THE

INDIAN CHRISTIAN MARRIAGE

ACT, 1872

(Act No. 15 of 1872)

With

Short Notes

EASTERN BOOK COMPANY

Law Publishers And Booksellers

34, LALBAGH 226001

It has been extended to union territory of Pondicherry by the Pondicherry (Extension of Laws) Act, 1968 (26 of 1968) subject to the following proviso:

" Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry"

STATE AMENDMENT

KARNATAKA – For the definition of " Registrar-General of Births ,deaths and Marriage " , substitute the following :

" Registrar-General of Births,Deaths and Marriage means ' the Registrar-General of Births,Deaths and Marriage appointed under the Mysore Registrar-General of Births,Deaths and Marriages Act ,1956' " – Mysore Act 20 of 1956,Section 10 (29-10-1956) r/w Act 31 of 1973, section 5 (1-11-1973) .

PART i

THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED

4. Marriages to be Solemnized according to Act . – Every marriage between persons , one or both of whom is or are a Christian or Christians ,shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void .

NOTES

Though under the canon law a marriage performed by a Schismatic priest where the Parties to marriage are Roman Catholic will not be recognized as valid by the Catholic Church and the off spring will be described as illegitimate , such a marriage would be perfectly valid under section 4 and 5 of the Act and the progeny perfectly legitimate.

Ganamathu Udayar v. Anthoni, AIR 1960 Mad 430

5. **Persons by whom marriages may be solemnized** – marriages may be solemnized in India

(i) by any person who has received Episcopal ordination , provided that the marriage be solemnized according to the rules, rites ,ceremonies and customs of the Church of which he is a Minister ;

(2) by any Clergyman of the Church of Scotland , provided that such marriage be Solemnized according to the rules, rites ceremonies and customs of the Church of Scotland;

(3) by any Minister of religion licensed under this Act to Solemnize marriages ;

(4) by ,or in the presence of , a marriage Registrar appointed under this Act ;

(5) by any person licensed under this Act to grant Certificates of marriage between Indian Christians

NOTES

The making of separate provisions in parts III , V and I of the Act ,relating to marriage of minors and the requirement of consent of the parents or the guardian shows that each Part is meant to be self contained . The Catagories of persons covered by those parts and the provisions appearing there in can not be applied to marriages solemnized by persons falling in catagories I and II of section 5. *Lakshmi sanyal v.sachit kumar Dhar,(1972)2 SCC 647*.

The District Court has no Jurisdiction to pass a decree for declaration of nultity of marriage on ground that marriage was void as it was not solemnized in accordance with sections 4 and 5 Kanku v.Shanabhai .IXG. L. R. 511

6. **Grant and revocation of licences to solemnize Marriages** . – The State Government ,so far as regards the territories under its administration, may, by notification in the official Gazette, grant Licences to Ministers of Religion to

Solemnize marriage within such territories and may, by a like notification, revoke such licences .

7**. Marriage Registrars**. – The State Government may appoint one or more Christians, either by name or as holding any office for the time being to be the Marriage Registrar or Marriage Registrars for any district subject to its administration .

Senior Marriage Registrar – Where there are more marriage Registrars than one in any district, the state Government shall appoint one of them to be the Senior Marriage registrar.

Magistrate when to be Marriage Registrar – When there is only one Marriage Registrar in a district, and such Registrar is absent from such district,or ill or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar there of during such absence, illness, or temporary vacancy .

STATE AMENDMENT

Karnataka.- Substitute the words “District Magistrate” for the words “Magistrate of the district”- Mysore Act 13 of 1965, Section 66 and Schedule (1-10-1965) r/w Act 31 of 1973,Section 5 (1-11-1973).

8. {Marriage Registrars in Indian States} Rep.by the A.O. 1950 .

9. **Licensing of Persons to grant certificates of marriage between Indian Christians**.-

The state Government may grant a licence to any Christian, either by name or as holding any office for the time being ,authorizing him to grant certificates of marriage between Indian Christians .

Any such Licence may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official Gazette .

PART ii

TIME AND PLACE AT WHICH MARRIAGE MAY BE SOLEMNIZED

10. **Time for Solemnizing Marriage** – Every marriage under this act shall be solemnized between the hours of six in the morning and seven in the evening :

EXCEPTIONS. – Provided that nothing in this section shall apply to –

(1) a Clergyman of the Church of England solemnizing a marriage under a special licence Permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary,or

(2) of the Church a Clergyman of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning. When he has received a general or special licence in that behalf from the Roman Catholic Bishop of the Diocese or Viicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such licence , or

(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules,rites, ceremonies and customs of the church of Scotland .

11. **Place for Solemnizing Marriage** – No Clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the church of England,