

## **Family Law Reforms Act, 2025**

### **1. Definitions.**

- (1) In this Code, unless the context otherwise requires, –
- (a) “Certification of Registration” means a certificate issued by the Relationship and Marriage Officer under section 5 or section 7 of this Code;
  - (b) “Court” means –
    - (i) in areas where a family court has been established in accordance with section 3 of Family Courts Act, 1984, the family court; or,
    - (ii) in areas where a family court has not been established in accordance with section 3 of Family Courts Act, 1984, the district court within the local limits of whose original civil jurisdiction, –
      - I. The marriage was solemnised;
      - II. The respondent, at the time of the presentation of the petition resides;
      - III. The Parties to the Marriage last resided together; or,
      - IV. The petitioner at the time of the presentation of the petition resides;
  - (c) “marriage” means a marriage solemnised or registered under this Code;
  - (d) “Memorandum of Marriage” means a document containing the details set out in Form A, submitted to the Relationship and Marriage Officer for the purpose of registration of marriage in accordance with section 4 of this Code;
  - (e) “Parties to the marriage” means any two persons who have solemnised their marriage in accordance with the conditions specified under section 4 of this Code;
  - (f) “Register of Marriage” means an electronic, digital, or paper document or book kept by the Relationship and Marriage Officer for the purpose of maintaining records of marriages registered before them;
  - (g) “Relationship and Marriage Officer” means a person appointed and designated as a Relationship and Marriage Officer by the State Government for the whole or any part of the State, by notification in the Official Gazette;

### **2. Conditions for a valid marriage.** A marriage between any two persons, irrespective of their sex, gender identity, or sexual orientation, may be registered under this Code if, at the time of the marriage, the following conditions are fulfilled-

- (1) neither party has a spouse living;
- (2) neither party –
  - (a) is incapable of giving valid consent due to a mental illness, whether incurable or of a persistent or intermittent nature, that significantly impairs their ability to provide valid consent;
  - (b) though capable of giving valid consent, has been experiencing such health conditions that significantly impair their ability to give informed consent, understand the nature of marriage, or fulfil the responsibilities of marriage;
- (3) both parties have completed the age of 18 years.

**Explanation-** For the purposes of clause (2)(a) of this section, “mental illness” will have the same meaning as provided under section 2(s) of the Mental Healthcare Act, 2017.

**3. Process for registration of marriages under this Code -** Every marriage will be registered with the Relationship and Marriage Officer of the district in which at least one of the parties to the marriage has resided for a period of at least 7 days;

- (1) The parties to the marriage will submit a Memorandum of Marriage in person in the format as set out under Form A.
- (2) The Memorandum will be accompanied by proof of age of both parties.
- (3) The Memorandum will be signed by both the parties and two witnesses before the Relationship and Marriage Officer.

## **FORM A**

The Memorandum of Marriage will contain the following details:

### **I. Particulars of the parties -**

- (a) Names of the parties;
- (b) Date of birth of the parties;
- (c) Present and permanent address of the parties/contact information/address of the marital home of the parties  
(applicable only in case of marriages solemnised otherwise);
- (d) Date of solemnisation of marriage (applicable only in case of marriages solemnised otherwise);
- (e) Proof of Solemnisation of Marriage (applicable only in case of marriages solemnised otherwise);
- (f) Signatures of both the parties; and,
- (g) Declaration affirming the consent and truthfulness of information submitted.

### **II. Particulars of the witnesses -**

- (a) Names of the witnesses;
- (b) Address of the witnesses;
- (c) Relationship with the parties; and,
- (d) Signatures of the witnesses.

### **4. Procedure to be followed upon receipt of Memorandum. -**

- (1) On satisfaction of the veracity of the information submitted in the Memorandum of Marriage and the completion of the procedure provided under section 3 of this Act, the Relationship and Marriage Officer will record the particulars in the Register of Marriage maintained by them within 3 days from the date of submission of Memorandum.
- (2) The Relationship and Marriage Officer must issue a Certificate of Registration, in such form and manner as may be prescribed by the State Government, within 15 days from the date of registration of marriage.
- (3) Certificate of Registration will be conclusive proof of the validity and existence of the Marriage.

**5. Grounds for refusal of registration. -**

- (1) The Relationship and Marriage Officer will not refuse to register the marriage except on the following grounds-
  - (a) The Memorandum does not contain all the information as prescribed in the form; or
  - (b) The parties do not fulfil one or more of the conditions as specified under section 1 of this Code.
- (2) The Relationship and Marriage Officer will intimate the parties about the refusal within 7 days from the date of submission of Memorandum of Marriage.
- (3) Where the refusal is on the ground provided under sub-section (1)(a), the Relationship and Marriage Officer will give the parties an opportunity to rectify the insufficiency within 15 days from the date of intimation given under sub-section (2).
- (4) If the parties successfully rectify the Memorandum of Marriage, the Relationship and Marriage Officer will register the Marriage in accordance with section 4 of this Code.

