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## PART VI.

### BILLS OF THE GOVERNMENT OF INDIA.

#### LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th October 1871 :—

**Bill No. 24 of 1871.**

#### THE INDIAN CHRISTIAN MARRIAGE BILL, 1871.

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*A Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian Religion.*

Whereas it is expedient to consolidate and amend the law relating to the solemnization in India

Preamble.

of marriages of persons professing the Christian religion; It is enacted as follows:—

PRELIMINARY.

- Short title. 1. This Act may be called "The Indian Christian Marriage Act, 1871."
- It extends to the whole of British India, and, so far only as regards Christian British subjects of Her Majesty, to the territories of any Native Prince or State in alliance with Her Majesty; and it shall come into operation on the passing thereof.
- Extent and commencement of Act.
2. The enactments specified in the fifth schedule hereunto annexed are repealed to the extent mentioned in the third column of the said schedule.
- Enactments repealed.
3. In this Act, unless there is something repugnant in the subject or context,—
- Interpretation-clause.
- "Church of England" and "Anglican" mean the United Church of England and Ireland as by the law established;
- "Church of England." "Anglican."
- "Church of Scotland." means the Church of Scotland as by law established;
- "Church of Rome" and "Roman Catholic" mean the Church which regards the Pope of Rome as its spiritual head;
- "Church of Rome." "Roman Catholic."
- "Church" includes any chapel or other building generally used for public Christian worship;
- "Church."
- "Minor" means a person who has not completed the age of twenty-one years;
- "Minor."
- "Native Christian" includes the Christian descendants of Natives of India converted to Christianity, as well as such converts.

PART I.

THE PERSONS BY WHOM MARRIAGE MAY BE SOLEMNIZED.

4. Every marriage between persons, one or both of whom shall profess the Christian religion, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with the said provisions, shall be null and void.
- Marriage between Christians to be solemnized according to Act.
5. Marriages may be solemnized in India—
- Marriages by whom to be solemnized.

(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 such person 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 who, under the provisions of this Act, has obtained a license to solemnize marriages;

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

(5) by any person who, with respect to marriages between Native Christians, shall have received, under the provisions of Part IV. of this Act, a license to grant certificates of marriage.

6. The Governor General of India in Council, the Governors of Madras and Bombay in Council, and the Lieutenant-Governors of Bengal, the North-Western Provinces and the Panjáb, may grant licenses to Ministers of Religion to solemnize marriages within the territories under the immediate administration of such Governor General, or subject to such Governors and Lieutenant-Governors respectively, and may revoke such licenses.

7. The Local Government of each Presidency or territory may appoint one or more Marriage Registrars, either by name or as holding any office for the time being, for any portion of the Presidency or territory subject to its administration. But no person shall be a Marriage Registrar who does not profess the Christian religion.

Where there are more than one Marriage Registrar in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or in case of the death of the only Marriage Registrar in a district, or of any temporary vacancy in such office, the Magistrate of such district shall act as, and be, Marriage Registrar thereof during such absence, illness, or temporary vacancy as aforesaid.

8. The Governor General of India in Council may appoint any person, being a Christian, to be a Marriage Registrar in any district, to be assigned by the Governor General of India in Council, in any place within the territories of any Native Prince or State in alliance with Her Majesty.

9. The Local Government of any province may issue a license to any person being a Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians. Any such license may be revoked by the Government or Chief Commissioner by whom it was granted, and every such grant or revocation shall be notified in the official Gazette.

## PART II.

## MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THE ACT.

10. In all cases in which a marriage is intended to be solemnized by a Minister of Religion who has obtained a license 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 to this Act annexed, or to the like effect, to the Minister of Religion whom he or she shall desire to solemnize the marriage, and shall state therein the name or names, and the profession or condition, of each of the persons intending marriage, the dwelling place of each of them, and the time (not being less than four days) during which each has dwelt there, and the church or private dwelling in which the marriage is to be solemnized:

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

Provided, also, that, at any place or station where there is a church, no Clergyman of the Church of England shall solemnize a marriage in a private dwelling or in any place except in such church, unless he shall have received a special license authorizing him to do so from and under the hand and seal of the Anglican Bishop of the Diocese, or from the Commissary of such Bishop. For such special license the Registrar of the Diocese shall be entitled to charge such additional fee as the said Bishop may sanction.

11. The Minister of Religion to whom such notice shall have been delivered, if he shall be entitled to officiate in the church in which it is intended to solemnize the said marriage, shall publish every notice of marriage received by him, by causing the same to be published and affixed in some conspicuous part of the same church.

