



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, translated, or distributed in any form or by any means—whether electronic, mechanical, photocopying, recording, scanning, or otherwise—without the prior written permission of the Editor-in-Chief of *White Black Legal – The Law Journal*.

All copyrights in the articles published in this journal vest with *White Black Legal – The Law Journal*, unless otherwise expressly stated. Authors are solely responsible for the originality, authenticity, accuracy, and legality of the content submitted and published.

The views, opinions, interpretations, and conclusions expressed in the articles are exclusively those of the respective authors. They do not represent or reflect the views of the Editorial Board, Editors, Reviewers, Advisors, Publisher, or Management of *White Black Legal*.

While reasonable efforts are made to ensure academic quality and accuracy through editorial and peer-review processes, *White Black Legal* makes no representations or warranties, express or implied, regarding the completeness, accuracy, reliability, or suitability of the content published. The journal shall not be liable for any errors, omissions, inaccuracies, or consequences arising from the use, interpretation, or reliance upon the information contained in this publication.

The content published in this journal is intended solely for academic and informational purposes and shall not be construed as legal advice, professional advice, or legal opinion. *White Black Legal* expressly disclaims all liability for any loss, damage, claim, or legal consequence arising directly or indirectly from the use of any material published herein.

ABOUT WHITE BLACK LEGAL

White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

EQUALITY WITHOUT RECOGNITION: THE CONSTITUTIONAL PARADOX OF MARRIAGE IN INDIA

AUTHORED BY - HARMEET KAUR

Introduction

In India, marriage has long served as both a deeply ingrained social institution and a framework that is governed by law, influencing and mirroring how society is structured over time. Marriage, which has its roots in religious writings like the Manusmriti, was seen not just as a personal union but also as a sacramental and socio-legal process intended to uphold social order through practices like endogamy and patriarchy, control gender roles, and sustain caste hierarchies.¹ The institution of marriage in India has actually changed significantly in response to changes in political power, legal systems, and societal norms, despite the fact that it is frequently depicted as timeless and unchangeable.²

During the colonial era, when native social institutions were forced to adopt Victorian moral frameworks, there was a significant break in this pattern.³ This change was best shown by the 1860 adoption of Section 377 of the Indian Penal Code, which criminalized non-heteronormative sexual encounters and reconstructed sexuality within a strict legal framework that favored heterosexuality as the only acceptable form of intimacy.⁴ In addition to eliminating pre-existing pluralities that were visible in writings like the Kama Sutra and the sociocultural acceptance of hijra groups, this colonial intervention established an environment for the ongoing exclusion of queer identities from formal legal institutions, such as marriage.⁵ The Hindu Marriage Act of 1955 was one of the post-independence reforms that attempted to modernize marriage by providing divorce, monogamy, and some gender safeguards. However, these reforms were limited to a binary framework because they were based on heteronormative presumptions.⁶

¹ Paras Diwan, *Modern Hindu Law* 45–60 (21st ed. 2018); Manusmriti; A.S. Altekar, *The Position of Women in Hindu Civilization* 45–70 (1938).

² Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* 30–65 (1999).

³ Bernard S. Cohn, *Colonialism and Its Forms of Knowledge* 57–75 (1996).

⁴ Indian Penal Code, 1860, S. 377 (India).

⁵ Wendy Doniger, *The Kamasutra* (2002); Serena Nanda, *Neither Man Nor Woman: The Hijras of India* (1990).

⁶ Hindu Marriage Act, 1955; Mulla, *Principles of Hindu Law* 654–670 (22d ed. 2016).

The Indian Constitution has become a transformational tool that can rethink long-standing societal structures in recent decades. According to the theory of transformative constitutionalism, the Constitution is a dynamic tool for social change that is dedicated to upending hierarchies and promoting substantive equality rather than just being a static instrument.⁷ In *Navtej Singh Johar*, the Supreme Court effectively expressed this vision by decriminalizing consensual same-sex relationships and upholding the importance of identity, autonomy, and dignity under Articles 14, 15, and 21.⁸ But in *Supriyo v. Union of India*, the Court rejected same-sex marriages, highlighting the area of legislative action, severely limiting the promise of transformative constitutionalism.⁹ The dichotomy at the core of Indian constitutionalism is exposed by this judicial hesitancy: although the Constitution recognizes and safeguards a variety of identities, it does not completely incorporate them into core social institutions.