**6. Registration of marriages solemnised otherwise. -**

- (1) Any marriage celebrated in any other form, whether before or after the commencement of this Code, may be registered under this Code, subject to the fulfilment of conditions as specified under section 2 of this Code.
- (2) The marriage will be registered as per the process prescribed under sections 3, 4 and 5 of this Code.
- (3) Performance or non-performance of any form of ceremonies of marriage will have no bearing upon the eligibility for registration of marriage solemnised otherwise.

**7. Non-registration not to invalidate marriage. -** A marriage will not be considered invalid merely for failure to register under this Code.

**8. Void marriages. -** Any marriage registered under this Code will be null and void and may be declared so, by a decree of nullity on a petition presented by either of the parties to the marriage before a Court, if any of the conditions specified in section 2(1) and 2(2) of this Code have not been fulfilled.

**9. Voidable marriages. -** Any marriage solemnized under this Act shall be voidable and may be annulled by a decree of nullity if, —

- (1) the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or
- (2) the respondent was at the time of the marriage pregnant by some person other than the petitioner; or
- (3) the consent of either party to the marriage was obtained by coercion or fraud, as defined in the Indian Contract Act, 1872 (9 of 1872):

***Provided that,*** in the case specified in clause (2), the court shall not grant a decree unless it is satisfied, —

- (a) that the petitioner was at the time of the marriage ignorant of the facts alleged;
- (b) that proceedings were instituted within a year from the date of the marriage; and

(c) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree:

***Provided further that***, in the case specified in clause (3), the court shall not grant a decree if, —

- (a) proceedings have not been instituted within one year after the coercion had ceased or, as the case may be, the fraud had been discovered; or
- (b) the petitioner has with his or her free consent lived with the other party to the marriage as husband and wife after the coercion had ceased or, as the case may be, the fraud had been discovered.

**10. Grounds for dissolution of marriage. -**

- (1) Any party to a marriage may file a petition for dissolution of marriage by a decree of divorce before a Court on the ground that the other party, -
  - (a) has, after the commencement of marriage, had voluntary sexual intercourse with any person other than the spouse, without the consent of the spouse;
  - (b) has deserted the applicant for a continuous period of 2 or more years, immediately preceding the petition for divorce;
  - (c) has treated the applicant with cruelty;
  - (d) has been absent and not been heard of as being alive for a period of 7 years or more by those persons who would naturally have heard of it, had that party been alive;
  - (e) has been sentenced to imprisonment for an offence for a term exceeding 7 years or more;
  - (f) has failed to comply with an order granting maintenance under section 13 of this Code;
  - (g) is in an intimated stable union with another person, or
  - (h) has been suffering from a mental illness, whether incurable or of a persistent or intermittent nature, that significantly impairs their ability to maintain a harmonious marital relationship.

***Explanation 1-*** For the purposes of sub-clause (b) of this sub-section, “desertion” means desertion of the petitioner by the other party to the marriage without reasonable cause and without the consent or against the wish of such party, and includes the wilful neglect of the petitioner by the other party to the marriage.

***Explanation 2-*** For the purposes of sub-clause (h) of this sub-section, “mental illness” will have the same meaning as provided under section 2(s) of the Mental Healthcare Act, 2017.

- (2) Either of the parties to a marriage may file a petition for dissolution of marriage by a decree of divorce before a Court on the ground that there has been no resumption of cohabitation between the parties to the marriage for a period of 1 year or more after the passing of a decree for judicial separation in a proceeding to which they were parties, under section 12 of this Code.

**11. Divorce by mutual consent. -**

- (1) A petition for dissolution of marriage by a decree of divorce may be presented to the Court by both the parties to the marriage together, on the following grounds-

- (a) that they have been living separately for a period of 6 months or more;
  - (b) that they have not been able to live together; and
  - (c) that they have mutually agreed that the marriage should be dissolved.
- (2) The court will, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnised and that the averments in the petition are true, pass a decree of divorce declaring the marriage to be dissolved with effect from the date of the decree.
- (3) Before passing a decree of divorce under sub-section (2), where it deems necessary to do so, the Court may grant the parties a reasonable period of time upto 6 months to reconcile differences through counselling or any other method as the parties may deem fit, unless-
  - (a) the parties have been living separately for a significant period of time; or
  - (b) the Court is satisfied that the marriage has broken down irretrievably.

**12. Grounds for judicial separation. -**

- (1) A petition for judicial separation may be presented to the Court by both the parties to the marriage jointly, or either of the parties to the marriage on any of the grounds specified in section 10 of this Code, and the Court may decree judicial separation, on being satisfied with respect to the following things:
  - (a) the veracity of the statements made in such petition, and
  - (b) that there is no legal ground why the application should not be granted.
- (2) The court may, on the application by petition of either party and on being satisfied of the veracity of the statements made in such petition, rescind the decree if it considers it just and reasonable to do so.

