

Index
Indian Christian Marriage Act, 1872
(Relevant Section)

PRELIMINARY

Section-3.
Interpretation-clause

PART I - THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED

Section-4.
Marriages to be solemnized according to Act
Section-5.
Persons by whom marriages may be solemnized
Section-6.
Grant and revocation of licenses to solemnize marriages
Section-7.
Marriage Registrars
Section-9.
Licensing of persons to grant certificates of marriage between Indian Christians

PART II - TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

Section-10.
Time for solemnizing marriage
Section-11.
Place for solemnizing marriage

**PART III - MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION
LICENSED UNDER THIS ACT**

Section-12.
Notice of intended marriage
Section-13.
Publication of such notice
Section-14.
Notice of intended marriage in private dwelling
Section-16.
Procedure on receipt of notice
Section-18.
Declaration before issue of certificate
Section-20.
Power to prohibit by notice issue of certificate
Section-21.
Procedure on receipt of notice
Section-23.
Issue of certificates of Indian Christians
Section-24.
Form of certificate
Section-25.
Solemnization of marriage
Section-26.
Certificate void if marriage not solemnized within two months

PART IV - REGISTRATION OF MARRIAGES SOLEMNIZED BY MINISTER OR RELIGION

Section-27.

Marriages when to be registered

Section-28.

Registration of marriages solemnized by Clergymen of Church of England

Section-32.

Certain marriages to be registered in duplicate

Section-35.

Copies of certificates to be entered and numbered

PART V - MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR

Section-38.

Notice of intended marriage before Marriage Registrar

Section-39.

Publication of notice

Section-40.

Notice to be filed and copy entered in Marriage Notice Book

Section-42.

Oath before issue of certificate

Section-43.

Petition to High Court to order certificate in less than fourteen days

Section-46.

Petition when Marriage Registrar refuses certificate

Section-50.

Form of certificate

Section-51.

Solemnization of marriage after issue of certificate

Section-59.

Registration of marriages between Indian Christians

PART VI - MARRIAGE OF INDIAN CHRISTIANS

Section-60.

On what conditions marriages of Indian Christians may be certified

Section-61.

Grant of certificate

Section-64.

Books in which marriages of Indian Christians under Part I or Part III are registered

PART VII - PENALTIES

Section-66.

False oath, declaration, notice or certificate for procuring marriage

Section-68.

Solemnizing marriage without due authority

Section-69.

Solemnizing marriage out of proper time, or without witnesses

Section-70.

Solemnizing without notice or within fourteen days after notice, marriage with minor

Section-71.

Issuing certificate, or marrying, without publication of notice
Section-75.
Destroying or falsifying register-books
Section-76.
Limitation of prosecutions under Act

PART VIII - MISCELLANEOUS

Section-77.
What matters need not be proved in respect of marriage in accordance with Act
Section-78.
Corrections of errors
Section-87.
Saving of Consular marriages
Section-88.
Non-validation of marriages within prohibited degrees

Index **Indian Christian Marriage Act, 1872** (Relevant Section)

3. Interpretation-clause. — In this Act, unless there is something repugnant in the subject or context, —

"Church of England" and "Anglican" means and apply to the Church of England as by law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" means and apply to the Church which regards to Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"India" means the territories to which this Act extends;

"minor" means a person who has not completed the age of of twenty-one years and who is not a widower or a widow; the expression

"Christians" means persons professing the Christian religion; and the expression "Indian Christians" includes the Christian descendants of natives of India converted to Christianity, as well as such converts;

"Registrar General of Births, Deaths and Marriages" means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886).

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.

5. Persons by whom marriages may be solemnized. — Marriages may be solemnized in India —

(1) 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.

6. Grant and revocation of licenses to solemnize marriages. — The State Government, so far as regards territories under its administration, may, by notification in the Official Gazette, grant licences to Ministers of Religion to solemnize marriages 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 of 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 thereof during such absence, illness, or temporary vacancy.

9. Licensing of persons to grant certificates of marriage between Indian Christians. — The State Government may grant a license 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

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 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) a Clergyman of the Church 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 of Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorised to grant such licence, or

(3) a Clergyman of the Church of the Scotland solemnizing a marriage according to the rule, 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, unless there is no such church within five miles distance by the shortest road from such place, or unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

Fee for special licence. — For such special licence, the Registrar of the Diocese may charge such additional fee as he said Bishop from time to time authorizes

12. Notice of intended marriage. — Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriages under this Act —

One of the persons intending marriage shall give notice in writing according to the form contained in the First Schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein —

(a) the name and surname, and the profession or condition, of each of the persons intending marriage,

(b) the dwelling-place of each of them.

(c) the time during which each has dwelt there, and

(d) the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. Publication of such notice. — If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of Religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church.

Return or transfer of notice. — But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the persons who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid.