This paper contends that the ongoing exclusion of same-sex couples from the institution of marriage is a result of both a limited application of transformative constitutionalism and the lasting legacy of legal frameworks from the period of colonialism. This paper argues that legal recognition of same-sex unions is not only a matter of progressive reform but a constitutional necessity essential to realizing substantive equality, dignity, and inclusivity in modern India. It does this by tracing the evolution of marriage in India, from its historical foundations through colonial codification to contemporary constitutional adjudication.

Historical Foundations of Marriage in India

It is crucial to look at the historical underpinnings of marriage in the Indian context in order to comprehend the current debate surrounding marriage and its restrictive limitations. In ancient India, marriage served as a crucial mechanism for organizing society, upholding hierarchies, and controlling both sexuality and social mobility, far from being a neutral or completely personal institution. Marriage was viewed as a sacrament (*sanskara*) rather than a contract, giving it religious sanctity and social rigidity. This idea originated in Vedic traditions and was later codified in Dharmashastric literature like the *Manusmriti*.¹⁰ The transfer of a woman from

⁷ Gautam Bhatia, *The Transformative Constitution* 25–40 (2019); Upendra Baxi, *The Future of Human Rights* 102–120 (3d ed. 2008).

⁸ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

⁹ *Supriyo v. Union of India*, W.P. (C) No. 1011 of 2022 (India).

¹⁰ *Manusmriti*, ch. IX; see also Paras Diwan, *Modern Hindu Law* 45–50 (21st ed. 2010).

her birth family to her husband's home was signified by customs like kanyadan, which reflected deeply ingrained patriarchal standards that positioned women as objects of social and familial domination.¹¹

Marriage, in addition to regulating gender, was an important tool for maintaining caste purity and social order. The maintenance of hierarchical social structures depended heavily on the practice of endogamy, or marriage within one's caste. The Dharmashastras established stringent guidelines for acceptable marriages, prohibiting or punishing intercaste unions and thereby perpetuating social stratification.¹² In this way, marriage was a socio-legal need that was strongly associated with ideas of honor, ancestry, and group identity rather than just a personal decision. Marriage's structural function as a caste and gender regulator continues to impact current sentiments, as evidenced by the continuation of social opposition to inter-caste and inter-faith relationships.¹³

Nonetheless, it would be simplistic to assume that pre-colonial Indian society was exclusively heteronormative or that there were no other ways to express sexuality and identity. The existence of people classified as belonging to the "third nature" is acknowledged in texts like the Kama Sutra, and historical documents and cultural customs demonstrate the extent of social acceptance given to hijra societies.¹⁴ These illustrations imply that, despite the fact that these identities were not formally incorporated into the structure of marriage, pre-colonial India allowed for a more sophisticated and nuanced understanding of gender and sexuality. As a result, although marriage itself continued to be predominantly heteronormative, society as a whole was not wholly confined.

The concept of marriage became even more complicated during the Middle Ages, especially due to the interplay of various religious and cultural traditions. In contrast to Hindu traditions' emphasis on monogamy, Islamic influence led to the recognition of some practices, like polygamy, within Muslim personal law.¹⁵ Despite these distinctions, both systems maintained a strong patriarchal orientation, giving women little autonomy and failing to acknowledge same-sex relationships within legally binding marriage frameworks. During this time, several

¹¹ Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* 32–36 (1999).

¹² B.R. Ambedkar, *Annihilation of Caste* 41–45 (1936).

¹³ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* 120–25 (2003).

¹⁴ Kama Sutra bk. II; Ruth Vanita & Saleem Kidwai, *Same-Sex Love in India* 23–30 (2000).

¹⁵ Tahir Mahmood, *Muslim Law in India and Abroad* 98–105 (2012).

personal laws coexisted, laying the foundation for the fragmented but pluralistic legal system that still exists in Indian family law today.

The claim that marriage as an institution has traditionally been flexible and culturally contingent rather than universally heteronormative is further supported by a comparative viewpoint. Across communities, many traditions have accepted types of partnerships and gender identities that do not fit into conventional binaries. For example, the idea of "Two-Spirit" individuals represents the understanding of gender variety and different social roles among Indigenous societies in North America. In the same way, customs like woman-to-woman weddings allowed women in pre-modern Africa to form legally recognized partnerships for the sake of inheritance and lineage continuity.¹⁶ Historical documents from China show that same-sex relationships and informal unions existed in East Asia and were acknowledged to varied degrees by society.¹⁷

The changing nature of marriage is further highlighted by legal developments in many jurisdictions in the modern era. The legalization of same-sex marriage in the Netherlands in 2001, followed by acceptance in Taiwan in 2019, demonstrates a growing worldwide consensus that marriage must align with principles of equality and human dignity.¹⁸ These advances are not isolated or culturally foreign phenomena, but rather part of a broader trend that acknowledges marriage as a dynamic institution capable of change. They show that the prohibition of same-sex relationships is neither a fundamental aspect of tradition nor a universal cultural constant.

