

34. Certificate to be forwarded to Marriage Registrar, copied and sent to Registrar General.—The person solemnizing the marriage shall forthwith separate the certificate from the marriage-register-book and send it, within one month from the time of the solemnization, 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 send all the certificates which he has received during the month, with such number and signature or initials added thereto as are hereinafter required to the ¹[Registrar General of Births, Deaths and Marriages].

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 in the said book, according to the order in which he receives each certificate.

36. Registrar to add number of entry to certificate, and send to Registrar General.—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, send the same to the ¹[Registrar General of Births, Deaths and Marriages].

37. Registration of marriages between Indian Christians by persons referred to in clauses (1), (2) and (3) of section 5.—When any marriage between ²[Indian] Christians is solemnized ³[by any such person, Clergyman or Minister of Religion as is referred to in clause (1), clause (2) or clause (3) of section 5,] the person solemnizing the same shall, instead of proceeding in the manner provided by sections 28 to 36, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or, if he leaves the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Custody and disposal of register-book.—Whoever has the control of the book at the time when it is filled, shall send it 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 ¹[Registrar General of Births, Deaths and Marriages], to be kept by him with the records of his office.

COMMENTS

This part of the Act deals with the registration of the marriages solemnised under this Act. The registration of marriages between Indian Christians is to be in conformity with the rules laid down by this section, so far as they are applicable. The entries of such marriages are to be signed by both the parties and the persons solemnising the marriages and shall be attested by two credible witnesses.

1. Subs. by Act 6 of 1886, sec. 30, for "Secretary to the Local Government".

2. Subs. by the A.O. 1950, for "Native".

3. Subs. by Act 18 of 1928, sec. 2 and Sch. I, for "Under Part I or Part III of this Act".

PART V

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

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 such notices in a book to be furnished to him for that purpose by the ¹[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.

41. Certificate of notice given and oath made.—If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and or such oath having been made:

Proviso.—Provided—

that no lawful impediment be shown to his satisfaction why such certificate should not issue;

1. Subs. by the A.O. 1950, for "Provincial".

forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where his district is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district be not within any of the said towns, then to the District Judge.

Procedure on petition.—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 Judge of the High Court or District Judge, as the case may be, shall examine into the allegations of the petition and the circumstances of the case,

and if, upon such examination, it appears that the person forbidding the issue of such certificate is not authorized by law so to do, such Judge of the High Court or District Judge, as the case may be, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid,

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

¹[***]

49. Liability for frivolous protest against issue of certificate.—Every person entering a protest with the Marriage Registrar, under this Part, against the issue of any certificate, on grounds which such Marriage Registrar, under section 44, or a Judge of the High Court or the District Judge, under section 45 or 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

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 ²[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 of 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.

1. The last three paragraphs omitted by the A.O. 1950.

2. Subs. by the A.O. 1950, for "Provincial".

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 to 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)"

52. When marriage not had within two months after notice, new notice required.—Whenever a marriage is not solemnized within two months after the copy of the notice has been entered by the Marriage Registrar, as required by section 40, the notice and the certificate, if any, issued thereupon, and all other proceedings thereupon, shall be void;

and no person shall proceed to solemnize the marriage, nor shall any Marriage Registrar enter the same, until new notice has been given, and entry made, and certificate thereof given, at the time and in the manner aforesaid.

53. Marriage Registrar may ask for particulars to be registered.—A Marriage Registrar before whom any marriage is solemnized under this Part may ask of the persons to be married the several particulars required to be registered touching such marriage.

54. Registration of marriages solemnized under Part V.—After the solemnization of any marriage under this Part, the Marriage Registrar present at such solemnization shall forthwith register the marriage in duplicate; that is to say, in a marriage-register-book, according to the form of the Fourth Schedule hereto annexed, and also in a certificate attached to the marriage-register-book as a counterfoil.

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 it is solemnized by him, and also by the parties married and attested by two credible witnesses other than the Marriage Registrar and person solemnizing the marriage.

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.

55. Certificate to be sent monthly to Registrar General.—The Marriage Registrar shall forthwith separate the certificate from the marriage-register-book and send it, at the end of every month, to the ¹[Registrar General of Births, Deaths and Marriages].

Custody of register-book.—The Marriage Registrar shall keep safely the said register-

1. Subs. by Act 6 of 1886, sec. 30, for "Secretary to the Local Government".

book until it is filled, and shall then send it to the ¹[Registrar General of Births, Deaths and Marriages,] to be kept by him with the records of his office.