14. Notice of intended marriage in private dwelling. — If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in Section 12, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

16. Procedure on receipt of notice. — The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district who shall likewise publish the same in the manner above directed.

18. Declaration before issue of certificate. — The certificate mentioned in Section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration —

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and, when either or both of the parties is or are a minor or minors —

(b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

20. Power to prohibit by notice issue of certificate. — Every person whose consent to a marriage is required under Section 19, is hereby authorized to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorized with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid.

21. Procedure on receipt of notice. — If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he was examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice is withdrawn by the person who gave it.

23. Issue of certificates of Indian Christians. — When any Indian Christian about to be married makes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under Section 17, such Minister shall, before issuing the certificate, ascertain whether such Indian Christian is cognizant of the purport and effect of the said notice or certificate, the case may be, and if not, shall translate or cause to be translated the notice or certificate to such Indian Christian into some language which he understands.

24. Form of certificate. — The certificate to be issued by the Minister shall be in the form contained in the Second Schedule hereto annexed, or to the like effect.

25. Solemnization of marriage. — After the issue of the certificate by the Minister, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister thinks fit to adopt:

Provided that the marriage be solemnized in the presence of at least two witnesses besides the Minister.

26. Certificate void if marriage not solemnized within two months. — Whenever a marriage is not solemnized within two months after the date of the certificate issued by such Minister as aforesaid, such certificate and all proceedings (if any) thereon shall be void, and no person shall proceed to solemnize the said marriage until new notice has been given, and a certificate thereof issued in manner aforesaid.

27. Marriages when to be registered. — All marriages thereafter solemnized in India between persons one or both of whom professes or profess the Christian religion, except marriages solemnized under Part V or Part VI of this Act, shall be registered in manner hereinafter prescribed.

28. Registration of marriages solemnized by Clergymen of Church of England. — Every Clergyman of the Church of England shall keep a register of marriages and shall register therein, according to the tabular form set forth in the Third Schedule hereto annexed, every marriage which he solemnizes under this Act.

32. Certain marriages to be registered in duplicate. — Every marriage solemnized by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England, or of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, shall immediately after the solemnization thereof, be registered in duplicate by the person solemnizing the same; (that is to say) in a marriage register-book to be kept by him for that purpose, according to the form contained in the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage-register book as a counterfoil.

35. Copies of certificates to be entered and numbered. — Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copied, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy of the said book, according to the order in which he receives each certificates

38. Notice of intended marriage before Marriage Registrar. — When a marriage is intended to be solemnized by, or in the presence of a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the First Schedule hereto annexed, or to the like effect; to any Marriage Registrar of the district within which the parties have dwelt, or if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district, and shall state therein the name and surname, and the profession or condition of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized:

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. Publication of notice. — Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same district, who shall likewise affix the copy in some conspicuous place in his own office.

40. Notice to be filed and copy entered in Marriage Notice Book. — The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all notices in a book to be furnished to him for that purpose by the State Government, and to be called the "Marriage-Notice Book", and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

42. Oath before issue of certificate. — The certificate mentioned in Section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath —

(a) that he or she believes that there is no any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(b) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar, and, where either or each of the parties is a minor, —

(c) that the consent or consents to such marriage required by law has or have been obtained thereto, or that, there is no person resident in India authorized to give such consent, as the case may be.

43. Petition to High Court to order certificate in less than fourteen days. — When one of the parties intending marriage is a minor, and both such parties are at the time resident in any of the towns of Calcutta, Madras and Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, they may apply by petition to a judge of the High Court, for an order upon the Marriage Registrar to whom the notice of marriage has been given, directing him to issue his certificate before the expiration of the said fourteen days required by Section 41.

Order on petition. — And on sufficient cause being shown, said Judge may, in his discretion, make an order upon such Marriage Registrar, directing him to issue his certificate at any time to be mentioned in the said order before the expiration of the fourteen days so required.

And the said Marriage Registrar, on receipt of the order, shall issue his certificate in accordance therewith.

46. Petition when Marriage Registrar refuses certificate. — Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay to a Judge of the High Court, or if such district is not within any of the said towns then to the District Judge.

Procedure on petition. — The said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way, and shall decide thereon.

The decision of such Judge of the High Court or District Judge, as the case may be, shall be final, and the Marriage Registrar to whom the application for the issue of certificate was originally made shall proceed in accordance therewith.

50. Form of certificate. — The certificate to be issued by the Marriage Registrar under the provisions of Section 41 shall be in the form contained in the Second Schedule to this Act annexed or to the like effect, and the State Government shall furnish to every marriage Registrar a sufficient number of forms of certificate.

51. Solemnization of marriage after issue of certificate. — After the issue of the certificate of the Marriage Registrar, or where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates to the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate, or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar. And in some part of the ceremony each of the parties shall declare as follows, or to the like effect :

"I do solemnly declare that I know not of any lawful impediment why I, A.B., may not be joined in matrimony to C.D."