**13. Permanent alimony and maintenance. -**

- (1) At the time of passing any decree of judicial separation or divorce or at a time subsequent to such decree, the Court on an application made by either of the parties to the marriage, order that the respondent will pay to the applicant such sum as it deems just as maintenance and support.

***Explanation-*** For the purpose of sub-section (1), the sum payable may be a gross amount, or a monthly amount, or any other periodical amount.

- (2) An order for payment of sum for maintenance and support under sub-section (1), may be made for any term not exceeding the life of the applicant.
- (3) Payment in pursuance of any order made under sub-section (1) may be secured by a charge on the immovable property of the respondent, if necessary.
- (4) While determining the amount of maintenance to be granted under sub-section (1), the Court must take into consideration the following factors:
  - (a) duration of the relationship;
  - (b) the respondent's own income and other property, if any;
  - (c) the income and other property of the applicant;
  - (d) the needs of the applicant;

- (e) applicant's liabilities, financial responsibilities, or responsibility to maintain dependants;
- (f) the age and employment status of the parties;
- (g) the residential arrangements of the parties;
- (h) any illness or disability;
- (i) any contributions made by the applicant during the subsistence of the relationship, which may have given rise to a sustained benefit for the relationship and/or an economic disadvantage for the applicant;  
***Provided that*** absence of contributions made by the applicant as described in this sub-clause will not disentitle the applicant from claiming maintenance.

- (j) protection of vulnerable parties;
- (k) preservation of the status of living as it existed during the subsistence of marriage; and
- (l) any other circumstances of the case, that the court may deem relevant.

***Explanation-*** For the purpose of sub-section (4),

- (i) "contributions made" will include any action which seeks to contribute to the welfare of the deceased person and/or their family, such as acquiring, conserving, or improving the property of the deceased person and/or their family, looking after the home or caring for the family; and
  - (ii) "economic disadvantage" will include making a substantial financial contribution and/or foregoing an independent income, independent ability to accumulate wealth, growth in career and profession, or such other disadvantages that the court may determine arising out of the relationship.
  - (iii) "dependants" mean and include the following:
    - (a) parents;
    - (b) minor children;
    - (c) adult children unable to maintain themselves; and,
    - (d) widowed daughter-in-law, so long as not re-married;
- (5) If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, modify or rescind any such order in such manner as the court may deem just.
- (6) If the Court is satisfied that the party in whose favour an order has been made under this section has re-married, it may at the instance of the other party, modify or rescind any order made under sub-section (1) in such manner as the court may deem just.
- (7) At the time of registration of marriage under section 5 or section 7 of this Code, the parties to the marriage may make a provision for payment of a reasonable sum of money by one party to the other upon separation or dissolution of marriage, in the Memorandum of Marriage.
- (8) An application filed under this section is without prejudice to the rights of women to claim maintenance under section 125 of the Code of Criminal Procedure, 1973, the

Protection of Women from Domestic Violence Act, 2005 or any other law for the time being in force.

**14. Maintenance during the course of proceedings. -**

- (1) In any proceedings under this Code, where it appears to the Court that either of the parties to the marriage has no independent income sufficient for their support and the necessary expenses of the proceeding, it may, on the application of such party, order the respondent to pay to the petitioner, a reasonable sum as support and expenses of the proceedings, on a weekly or monthly basis.

**Explanation-** The phrase “proceedings under this Code” means proceedings before Court and does not include proceedings before the Relationship and Marriage Officer.

- (2) The application for payment of maintenance during the course of the proceedings, in accordance with sub-section (1), will, as far as possible, be disposed of within 60 days from the date of service of notice on the respondent.
- (3) While adjudicating an application under sub-section (1) of this section, the Court must take into consideration the following factors:
- (a) the status of the parties,
  - (b) the capacity of the respondent to pay maintenance,
  - (c) whether the applicant has any independent income sufficient for his or her support, and
  - (d) any other factors that the court may deem relevant.

**15. Maintenance during the subsistence of marriage. -** A party to a marriage, may file a petition before the Court, at any time during the subsistence of marriage or Stable Union, for payment of such gross, monthly or periodical sum by the other party, for their maintenance and support, if the party is being excluded from a shared mutual enjoyment of the marital or shared home and associated resources.

**16. Custody of children. -** In the event of dissolution of a marriage, the custody of minor children will be determined keeping into mind the following considerations:

- (a) the best interests of the child;
- (b) the intelligent preference of the child; and
- (c) the duty of Court to –
  - (i) ensure that the proceedings are conducted without undue delay and concluded within a reasonable period of time;
  - (ii) facilitate the parties to arrive at mutually agreeable outcomes that promote cooperative parenting, unless it risks exposing the child or the parties to violence or harm;
  - (iii) account for the wishes of the child if the child is of such age, maturity and is at the stage of development where they can form an intelligent preference;
  - (iv) account for the best interests of the child.

**17. Succession and Inheritance.** - The Bharathipura Succession Act will apply to all parties registering their Marriage under this Act.