56. Officers to whom Registrar in Indian States shall send certificates.— [Rep. by the A.O. 1950].

57. Registrars to ascertain that notice and certificate are understood by Indian Christians.—When any ²[Indian] Christian about to be married gives a notice of marriage, or applies for a certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said ²[Indian] Christian understands the English language, and, if he does not, the Marriage Registrar shall translate, or cause to be translated such notice or certificate, or both of them, as the case may be, to such ²[Indian] Christian into a language which he understands;

or the Marriage Registrar shall otherwise ascertain whether the ²[Indian] Christian is cognizant of the purport and effect of the said notice and certificate.

58. ²[Indian] Christians to be made to understand declarations.—When any ²[Indian] Christian is married under the provisions of this Part, the person solemnizing the marriage shall ascertain whether such ²[Indian] Christian understands the English language, and, if he does not, the person solemnizing the marriage shall, at the time of the solemnization, translate, or cause to be translated, to such ²[Indian] Christian, into a language which he understands, the declarations made at such marriage in accordance with the provisions of this Act.

59. Registration of marriages between ²[Indian] Christians.—The registration of marriages between ²[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.

COMMENTS

This Part of the Act deals with marriages solemnised by, or in the presence of, a Marriage Registrar. When a marriage is intended to be solemnised by, or in the presence of a Marriage Registrar one of the parties to such marriage shall give notice in writing in the form mentioned in First Schedule to the Act to any Marriage Registrar of the district or districts of their residence. The issuance of certificate is essential by the Marriage Registrar before the solemnisation of marriage. When a marriage has not been solemnised within two months after notice, new notice is required.

After the solemnisation of marriage, it is to be registered and the entry of such marriage shall be made in the certificate book and marriage-register-book. The entry shall be signed by both the parties and the Marriage Registrar present and attested by two credible witnesses.

PART VI

MARRIAGE OF ²[INDIAN] CHRISTIANS

60. On what conditions marriages of ²[Indian] Christians may be certified.—Every marriage between ²[Indian] Christians applying for a certificate, shall, without the

1. Subs. by Act 6 of 1886, sec. 30, for "Secretary to the Local Government".
2. Subs. by the A.O. 1950, for "Native".
3. As to validation of past Marriages solemnized under Part VI between persons of whom one only was an Indian Christian and Penalty for solemnizing such Marriages under Part VI in future, see the Marriages Validation Act, 1892 (2 of 1892).

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 ¹[shall not be under ²[twenty-one years]], and the age of the woman intending to be married ³[shall not be under ⁴[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—

Oath → "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[***]

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 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.

62. Keeping of register-book and deposit of extracts therefrom with Registrar-General.—(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 ⁷[State] 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 ⁸[Registrar General of Births, Deaths and Marriages] for the territories under the administration of the said ⁷[State] 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.]

⁹[***]

1. Subs. by Act 48 of 1952, sec. 3 and Sch. II, for "shall exceed sixteen years".
2. Subs. by Act 2 of 1978, sec. 6 and Sch., for "eighteen years" (w.e.f. 1-10-1978).
3. Subs. by Act 48 of 1952, sec. 3 and Sch. II, for "shall exceed thirteen years".
4. Subs. by Act 2 of 1978, sec. 6 and Sch., for "fifteen years".
5. Proviso omitted by Act 2 of 1978, sec. 6 and Sch.
6. Subs. by Act 2 of 1891, sec. 4.
7. Subs. by the A.O. 1950, for "Provincial".
8. Subs. by Act 6 of 1886, sec. 30, for "Secretary to the Local Government".
9. Sub-section (2), as amended by the A.O. 1937, omitted by the A.O. 1950.

63. Searches in register-book and copies of entries.—Every person licensed under this Act to grant certificates of marriages, and keeping a marriage-register-book under section 62 shall, at all reasonable times, allow search to be made in such book, and shall, on payment of the proper fee, give a copy, certified under his hand, of any entry therein.

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.

65. Part VI not to apply to Roman Catholics.—This Part of this Act, except so much of sections 62 and 63 as are referred to in section 64, shall not apply to marriages between Roman Catholics.

Saving of certain marriages.—But nothing herein contained shall invalidate any marriage celebrated between Roman Catholics under the provisions of Part V of Act No. 25 of 1864¹, previous to the twenty-third day of February, 1865.

COMMENTS

This Part of the Act deals with marriages of Indian Christians. For the marriages among Indian Christians, there is no need of preliminary notice but it must be proved that the age of the bridegroom is not below twenty-one years and that of the bride is not under eighteen years. Neither of the parties should have a wife or husband living. The parties to the marriage have to take oath in the name of Almighty God and in the name of Lord Jesus Christ before the Marriage Officer and at least two witnesses.