Crucially, the historical development of marriage in India shows that the institution has never been static and has instead always adjusted to changing sociopolitical settings while maintaining its fundamental role as a social norm regulator. This dual nature, adaptability and control, becomes essential to comprehending the current discussions surrounding marriage equality. A closer look indicates that what is portrayed as "tradition" is actually the result of selective continuity and alteration, despite the fact that proponents of traditional frameworks frequently use history to defend the exclusion of same-sex relationships.

¹⁶ Sue-Ellen Jacobs et al., *Two-Spirit People: Native American Gender Identity, Sexuality, and Spirituality* 2–5 (1997).

¹⁷ Ifi Amadiume, *Male Daughters, Female Husbands* 87–92 (1987).

¹⁸ Kees Waaldijk, *Legal Recognition of Same-Sex Relationships in Europe*, 12 *Maastricht J. Eur. & Comp. L.* 45 (2005); Judicial Yuan Interpretation No. 748 (Taiwan 2017).

The historical underpinnings of Indian marriage must therefore be viewed as a dynamic institution influenced by power, hierarchy, and changing social norms rather than as a permanent cultural legacy. The idea that heteronormativity is inherent to marriage is challenged by acknowledging this fluidity, which also makes it possible to rethink the institution in accordance with the equality, dignity, and inclusivity found in the constitution.

Post-Independence Reforms and the Limits of Heteronormative Marriage

India's post-independence legal system is a reflection of a persistent attempt to change the institution of marriage in accordance with the equality and social justice principles of the constitution. Even if these laws are advanced in addressing gender-based injustices, same-sex unions are not legally recognized since they are structurally limited within a heteronormative paradigm.

The Hindu Marriage Act, 1955 (HMA), which introduced monogamy (Section 5), allowed for divorce (Section 13), and recognized requirements for a lawful marriage, was a key component of this reformist initiative.¹⁹ These clauses have been upheld by judicial interpretation as tools for social change. In *Sarla Mudgal v. Union of India*, the Supreme Court addressed disputes resulting from bigamy and religious conversion while highlighting the significance of monogamy as a civilizational norm ingrained in Hindu law.²⁰ In a same vein, the Court affirmed that consenting adults' freedom to marry outside of caste limits is protected by Article 21 in *Lata Singh v. State of Uttar Pradesh*.²¹

Additional legislative actions, such as the Protection of Women from Domestic Violence Act of 2005 and the Dowry Prohibition Act of 1961, demonstrate the state's growing readiness to step in and address structural disparities in marriage.²² In particular, the latter statute acknowledged non-formal unions within a constrained legal framework by expanding the definition of domestic relationships to include relationships "in the nature of marriage." However, even this expansion did not recognize same-sex partnerships, preserving the heterosexual basis of marital legality.

¹⁹ Hindu Marriage Act, 1955, S. 5, 13.

²⁰ *Sarla Mudgal v. Union of India*, (1995) 3 S.C.C. 635 (India).

²¹ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 S.C.C. 475 (India)

²² Dowry Prohibition Act, 1961; Protection of Women from Domestic Violence Act, 2005.

The conversation about marriage has also changed as a result of judicial advances in the areas of individual liberty and autonomy. The Supreme Court specifically affirmed that sexual orientation is a crucial component of an individual's identity in Justice K.S. Puttaswamy v. Union of India, recognizing the right to privacy as a basic right under Article 21.²³ In *Navtej Singh Johar*, the Court upheld constitutional morality over social morality and decriminalized consenting same-sex relationships. The Court stressed that the right to personal relationships free from state interference is protected by the Constitution, together with the freedom to exist.

The legal recognition of marriage has withstood comparable constitutional examination in spite of these theological developments. Petitions to recognize same-sex weddings under the Special Marriage Act of 1954 were presented to the Supreme Court in the *Supriyo* case. The Court refused to read gender-neutral language into the Act, ruling that the matter belonged to the legislative domain, even though it recognized queer people's rights to live together and form unions.²⁴ The majority ruling underlined the principle of separation of powers and cautioned against judicial overreach in social institution reform.

There is a serious theological conflict as a result of this judicial constraint. On the one hand, constitutional jurisprudence upholds the right to autonomy and dignity under Article 21 and acknowledges sexual orientation as a protected basis under Articles 14 and 15. However, same-sex couples are essentially denied a number of legal rights, such as inheritance, adoption, maintenance, and tax advantages, if they are denied marital registration. Thus, the lack of legal recognition has concrete, actual repercussions, turning what seems to be a symbolic exclusion into a real denial of rights.

