriction on the right to marry.

Judgment and Directions

The Court directed the **Sub-Registrar** to:

- Process the application in accordance with the Special Marriage Act;
- Refrain from insisting on an NOC from the Embassy or any additional documents not prescribed by law;
- Complete the solemnization after the expiry of the statutory notice period.

The writ petition was accordingly disposed of, granting relief to the petitioner.

Key Takeaways

1. **Statutory Supremacy**: Administrative authorities must strictly adhere to the requirements laid down in the Special Marriage Act and cannot introduce additional conditions.
2. **Right to Marry**: The judgment reinforces the constitutional dimension of the right to marry, flowing from Article 21 of the Constitution of India.
3. **Ease of Inter-National Marriages**: The ruling removes a common bureaucratic hurdle faced by couples involving foreign nationals.

4. **Precedential Consistency**: The Court has maintained consistency with its earlier ruling in *Saranya R.A.*, strengthening legal clarity on the issue.

Broader Implications

This decision is particularly relevant in an increasingly **globalized society** where cross-border relationships are common. By eliminating unnecessary procedural barriers, the Court has upheld statutory intent and the principles of personal liberty, dignity, and equality.

At a practical level, the ruling is a **guiding precedent** for Marriage Officers across India, discouraging arbitrary demands and ensuring smoother implementation of the Special Marriage Act.

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