If such Minister of Religion shall not be entitled to officiate as a Minister in such church, he shall, at his option, either return the same notice to the person delivering the same to him, or shall deliver the same to some other Minister entitled to officiate therein, who shall thereupon cause the same to be so published and affixed as aforesaid.

12. 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 ten, shall forward it to the Marriage Registrar of the district, who shall affix the same to some conspicuous place in his own office.

13. When one of the persons intending marriage (not being a widow or widower) is a minor, every such Minister as aforesaid, who receives such notice, shall, unless he returns the same to the person from whom it was received under the provisions of section eleven

within twenty-four hours after his receipt thereof, send or cause to be sent by the post, or otherwise, a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

14. The Marriage Registrar or Senior Marriage Registrar, on receiving any such notice, shall affix the same 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.

15. Any Minister of Religion who shall consent or intend to solemnize any such marriage as aforesaid, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making such declaration as is hereinafter required, shall issue under his hand a certificate of such notice having been given and of such declaration having been made:

Provided that no lawful impediment according to the law of England be shown to the satisfaction of such Minister why such certificate should not issue, and the issue of such certificate shall not have been sooner forbidden in the manner hereinafter mentioned by any person authorized in that behalf.

16. When, by such declaration, it appears, or when it is otherwise known, to such Minister of Religion that either of the persons intending marriage, not being a widower or widow, is a minor, such Minister shall not grant such certificate until the expiration of fourteen days after the receipt by him of such notice of marriage.

17. Before any such certificate as aforesaid shall be issued by any such Minister, one of the persons intending marriage shall appear personally before such Minister, and shall make a solemn declaration 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, not being a widower or widow, is or are a minor or minors, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is or are no person or persons resident in India having authority to give such consent, as the case may be.

18. The father, if living, of any minor, not being a widower or widow, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

19. Every person whose consent to a marriage is required under section eighteen, is hereby authorized to prohibit the grant 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.

20. If any such notice prohibiting the marriage shall be received by such Minister as aforesaid, he shall not issue his certificate and shall not solemnize the said marriage until he shall have examined into the matter of the said prohibition, and shall be satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, or until the said notice be withdrawn by the person who gave it.

21. When any Native Christian about to be married shall take a notice of marriage to a Minister of Religion, or shall apply for a certificate from such Minister under section fifteen, such Minister shall, before issuing such certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated, such notice or certificate to such Native Christian into his language, or into some language which he understands.

22. The certificate to be issued by such Minister as aforesaid shall be in the form contained in the second schedule to this Act annexed, or to the like effect.

23. After the issue of the certificate by such Minister of Religion, marriage may be solemnized between the persons therein described according to such form or ceremony as the Minister shall think fit to adopt: Provided that the marriage be solemnized in the presence of at least two witnesses.

24. Every marriage solemnized in India from and after the commencement of this Act, by any person who has received episcopal ordination, or by any Clergyman of the Church of Scotland, or by any Minister licensed under this Act to solemnize marriages, shall be solemnized between the hours of six in the morning and seven in the evening:

Provided that this section shall not apply to—

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

(b)—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 shall have received a general or special license in that

behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall so be solemnized, or from such person as the same Bishop shall have authorized to grant such license.

25. Whenever a marriage is not solemnized within two months after the date of the certificate which shall have been issued by such Minister as aforesaid, such certificate and all other proceedings 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 the manner aforesaid.

### PART III.

#### REGISTRATION OF MARRIAGES.

26. All marriages solemnized in India from and after the commencement of this Act, between persons both or one of whom shall profess the Christian Religion, except marriages solemnized under Parts IV. and V. of this Act, shall be registered in the manner hereinafter prescribed: Provided that no omission or defect in such registration shall invalidate any marriage not otherwise invalid.

27. Every marriage solemnized by a Clergyman of the Church of England shall be registered by the Clergyman solemnizing the same in the register of marriages of the station or district in which such marriage shall be solemnized, according to the form contained in the third schedule to this Act annexed.

28. Every Clergyman of the Church of England shall send four times in every year returns in duplicate, authenticated by the signature of such Clergyman, of the entries in the register of marriages solemnized at or in any station or district at which such Clergyman shall have any spiritual charge, to the Registrar of the Archdeaconry to which he shall be subject, or within the limits of which such station or district shall be situated.