This gap between legal frameworks and social reality is further shown by empirical research. Intercaste and self-choice marriages are gradually increasing, according to surveys like the National Family Health Survey (NFHS-5), which reflects a larger trend toward individual autonomy in marital decisions.²⁵ Additionally, Pride marches and advocacy activities have made LGBTQ+ communities more visible in urban areas like Bengaluru and Delhi, indicating a shift in societal attitudes. However, same-sex couples are in an untenable circumstance where their relationships are socially prominent but legally invisible due to the lack of appropriate

²³ Justice K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1.

²⁴ *Supriyo v. Union of India*, W.P. (C) No. 1011 of 2022.

²⁵ Ministry of Health & Family Welfare, *National Family Health Survey (NFHS-5) 2019–21*

legal recognition.

Therefore, India's post-independence reforms show a trend of gradual advancement that has addressed marital inequality while maintaining the heteronormative framework at its core. Although the legislation has changed to reflect shifts in gender roles and personal freedom, it hasn't gone so far as to completely redefine marriage. This selective evolution sets the basis for a more thorough constitutional investigation into whether such exclusion can be justified in light of the values of equality, dignity, and nondiscrimination. It also underlines the limitations of evolution when it operates within inherited normative bounds.

Constitutional Framework and the Case for Marriage Equality

The issue of marital equality in India must ultimately be handled within the context of constitutional protections and the transformative constitutionalism concept. The Constitution is a revolutionary tool meant to upend long-standing hierarchies and broaden the extent of individual freedom rather than just a static text maintaining current social structures. According to Articles 14, 15, and 21, which together protect equality, nondiscrimination, dignity, and individual liberty, the ongoing exclusion of same-sex couples from the institution of marriage raises grave concerns.

The exclusion of same-sex couples from marriage under Article 14 does not pass constitutional muster. The distinction between heterosexual and homosexual relationships does not meet the criteria of "intelligible differentia" and "rational nexus," nor does it pass the "test of manifest arbitrariness." According to *Navtej Singh*, discrimination on the basis of sexual orientation is unconstitutional since it is an inherent and unchangeable part of identity. Denying someone access to a civil institution that has significant legal ramifications without a justifiable state goal makes the exclusion arbitrary. It is insufficient to rely on custom or social morality, especially in cases where constitutional morality has been established as the norm. This logic is supported by Article 15, which forbids gender discrimination. By extending this clause to encompass sexual orientation and gender identity, judicial interpretation has acknowledged that discrimination against LGBTQ+ individuals is a type of sex-based discrimination. The Court specifically upheld this view in *Navtej Singh Johar*, and it acknowledged gender identification that went beyond the binary in *National Legal Services*

Authority v. Union of India.²⁶ The legal presumption that marriage must inevitably be a heterosexual institution is undermined by these rulings taken together.

However, Article 21 provides the best constitutional foundation for marriage equality. In the case of *Justice K.S. Puttaswamy*, the Supreme Court acknowledged that privacy includes the right to make decisions regarding intimate relationships. In *Navtej Singh Johar*, the Court upheld the Constitution's protection of the right to establish and maintain intimate relationships as a component of liberty and dignity, further developing this idea. However, the denial of marital recognition leads to a fundamental contradiction: same-sex partnerships are not institutionally validated despite being guaranteed by the constitution. This leads to a scenario known as "right without remedy," in which people are free to establish relationships but are not included in the legal system that recognizes and protects them.

When viewed through the lens of transformative constitutionalism, which demands that the Constitution be regarded as a living text capable of addressing changing social conditions, this contradiction becomes even more apparent. Although this approach was accepted in *Navtej Singh Johar*, it ran into challenges in *Supriyo*, where the Supreme Court refused to grant same-sex couples the right to marry and instead referred the issue to the legislature. This approach is a restricted application of transformational constitutionalism, especially when contrasted to previous interventions targeting deeply ingrained social norms, even though it is based on concerns about institutional competency and the separation of powers.

Arun Kumar v. Inspector General of Registration, in which the Madras High Court construed the term "bride" under the Hindu Marriage Act, 1955 to include a transgender woman, as a noteworthy breakthrough in this regard.²⁷ The Court showed that statutory provisions can be interpreted inclusively without legislative change by relying on constitutional concepts of dignity and identity. The ruling does, however, also highlight the limitations of these interpretive methods. Even while it broadens the gendered conception of marriage, it still functions within a binary framework, which ignores the larger exclusion of same-sex couples. This emphasizes the necessity of a more thorough constitutional response.

