

ACT NO. II OF 1891.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 6th
February, 1891.)*

An Act to amend the Indian Christian Marriage Act, 1872.

WHEREAS it is expedient to amend the Indian Christian Marriage Act, 1872; It is hereby enacted as follows:—

Substitution of new section for section 6, Act XV, 1872.

1. (1) For section 6 of the Indian Christian Marriage Act, 1872, the following shall be substituted, namely:—

Grant and revocation of licenses to solemnize marriages.

“6. The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the Gazette of India, as the case may be, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses.”

(2) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*) shall be deemed, if in force on the day on which the Indian Marriage Act, 1865, came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the day on which the Indian Christian Marriage Act, 1872, came into force, to have been, since that Act came into force, a license granted under that Act.

(3) A license

(3) A license to solemnize marriages granted to a Minister of Religion under Act XXV of 1864 (*to provide further for the solemnization of marriages in India of persons professing the Christian Religion*), the Indian Marriage Act, 1865, or the Indian Christian Marriage Act, 1872, shall, if in force immediately before the commencement of this Act, be deemed to have been granted under the Indian Christian Marriage Act, 1872, as amended by sub-section (1) of this section.

(4) Act XV of 1884 (*for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864*) is hereby repealed.

2. To the proviso to section 10 of the said Act the following shall be added, namely:—

“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.”

Addition to proviso to section 10, Act XV, 1872.

3. In section 11 of the said Act, after the words “other than a church” the words “where worship is generally held according to the forms of the Church of England” shall be added, and between the word “no” and the word “church” in the expression “unless there is no church” the word “such” shall be inserted.

Amendment of section 11, Act XV, 1872.

4. For section 62 of the said Act the following shall be substituted, namely:—

“62. (1) Every person licensed under section 9 shall keep in English, or in the vernacular language in ordinary use in the district or State in which the marriage was solemnized, and in such form as the Local Government by which he was licensed may from time to time prescribe, a register-book of all marriages solemnized under this Part in his presence, and shall deposit in the office of the Registrar General

Substitution of new section for section 62, Act XV, 1872.

Keeping of register-book and deposit of extracts therefrom with Registrar General.

of

of Births, Deaths and Marriages for the territories under the administration of the said Local Government, in such form and at such intervals as that Government may prescribe, true and duly authenticated extracts from his register-book of all entries made therein since the last of those intervals.

“(2) Where the person keeping the register-book was licensed as regards a Native State by the Governor General in Council, references in sub-section (1) to the Local Government therein mentioned shall be read as references to the Local Government to whose Registrar General of Births, Deaths and Marriages certified copies of entries in registers of births and deaths are for the time being required to be sent under section 24, sub-section (2), of the Births, Deaths and Marriages Registration Act, 1886.”

VI of 1886.

(2) Clause (c) of section 30 of the Births, Deaths and Marriages Registration Act, 1886, is hereby repealed.

Substitution
of new
section for
section 66,
Act XV,
1872.

False oath,
declaration,
notice or
certificate for
procuring
marriage.

5. For section 66 of the said Act the following shall be substituted, namely:—

“66. Whoever, for the purpose of procuring a marriage or license 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 with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.”

XLV of 1860.

6. For

6. For section 68 of the said Act the following shall be substituted, namely :—

Substitution of new section for section 68, Act XV, 1872. Solemnizing marriage without due authority.

“68. 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 of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

or, if the offender is an European or American, with penal servitude according to the provisions of Act 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*),

and shall also be liable to fine.”

7. To section 69 of the said Act the following shall be added, namely :—

Addition to section 69, Act XV, 1872.

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

8. (1) For clause (2) of section 71 of the said Act the following shall be substituted, namely :—

Amendment of sections 71 and 72, Act XV, 1872.

“(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 ;”.

(2) In section 72 of the said Act, for the words “three months” the words “two months” shall be substituted.

9. To section 74 of the said Act the following shall be added, namely :—

Addition to section 74, Act XV, 1872.

“Whoever, being licensed to grant certificates of marriage

marriage under Part VI of this Act, without just cause refuses, or wilfully neglects or omits, to perform any of the duties imposed upon him by that Part shall be punished with fine which may extend to one hundred rupees."

Amendment
of section 86,
Act XV,
1872.

10. Section 86 of the said Act shall be read as if the words "situate within or bordering on" instead of the words "situate within the local limits of" had been enacted in that section when the Act was passed.