Such quarterly returns shall contain all the entries of marriages contained in the said register from the first day of January to the thirty-first day of March, from the first day of April to the thirtieth day of June, from the first day of July to the thirtieth day of September, and from the first day of October to the thirty-first day of December, of each year respectively, and shall be transmitted by such Clergyman within two weeks from the expiration of each of the quarters above specified. The said Registrar upon receiving the same shall transmit one copy to the Secretary to the Local Government.

29. Every marriage solemnized by a Clergyman of the Church of Rome shall be registered by the person and according to the form directed in that behalf by the

Roman Catholic Bishop of the Diocese or Vicariate in which such marriage shall be solemnized, and such person shall forward quarterly to the Secre-

tary to the Local Government, returns of the entries of all marriages registered by him during the three months next preceding.

30. Every marriage solemnized by a Clergyman of the Church of Scotland shall be registered by the Clergyman solemnizing the same in a register of marriages to

Registration and returns of marriages solemnized by Clergymen of the Church of Scotland.

be kept by him for the station or district in which the marriage shall be solemnized in the form prescribed in section twenty-seven for marriages solemnized by Clergymen of the Church of England, and such Clergyman shall forward quarterly to the Secretary to Government, through the Senior Chaplain of the Church of Scotland in the territory subject to the Local Government, returns similar to those prescribed in section twenty-eight for Clergymen of the Church of England, of all marriages solemnized by him.

31. After the solemnization of any marriage under this Act by any person who has received episcopal ordination, but who is not a Clergyman of the Church of England,

What marriages to be entered in register book and certificate prescribed in Schedule IV.

nor of the Church of Rome, or by any Minister of Religion licensed under this Act to solemnize marriages, the person solemnizing the same shall forthwith register such marriage in duplicate, 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 to this Act annexed, and also in a certificate attached to the marriage register book as a counterfoil.

32. The entry of such marriage in both the

Such entries to be signed and attested.

certificate and marriage register book shall be signed by the person by whom the said marriage has been solemnized, and also by the persons married, and shall be attested by two credible witnesses who were present at the solemnization of the marriage, and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

33. The person solemnizing the said marriage shall forthwith separate

Such certificate to be forwarded to Marriage Registrar, copied, and transmitted to Government.

the certificate from the marriage register book and transmit it within one month from the time of the solemnization of such marriage to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall cause such certificate to be copied into a book to be kept by him for that purpose, and shall transmit all the certificates which he shall have received during the month, with such number and signature or initials added thereto as are hereinafter required, to the Secretary to the Local Government.

34. Such copies shall be entered in order from the beginning to the end

Copies of such certificates to be entered and numbered.

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 in the said book, according to the order in which each certificate was received by the said Marriage Registrar.

35. The Marriage Registrar shall also add such last-mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, transmit the same to the Secretary to the Local Government.

36. The person solemnizing any marriage between Native Christians

Custody and disposal of register book of marriages between Native Christians.

under Parts. I or II. of this Act shall, instead of entering them in the general marriage register book and proceeding in the manner contemplated by sections twenty-seven to thirty-three, both inclusive, register such marriages in a separate register book, and shall keep safely the said register book until the same shall be filled, or, if he shall leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person who shall succeed to his duties in the said district, who shall keep safely the same, and shall make therein the entries by this Act required to be made in respect of any such marriage solemnized by him within the said district.

And the person having the control of the book at the time when it shall be filled, shall send the same to the Marriage Registrar of the district, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the Secretary to the Local Government to be kept by him with the records of his office.

PART IV.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

37. 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 of the first schedule to this Act annexed, or to the like effect, to any Marriage Registrar of the district within which the parties shall have dwelt for not less than five days then next preceding,

One of the parties to intended marriage to give notice in Schedule I. to the Marriage Registrar of the district.

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, and the time, not being less than five days, during which each has dwelt therein, and the church, chapel, or other building in which the marriage is to be solemnized:

Provided that, if either party shall have dwelt in the place stated in the notice during more than one calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

38. The Marriage Registrar shall file all such notices, and keep them with the records of his office, and shall also forthwith enter a true

Notice to be filed and copy entered in the Marriage Notice Book.

copy of all such notices in a book to be for that purpose furnished to him by the Government, 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.

39. The Marriage Registrars or Registrar of all districts in the British territories in India shall respectively publish all such notices of marriage given in their respective districts, by causing a copy of such notices to be affixed in some conspicuous place in their respective offices, or, where such Registrars are Ministers of the Christian Religion ordained or otherwise set apart to the ministry of the Christian Religion, such notices shall be affixed in some conspicuous place in the church or chapel or place of worship in which such Ministers respectively officiate.

