

## **Marriages' Validation Act, 1892**

**2 of 1892**

**[29th January , 1892]**

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## **Marriages' Validation Act, 1892**

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An Act to validate certain marriages solemnized under Part VI of the Indian Christian Marriage Act, 1872. WHEREAS provision is made in Part VI of the Indian Christian Marriage Act, 1872, for the solemnization of marriages between persons of whom both are b [Indian Christians], but not of marriages between persons of whom one only is c [an Indian Christian]; AND WHEREAS persons licensed under section 9 of the said Act have in diverse parts of d [India], though ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is c [an Indian Christian] and the other is not c [an Indian Christian]; AND WHEREAS it is expedient that such marriages, having been solemnized, in good faith, should be validated; It is hereby enacted as follows:- For Statement of Objects and Reasons, see Gaz. of India, 1891, Pt. V, p. 142; for Report of the Select Committee, see 1892, Pt. V, p. 5. The Act has been declared to be in force in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation (III of 1872). Sonthal Parganas are now part of Bihar State. The Act has been extended to the Union Territory of Dadra and Nagar Haveli by Regn. VI of 1963.

### **1. Commencement :-**

Repealed by the Repealing and Amending Act, 1914 (X of 1914), section 3 and Sch. II.]

## **2. Definition :-**

In this Act the expression <sup>1</sup> [Indian Christian] has the same meaning as in the Indian Christian Marriage Act, 1872.

1. Substituted for the words "Native Christian" by A.L.O., 1950.

## **3. Validation of irregular marriages :-**

All marriages which have already been solemnized under Part VI of the Indian Christian Marriage Act, 1872, between persons of whom one only was <sup>1</sup>[an Indian Christian], shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were <sup>2</sup> [Indian Christians]: Provided that nothing in this section shall apply to any marriage which has been judicially declared to be null and void, or to any case where either of the parties has, since the solemnization of such marriage and prior to the commencement of this Act, contracted a valid marriage. "This section as originally drafted proposed to validate all marriages of the kind referred to which may be solemnized within three months after the commencement of the Act. We have omitted this provision as we understand that the attention of all the Local Governments has already been drawn by the Government of India to the requirements of the law. and that all persons licensed under S. 9 of the Indian Christian Marriage Act, 1872, must by this time have been informed how the law really stands. We think, therefore, that any further extension of this time is unnecessary, and might be mischievous. We have at the same time inserted a provision that the validation contemplated by Section 3 shall not apply to (1) marriages already judicially declared to be void, or (2) to cases in which, subsequent to the solemnisation of any such invalid marriage, and before the commencement of this Act, one of the parties has contracted a valid marriage. The equity of these additional provisions is obvious."-S.C.R.

1. Substituted for the words "Native Christian" by A.L.O.,1950.

2. Substituted for the words "Native Christians", the words "Native Christian" by A.L.O.,1950.

## **4. Validation of records of irregular marriages :-**

Certificates of marriages which are declared by the last foregoing section to be good and valid in law, and register-books, and certified copies of true and duly authenticated extracts therefrom,

deposited in compliance with the law for the time being in force, in so far as the register-books and extracts relate to such marriages as aforesaid, shall be received as evidence of such marriages as if such marriages had been solemnized between persons of whom both were <sup>1</sup> [Indian Christians].

1. Substituted for the words "Native Christians," by A.L.O., 1950.

**5. Application of Act to marriages under Act 5 of 1865 :-**

References in this Act to the Indian Christian Marriage Act, 1872, shall, so far as may be requisite, be construed as applying also to the corresponding portions of the Indian Marriage Act, 1865.

**6. Penalty for solemnizing irregular marriages :-**

If any person licensed under section 9 of the said Act to grant certificates of marriage between <sup>1</sup> Indian Christians] shall at any time after the commencement of this Act solemnize or affect to solemnize any marriage under Part VI of the said Act or grant any such certificate as therein mentioned, knowing that one of the parties to such marriage or affected marriage was at the date of such solemnization not a Christian, he shall be liable to have his license cancelled, and in addition thereto he shall be deemed to have been guilty of an offence prohibited by section 73 of the said Act, and shall be punishable accordingly.

1. Substituted for the words "Native Christians," by A.L.O., 1950.