And each of the parties shall say to the other as follows or the like effect:

"I call upon these persons here present to witness that I, A.B., do take thee, C.D., to be my lawful wedded wife (or husband)."

59. Registration of marriages between Indian Christians. — The registration of marriages between Indian Christians under this Part shall be made in conformity with the rules laid down in Section 37 (so far as they are applicable), and not otherwise.

60. On what conditions marriages of Indian Christians may be certified. — Every marriage between Indian Christians applying for certificate, shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:

(1) the age of the man intending to be married shall not be under twenty-one years, and the age of the woman intending to be married shall not be under eighteen years;

(2) neither of the persons intending to be married shall have a wife or husband still living;

(3) in the presence of a person licensed under section 9, and of at least two credible witnesses other than such person, each of the parties shall say to the other —

"I call upon these persons here present to witness that I, A.B., in the presence of Almighty God, and in the name of our Lord Jesus Christ, do take thee, C.D., to be my lawful wedded wife or husband or words to the like effect:

61. Grant of certificate. — When, in respect to any marriage solemnized under this Part, the conditions prescribed in Section 60 have been fulfilled, the person licensed as aforesaid, in whose presence the said declaration has been made, shall, on the application of either of the parties to such marriage, and, on the payment of a fee of four annas, grant a certificate of the marriage.

The certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive proof of its having been performed.

64. Books in which marriages of Indian Christians under Part I or Part III are registered. — The provisions of Sections 62 and 63, as to the form of register-book, depositing extracts therefrom, allowing searches thereof, and giving copies of the entries therein, shall mutatis mutandis, apply to the books kept under Section 37.

66. False oath, declaration, notice or certificate for procuring marriage. — Who- ever, for the purpose of procuring a marriage or licence of marriage, intentionally, —

(a) where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or

(b) where a notice or certificate is required by this Act, signs a false notice or certificate, shall be deemed to have committed the offence punishable under Section 193 of the Indian Penal Code, 1860 (45 of 1860) with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court with fine.

68. Solemnizing marriage without due authority. — Whoever, not being authorized by Section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years or (in lieu of a sentence or imprisonment for seven years of upwards) with transportation for a term of not less than seven years, and not exceeding ten years, and shall also be liable to fine.

69. Solemnizing marriage out of proper time, or without witnesses. — Whoever knowingly and wilfully solemnizes a marriage between persons, one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Saving of marriages solemnized under special licence. — This section does not apply to marriages solemnized under special licences granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special licence in that behalf mentioned in Section 10.

Nor does this section apply to marriages solemnized by Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

70. Solemnizing without notice or within fourteen days after notice, marriage with minor. — Any Minister of Religion licensed to solemnize marriages under this Act, who without a notice in writing, or when one of the parties to the marriage is a minor and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

71. Issuing certificate, or marrying, without publication of notice. — A Marriage Registrar under this Act, who commits any of the following offences:

(1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act;

Marrying after expiry of notice. — (2) after the expiration of two months after the copy of the notice has been entered as required by Section 40 in respect of any marriage, solemnizes such marriage;

Solemnizing marriage with minor within fourteen days, without authority of court or without sending copy of notice. — (3) solemnizes without an order of a competent court authorizing him to do so, any marriage, when one of the parties is a minor, before the expiration of fourteen days after the receipt of the notice of such marriage, or without sending, by the post or otherwise, a copy of such notice to the Senior Marriage Registrar of the district if there be more Marriage Registrars of the district than one, and if he himself be not the Senior Marriage Registrar;

Issuing certificate against authorized prohibition. — (4) issues any certificate the issue of which has been prohibited, as in this Act provided, by any person authorized to prohibit the issue thereof, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

75. Destroying or falsifying register-books. — Whoever, by himself or another, wilfully destroys or injures any register-book or the counterfoil certificates thereof, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register-book of counterfoil certificates, or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

76. Limitation of prosecutions under Act. — The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

77. What matters need not be proved in respect of marriage in accordance with Act. — Whenever any marriage has been solemnized in accordance with the provisions of Sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:

(1) any statement made in regard to the dwelling of the person married, or to the consent of any person whose consent to such marriage is required by law:

(2) the notice of the marriage;

(3) the certificate or translation thereof;

(4) the time and place at which the marriage has been solemnized;

(5) the registration of the marriage.

78. Corrections of errors. — Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may within one month next after the

discovery of such error, in the presence of the persons married, or in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case such certificate has been already sent to the Registrar-General of Births, Deaths and Marriages, such person shall make and send it in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

87. Saving of Consular marriages. — Nothing in this Act applies to any marriage performed by any Minister, Consul, or Consular Agent between subjects of the State which he represents and according to the laws of such State.

88. Non-validation of marriages within prohibited degrees. — Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.