When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, or cause to be sent, by the post or otherwise, a copy of such notice to all the other Marriage Registrars (if any) in the same district, who shall likewise affix the same in some conspicuous place in their own offices or chapels as aforesaid.

40. The Marriage Registrar, upon being requested so to do by or on behalf of the party by whom the notice was given, and one of the parties intending marriage having made oath or declaration as hereinafter required, shall issue under his hand a certificate of such notice having been given and of such oath or declaration having been made: Provided no lawful impediment according to the law of England be shown to the satisfaction of the Marriage Registrar why such certificate should not issue, and the issue of such certificate has not been sooner forbidden, in manner hereinafter mentioned, by any person or persons by this Act authorized in that behalf:

Provided always that, where, by such oath or declaration, it appears that one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, the Marriage Registrar shall not issue his certificate until the expiration of fourteen days after the entry of such notice of marriage.

41. When one of the parties intending marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending marriage are at the time resident in any of the towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, it shall be competent for both parties intending marriage to apply by petition to the High Court of such town, or any Judge thereof, 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 forty of this Act. And it shall be competent to the said High Court, or any Judge thereof, on sufficient cause being shown in its or his discretion, to 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 said fourteen days required by section forty; and the said Marriage Registrar, on receipt of the said order, shall proceed to issue his certificate in accordance therewith.

42. Any person whose consent would be required by section eighteen in respect of a marriage to be solemnized under Part II. may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized; and when such protest has been entered, no certificate shall issue until the Marriage Registrar shall have examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the party who entered the same.

43. In all cases where a Marriage Registrar, acting under the provisions of section forty-two, shall not be satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras, and Bombay, to the High Court of Judicature in the Presidency or place within which such district is comprised, or, if such district be not within any of the said towns, then to the Judge of the zilla or district within which the same is comprised;

and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said High Court, or any Judge thereof, or such Judge of the zilla or district, shall be empowered to examine into the allegations of the petition and the circumstances of the case, and, if, upon such examination, it shall appear that the person forbidding the issue of such certificate is not authorized by law so to do, such High Court or any Judge thereof, or such Judge of the zilla or district, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

And in all cases where a Marriage Registrar appointed to act within the territories of any Native Prince or State in alliance with Her Majesty under section eight, shall not be satisfied that the person forbidding the issue of the certi-

ificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor General of India in Council; and, if it shall appear to the Governor General of India in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General of India in Council shall declare that the party forbidding the issue of such certificate is not authorized as aforesaid, and then, and in such case, such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue of such certificate had not been forbidden by such person.

44. Before any such certificate as aforesaid shall be issued by any Marriage Registrar, one of the parties intending marriage shall appear personally before such Marriage Registrar, and shall make oath (or shall make his or her solemn declaration instead of an oath) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and that both the parties to the intended marriage have, or (where the parties have dwelt in the districts of different Marriage Registrars) that the party making such oath or declaration hath, for the period mentioned in section thirty-seven, had their, his or her usual place of abode within the district of such Marriage Registrar, and where either or each of the parties, not being a widower or widow, is under the age of twenty-one years, that the consent of the person or persons whose consent to such marriage is required by law has been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be:

Provided always that, where, under the foregoing provision, the said High Court or Judge thereof, or such Judge of the zilla or like district, or such other person as aforesaid, declares the marriage to be proper, it shall not be necessary to make oath or declare that such consent has been obtained to such marriage.

45. The certificate to be issued by the Marriage Registrar under the provisions of section forty, may be in the form of the second schedule to this Act annexed, or to the like effect, and the Government of each Presidency or place shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

46. When any Native Christian about to be married applies for or tenders a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and, if he does not, the said Marriage Registrar shall translate such notice or certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognizant of the purport and effect of the said notice and certificate.

47. In all cases whatsoever where a Marriage Registrar resident in the territories of any Native Prince or State in alliance with Her Majesty has refused to issue his certificate, it shall be lawful for either of the parties intending marriage to apply by petition to the Governor General of India in Council, who shall decide thereon; such decision shall be final, and the Marriage Registrar to whom the application was originally made, shall proceed in accordance therewith.

48. 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 of the Marriage Registrars for such districts, marriage may, if there be no lawful impediment to the marriage of such parties, be solemnized between and by the parties described in such certificate or certificates according to such form and ceremony as they may see fit to adopt; but every such marriage shall be solemnized between the hours of six in the morning and seven in the evening, in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more witnesses, and in some part of the ceremony each of the parties shall declare—

“ 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.*,” or shall declare to the like effect.

And each of the parties shall say to the other—  
“ 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*],” or words to the like effect.