²⁶ National Legal Services Authority v. Union of India, (2014) 5 S.C.C. 438

²⁷ Arun Kumar v. Inspector General of Registration, W.P. (MD) No. 4125 of 2019

The argument for marital equality is further strengthened by comparative constitutional jurisprudence. The US Supreme Court ruled in *Obergefell v. Hodges* that same-sex couples had a fundamental right to marriage, which is based on equality and dignity.²⁸ In a similar vein, the South African Constitutional Court acknowledged in *Minister of Home Affairs v. Fourie* that prohibiting same-sex couples from getting married goes against the equality and human dignity guaranteed by the constitution.²⁹ Legislative recognition resulted from Taiwan's declaration of such exclusion to be unconstitutional in Asia through Judicial Yuan Interpretation No. 748. These achievements reflect a rising worldwide agreement that marriage equality is a constitutional requirement rather than just a question of politics.

In the end, a comprehensive reading of the Indian constitutional framework leads to the same result. The acknowledgment of gender identity and sexual orientation under Articles 14 and 15, along with the broad interpretation of autonomy and dignity under Article 21, makes it difficult to keep same-sex couples from getting married. The constitutional imperative is unambiguous: equality cannot be partial, and dignity cannot be conditional, even though *Supriyo v. Union of India* refers the matter to the legislature. Therefore, granting same-sex couples the freedom to marry is not only desirable but also essential to realizing the Constitution's revolutionary promise.

Conclusion: Fulfilling the Promise of Equality

The evolution of marriage in India from a caste-bound, sacralized institution to a largely modernized legal framework demonstrates the ongoing disconnect between institutional reality and constitutional promise. Although dignity, privacy, and sexual autonomy have been upheld by jurisprudence in *Navtej Singh Johar v. Union of India* and *Justice K.S. Puttaswamy v. Union of India*, *Supriyo v. Union of India*'s refusal to apply these principles to marriage leaves queer citizens with a fragmented rights regime—recognized in identity but excluded in institution. This contradiction undercuts the transformative imperative that drives Indian constitutionalism and is irreconcilable with Articles 14, 15, and 21 of the Indian Constitution.

Reform at several levels must be significant in order to close this gap. In order to expand civil marriage to all couples without upsetting personal law systems, Parliament should first pass

²⁸ *Obergefell v. Hodges*, 576 U.S. 644 (2015).

²⁹ *Minister of Home Affairs v. Fourie*, 2006 (1) SA 524 (CC)

gender-neutral amendments to the Special Marriage Act, 1954, substituting inclusive wording for sex-specific terminology.³⁰ Second, in order to operationalize the principles outlined in the *National Legal Services Authority*, a comprehensive anti-discrimination framework that specifically forbids discrimination on the basis of gender identity and sexual orientation must be implemented. Third, quick administrative harmonization is crucial: executive authorities must guarantee that same-sex couples have access to rights that are customarily dependent on marriage, such as inheritance, adoption, taxation, and the ability to make medical decisions. Fourth, in order to lessen exclusion in the interim, the judiciary can keep adopting intentional and constitutionally informed interpretations of current statutes, building on the logic in *Arun Kumar*.

The validity of these measures is strengthened by comparative constitutional practice. The US Supreme Court acknowledged marriage equality as a basic right based on liberty and equal protection in *Obergefell v. Hodges*. In a similar vein, the South African Constitutional Court ruled in *Minister of Home Affairs v. Fourie* that it is a violation of equality and dignity to prevent same-sex couples from being married.⁶ Taiwan deemed this exclusion to be illegal through Judicial Yuan Interpretation No. 748, which resulted in legislative acceptance.³¹ These developments show that granting same-sex couples the right to marry is a logical fulfillment of constitutional values rather than a deviation from them.

In the end, the question is whether the Constitution is effectively upheld rather than whether Indian society is ready for marital equality. Equality cannot remain a symbol, and dignity cannot be conditional. The ongoing limitation on same-sex marriage is a constitutional deficiency as well as a legislative omission. Therefore, recognizing same-sex marriage is a constitutional requirement that is required to finish the revolutionary journey that the architects envisioned, rather than an act of policy discretion. Closing this gap is essential to the validity of India's constitutional framework, since it guarantees that the right to love is equal to the right to full and equal legal inclusion.

³⁰ Special Marriage Act, 1954

³¹ Judicial Yuan Interpretation No. 748 (Taiwan).