49. Whenever a marriage is not had within three calendar months after the notice shall have been entered by the Marriage Registrar, as required by section thirty-eight, the notice and the certificate which may have been issued thereupon, and all other proceedings thereupon shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice shall have been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

50. When any Native Christian is married under the provisions of this Part, the party solemnizing the said marriage shall ascertain whether such Native Christian understands the English language, and, if he does not, the party solemnizing the said marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian in the language of such Native Christian, the declarations made at such marriage in accordance with the provisions of this Act.

51. If Registrar in allied Native State refuses certificate, petition may be made to Governor General in Council.

52. After issue of certificate marriage may be solemnized in presence of Marriage Registrar and two witnesses.

53. After issue of certificate marriage may be solemnized in presence of Marriage Registrar and two witnesses.

54. After issue of certificate marriage may be solemnized in presence of Marriage Registrar and two witnesses.



51. After the solemnization of any marriage under this Part, the Marriage Registrar present at the solemnization thereof

shall forthwith register such marriage in duplicate, that is to say, in a Marriage Register Book, according to the form of the second schedule to this Act annexed, and also in a certificate attached to the Marriage Register Book as a counterfoil; and the entry of such marriage in both the certificate and the Marriage Register Book shall be signed by the person by or before whom the marriage has been solemnized, if there be any such person, and by the Marriage Registrar present at such marriage, whether or not the marriage is solemnized by him, and also by the parties married, and attested by two witnesses; and every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the Marriage Register Book.

52. The Marriage Registrar shall forthwith separate the certificate from the Marriage Register Book and transmit it, at the end of every month, to the Secretary to the Local Government; and if no marriage has been registered during such month, the Marriage Registrar shall certify such fact under his hand, and such certificate shall be transmitted as aforesaid; and the Marriage Registrar shall keep safely the said Register book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other officer as aforesaid, to be kept by him with the records of his office.

53. The Marriage Registrars in the territories of any Native Prince or State in alliance with Her Majesty, shall transmit the certificates mentioned in section fifty-two to the Secretary for the Foreign Department of the Government of India.

## PART V.

### MARRIAGE OF NATIVE CHRISTIANS.

54. Every marriage between Native Christians applying for a certificate, shall be certified under this Part of this Act, if the following conditions be fulfilled, and not otherwise:—

(1.) The age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years:

(2.) The man and the woman shall not stand to each other within the prohibited degrees of consanguinity or affinity:

(3.) Neither of the persons intending to be married shall have a wife or husband still living:

(4.) In the presence of the person so licensed, and of at least two credible witnesses, 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:

(5.) Such declaration shall be made between the hours of six in the morning and seven in the evening:

Provided that no marriage shall be certified under this Part when either of the parties intending to be married has not completed his or her eighteenth year, unless such consent as is mentioned in section eighteen has been given to the intended marriage, or unless the party who has not completed his or her eighteenth year is proved to the satisfaction of the person licensed to grant certificates under section nine, to have resided apart from, and to have been independent of, the control of his or her parents or guardians.

55. When, in respect to any marriage falling under this Part of this Act, the conditions prescribed in the last preceding section shall have been fulfilled, it shall be the duty of the person licensed as aforesaid, in whose presence the said declaration shall have been made, to grant a certificate of such marriage, on the application of either of the parties to such marriage, on the payment of a fee of four annas. Such certificate shall be signed by such licensed person, and shall be received in any suit touching the validity of such marriage as conclusive evidence of the same marriage having been performed, and no evidence to the contrary shall be received in any such suit.

56. A register book of all marriages of which certificates are granted under section fifty-five, shall be kept by the person granting such certificates in his own vernacular language.

Such register book shall be kept according to such form as the Local Government or Chief Commissioner shall from time to time prescribe, and the said book or true extracts therefrom, duly authenticated, shall be deposited at such places and at such times as the Local Government or Chief Commissioner shall direct.

57. Every person licensed under this Act to grant certificates of marriage and keeping a Marriage Register Book under section fifty-six, shall, at all reasonable times, allow search to be made in such book, and shall give a copy, certified under his hand, of any entry or entries in the same on the payment of the fees prescribed by the Local Government under section seventy-five.

58. This Part of this Act shall not apply to marriages between Roman Catholics. But nothing herein contained shall be construed to invalidate any marriage contracted between Roman Catholics under the provisions of Part V. of Act No. XXV. of 1864, previous to the repeal of that Act.

## PART VI.

## PENALTIES.

## 59. Whoever intentionally makes any false oath

Punishment for false oath, declaration, notice or certificate for procuring marriage.

or declaration, or signs any false notice or certificate required by this Act, for the purpose of procuring any marriage, shall be guilty of the offence described in section one hundred and ninety-three of the Indian Penal Code, and, on conviction, shall be liable to the punishment prescribed in that section.

## 60. Whoever forbids the issue by a Marriage

Punishment for forbidding the issue by a Marriage Registrar of a certificate by false representation.

Registrar of a certificate by falsely representing himself or herself to be a person whose consent to the marriage is required by law, knowing such representation to be false, shall be guilty of the offence described in section two hundred and five of the Indian Penal Code, and shall, on conviction, be liable to the punishment prescribed in that section.

## 61. Whoever, not being authorized under this

Punishment for solemnizing a marriage without due authority.

Act to solemnize a marriage, in the absence of a Marriage Registrar of the district in which such marriage is solemnized, knowingly and wilfully solemnizes a marriage between persons one or both of whom profess the Christian religion, shall be punished with imprisonment which may extend to ten years, and shall also be liable to fine; or, in lieu of a sentence of imprisonment for seven years or upwards, to transportation for a term of not less than seven years, and not exceeding ten years.

or, if the offender be an European or American, to penal servitude according to the provisions of Act No. XXIV. of 1855 (to substitute penal servitude for the punishment of transportation in respect of European and American convicts, and to amend the law relating to the removal of such convicts).

## 62. Whoever knowingly and wilfully solemnizes a marriage between

Punishment for solemnizing a marriage except between 6 A.M. and 7 P.M., or without witnesses,

persons one or both of whom shall be a person or persons professing the Christian religion 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, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to three years, and shall also be liable to fine.

The provisions of this section shall not apply to marriages solemnized under special licenses 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 shall have received the general or special license in that behalf mentioned in section twenty-four.

## 63. Any Minister of Religion licensed to solemnize marriages under

Punishment for solemnizing a marriage within certain time after notice when either party is a minor.

this Act, who, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part II. when one of the parties to such marriage, not being a widower or widow, is a minor, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

## 64. Whoever, being a Marriage Registrar under

Punishment for issuing certificates or solemnizing marriages without publication of notice, &c.

this Act, knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage without publishing or affixing in some conspicuous place the notice of such marriage as directed by this Act;

or, after the expiration of two months after a certificate in respect of a marriage shall have been issued by him, solemnizes such marriage;

or, without an order of a competent Court authorizing him to do so, solemnizes any marriage when one of the persons intending marriage (not being a widow or widower) is a minor, before the expiration of fourteen days after the receipt of such notice, or without sending, or causing to be sent, by the post or otherwise, a copy of such notice of marriage 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, or issues any certificate, the issue of which shall have 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.

## 65. Any Marriage Registrar knowingly and

Penalty for issuing certificate more than three months, or, in case of minor, within fourteen days after notice entered, or at all in case of authorized forbiddal.

wilfully issuing any certificate for marriage after the expiration of three calendar months after the notice shall have been entered by him as aforesaid, or knowingly and wilfully issuing, without the order of a competent Court authorizing him so to do, any certificate for marriage, where one of the parties intending marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof, shall be deemed to have committed an offence under section one hundred and sixty-six of the Indian Penal Code.

## 66. Whoever, being a person authorized under

Punishment for persons authorized under this Act, but not being Clergymen of the Churches of England, Scotland or Rome, solemnizing marriages without publication of notices, &c.

the provisions of this Act to solemnize a marriage, and not being a Clergyman of the Church of England solemnizing a marriage after due publication of banns or under a license from the Anglican Bishop of the Diocese or a surrogate duly authorized in that behalf,

or not being a Clergyman of the Church of Scotland, solemnizing a marriage according to the rules, rites, ceremonies, and customs of that Church,

or, not being a Clergyman of the Church of Rome, solemnizing a marriage according to the rites, rules, ceremonies, and customs of that Church,

knowingly and wilfully issues any certificate for marriage under this Act, or solemnizes any marriage between such persons as aforesaid, without publishing, or causing to be affixed, the notice of such marriage as directed in Part II. of this Act, or after the expiration of two months after the certificate shall have been issued by him:

or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage, not being a widower or widow, is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, or causing to be sent, by the post or otherwise, a copy of such notice to the Marriage Registrar, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar of the district;

or knowingly and wilfully issues any certificate the issue of which shall have been forbidden under this Act by any person authorized to forbid the issue;

or knowingly and wilfully solemnizes any marriage which shall have been forbidden by any person authorized to forbid the same, shall be punished with imprisonment for a term which may extend to four years, and shall also be liable to fine.

67. Whoever, not being licensed to grant a certificate of marriage under Part V. of this Act, grants such certificate intending thereby to make it appear that he is so licensed, shall be punished with imprisonment for a term which may extend to five years, and shall also be liable to fine.

68. Whoever wilfully destroys or injures, or causes to be destroyed or injured, any such register book or the counterfoil certificates thereof, or any part thereof, or any such authenticated extract therefrom as aforesaid,

or falsely makes or counterfeits any part of such register book or counterfoil certificates,

or wilfully inserts, or causes to be inserted, 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.

69. All prosecutions under this Act shall be commenced within the space of two years after the offence committed.

## PART VII.

## MISCELLANEOUS.

70. Whenever any marriage has been solemnized in accordance with the provisions of this Act, it shall not be necessary in support of such marriage to give any proof in respect of the dwelling of the persons married, or of the consent of any person whose consent to such marriage is required by law, or of the notice of marriage, or of the certificate, or the translation thereof respectively, or in respect of the hours between which the same may have been solemnized, nor shall any evidence be given to prove the contrary in any suit touching the validity of such marriage.

71. Every person charged with the duty of registering any marriage, who shall discover any error to have been committed 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, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and such person shall make the like marginal entry, attested in the like manner, in the certificate thereof.

And, in case such certificate shall have been already transmitted to the Secretary to the Local Government, such person shall make and transmit in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

72. Every person solemnizing a marriage under this Act, and hereby required to register the same, and every Marriage Registrar or Secretary to a Local Government having the custody for the time being of any register of marriages, or of any certificate or copies of certificate under this Act, shall, at all reasonable times, allow searches to be made of any marriage register book, or of any certificate, or duplicate, or copies of certificate, in his custody, and shall give a copy under his hand of any entry or entries in the same, on the payment of the fees prescribed by the Local Government under section seventy-five.

73. Every certified copy purporting to be signed by the person entrusted under this Act with the custody of any marriage register, or certificate, or duplicate certificate, required to be kept or delivered under this Act, of any entry of a marriage in such register, or of any such certificate or duplicate certificate, shall be received as evidence of the marriage purporting to be so entered, or of the facts purporting to be so certified therein, without further proof of such register or certificate, or duplicate copy, or of any entry therein respectively, or of such copy.

74. The Secretary to the Local Government shall, at the end of every quarter in each year, select from the certificates of marriages forwarded to him during such quarter, the marriages of which the Governor General of India in Council may desire that evidence shall be transmitted to England, and forward the same certificates signed by him to the Secretary of State for India, for the purpose of being delivered to the Registrar General of Births, Deaths, and Marriages.

75. The Local Government shall determine what fees shall be chargeable under this Act for the receipt and publication of notices of marriages, the issue of certificates of marriage and the registration of marriages by Marriage Registrars,

and for the entry of protests with, or prohibitions of, the issue of marriage certificates by the said Registrars,

for searching register books, or certificates, or duplicates, or copies thereof,

and for the issue of copies of entries in the same under sections fifty-seven and seventy-two,

and may from time to time vary or remit such fees either generally or in special cases as to it may seem fit.

76. The Local Government may make rules in regard to the disposal of the fees mentioned in section seventy-five, the supply of register books, and the preparation and submission of returns of marriages solemnized under this Act.

### SCHEDULE I.

#### NOTICE OF MARRIAGE.

To \_\_\_\_\_ a Minister [of \_\_\_\_\_ ]

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	<i>.....</i>	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ seventy-one

(Signed) JAMES SMITH.

## SCHEDULE II.

## REGISTRAR'S CERTIFICATE.

I,

do hereby certify that, on the \_\_\_\_\_ day of \_\_\_\_\_, notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of \_\_\_\_\_, one of the parties (that is to say):—

Names.	Condition.	Rank or Profession.	Age.	Dwelling-place.	Length of residence.	Church, chapel, or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
<i>James Smith.</i>	<i>Widower.</i>	<i>Carpenter.</i>	<i>Of full age.</i>	<i>16, Clive Street.</i>	<i>23 days.</i>	<i>Free Church of Scotland Church, Calcutta.</i>	
<i>Martha Green.</i>	<i>Spinster.</i>	<i>.....</i>	<i>Minor.</i>	<i>20, Hastings' Street.</i>	<i>More than a month.</i>		

and that the declaration required by section \_\_\_\_\_ of "The Indian Christian Marriage Act, 1871," has been duly made by the said (*James Smith*).

Date of notice entered  
Date of certificate given

} The issue of this certificate has not been prohibited by any person authorized to forbid the issue thereof.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ seventy-one.

(Signed)

This certificate will be void unless the marriage is solemnized on or before the \_\_\_\_\_ day of \_\_\_\_\_

[The *Italics* in the schedule are to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.]



SCHEDULE IV.

MARRIAGE REGISTER BOOK.

Number.	WHEN MARRIED.			NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
				Christian.	Surname.					
	Day.	Month.	Year.							
1				<i>James</i> .....	<i>White</i> .....	<i>26 years</i> .....	<i>Widower</i> ....	<i>Carpenter</i> ....	<i>Agra</i> .....	<i>William White.</i> *
				<i>Martha</i> .....	<i>Duncan</i> .....	<i>17 years</i> .....	<i>Spinster</i> .....	.....	<i>Agra</i> .....	<i>John Duncan.</i>

175 u

Married in the

This marriage was solemnized between us { *James White,*  
*Martha Duncan,* } in the presence of us { *John Smith,*  
*John Green.* }

SCHEDULE IV.—continued.

CERTIFICATE OF MARRIAGE.

Number.	WHEN MARRIED.			NAMES OF PARTIES.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
				Christian.	Surname.					
	Day.	Month.	Year.							
1				<i>James</i> .....	<i>White</i> .....	<i>26 years</i> .....	<i>Widower</i> .....	<i>Carpenter</i> ....	<i>Agra</i> .....	<i>William White.</i>
				<i>Martha</i> .....	<i>Duncan</i> .....	<i>17 years</i> .....	<i>Spinster</i> .....	.....	<i>Agra</i> .....	<i>John Duncan.</i>

Married in the

This marriage was solemnized between us { *James White,* } in the presence of us { *John Smith,* }  
 { *Martha Duncan,* } { *John Green.* }



SCHEDULE V.  
ENACTMENTS REPEALED.

Number and year.	Title.	Extent of Repeal.
Statute 58, Geo. 3, cap 84. . . . .	An Act to remove doubts as to the validity of certain marriages had and solemnized within the British territories in India.	The whole.
Statute 14 & 15, Vic., cap 40. . . . .	An Act for Marriages in India. . . . .	The whole.
Act V. of 1852 . . . . .	An Act for giving effect to the provisions of an Act of Parliament passed in the 15th year of the reign of Her present Majesty intituled "An Act for Marriages in India."	The whole.
Act V. of 1865 . . . . .	The Indian Marriage Act, 1865 . . . . .	The whole.
Act XXII. of 1866. . . . .	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the cantonments of Secunderabad, Trimungerry and Aurungabad.	The whole.

STATEMENT OF OBJECTS AND REASONS.

THE law relating to the solemnization in India of marriages of persons professing the Christian religion is at present distributed over two English Acts of Parliament and three Acts of the Indian Legislature.

The object of this Bill is to reduce into a smaller compass and simplify the existing law on this subject by the consolidation of the different enactments referred to, and at the same time to amend the law in those matters in which it has been shown to be defective.

For example, by Act V. of 1865 it is provided that marriages between Native Christians shall be valid where the ages of the contracting parties are not less than sixteen and thirteen years, respectively, and where they do not stand in relation to each other within the prohibited degrees of consanguinity or affinity.

It has been very forcibly represented by the President and several Members of the Bengal Christian Association that this provision of the law works injuriously by freeing the children of Native Christian parents from the control which all other parents can legally exercise over their sons and daughters ere the latter have attained their majority.

The Bill requires the consent of the parents or guardians of Native Christians to a marriage between them, where the age of either of the parties about to contract such marriage is less than eighteen years, except in cases in which the minors have been altogether separated from their parents or natural guardians, and by reason of such separation are not properly subject to their control.

There is also some ambiguity in regard to the provisions of the law respecting the submission of returns, and the disposal of the records of the registration of marriages solemnized between Native Christians.

The Bill lays down distinctly how such marriages are to be recorded in all cases, and provides for the disposal of the record. It also substitutes for the fixed rates of fees in respect of marriages solemnized by or before Marriage Registrars, a power to the Local Government to regulate such fees and their remission; and, lastly, extends the Marriage Law to all places within the territories of Native Princes in alliance with Her Majesty, in respect of marriages between British subjects professing the Christian religion.

(Signed) F. R. COCKERELL.

Simla, The 2nd October 1871.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General  
for making Laws and Regulations.*