The Marriage Officer before whom the declaration has been made, shall grant a certificate of marriage and entries shall be made in the register-book maintained for this purpose.

PART VII

PENALTIES

²**66. False oath, declaration, notice or certificate for procuring marriage.**—Whoever, 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,

1. Act 25 of 1864 had been repealed by Act 5 of 1865, which was rep. by this Act.

2. Subs. by Act 2 of 1891, sec. 5.

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.]

67. Forbidding by false personation, issue of certificate by Marriage Registrar.—Whoever, forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Indian Penal Code, 1860 (45 of 1860).

¹**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, of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

²[***]

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.

³[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

1. Subs. by Act 2 of 1891, sec. 6.

2. The second paragraph as amended by Act 12 of 1891, rep. by the A.O. 1950.

3. Ins. by Act 2 of 1891, sec. 7.

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.**—¹[(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.

72. Issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized prohibition.—Any Marriage Registrar knowingly and wilfully issuing any certificate for marriage after the expiration of ²[two months] after the notice has 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 is a minor, before the expiration of fourteen days after the entry of such notice, or any certificate the issue of which has been forbidden as aforesaid by any person authorized in this behalf,

shall be deemed to have committed an offence under section 166 of the Indian Penal Code, 1860 (45 of 1860).

73. Persons authorized to; solemnize marriage (other than clergy of Churches of England, Scotland or Rome).—Whoever being authorized under this Act to solemnize a marriage,

and not being a Clergyman of the Church of England solemnizing a marriage after due

1. Subs. by Act 2 of 1891, sec. 8(1).

2. Subs. by Act 2 of 1891, sec. 8(2), for "three months".

publication of banns, or under a licence 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,

issuing certificate, or marrying, without publishing notice, or after expiry of certificate.—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 III of this Act, or after the expiration of two months after the certificate has been issued by him;

issuing certificate for, or solemnizing, marriage with minor, within fourteen days after notice.—or knowingly and wilfully issues any certificate for marriage, or solemnizes a marriage between such persons when one of the persons intending marriage is a minor, before the expiration of fourteen days after the receipt of notice of such marriage, or without sending, 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;

issuing certificate authorizedly forbidden.—or knowingly and wilfully issues any certificate the issue of which has been forbidden, under this Act, by any person authorized to forbid the issue;

solemnizing marriage authorizedly forbidden.—or knowingly and wilfully solemnizes any marriage 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.

74. Unlicensed person granting certificate pretending to be licensed.—Whoever, not being licensed to grant a certificate of marriage under Part VI 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.

¹[Whoever, being licensed to grant certificate of marriage under Part VI of this Act, without just cause refused 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.]

75. Destroying or falsifying register-book.—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,

1. Ins. by Act 2 of 1891, sec. 9.

or falsely makes or counterfeits any part of such register-book or 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.

COMMENTS

This part of the Act deals with penalties which can be imposed on the persons making false declarations or signing false notice or certificate. These acts have been made punishable under section 193 of the Indian Penal Code. The punishment provided is upto three years. The making of a false declaration, must be intentional.

Solemnizing marriage without due authority has also been made punishable under the Act and the punishment provided extends to ten years. Similarly if a person solemnizes a marriage under this Act at any time other than between the hours of six in the morning and seven in the evening or in the absence of two credible witnesses, he is guilty of an offence punishable with imprisonment for a term which may extend to three years, and shall also be liable to fine. There is no express prohibition preventing a person professing Christianity from marrying a non-Christian by non-Christian ceremony.

PART VIII

MISCELLANEOUS

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 persons 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 or 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 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 ¹[Registrar-General of Births, Deaths and Marriages], such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

79. Searches and copies of entries.—Every person solemnizing a marriage under this Act, and hereby required to register the same,

and every Marriage Registrar or ¹[Registrar General of Births, Deaths and Marriages] having the custody for the time being of any register of marriages, or any certificate, or duplicate, or copies of the certificate, under this Act,

shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate or copies, and give a copy under his hand of any entry in the same.

80. Certified copy of entry in marriage-register, etc., to be evidence.—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, 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, shall be received 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, or of any entry therein, respectively, or of such copy.

²[**81. Certificates of certain marriages to be sent to Central Government.**—The Registrar-General of Births, Deaths and Marriages ³[* * *] shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to ⁴[him], during such quarter, the certificates of the marriages of which ⁵[the Government by whom he was appointed] may desire that evidence shall be transmitted to England, and shall send the same certificates, signed by ⁶[him] to the ⁶[Central Government].]

✓ **82. State Government to prescribe fees.**—Fees shall be chargeable under this Act for—

- receiving and publishing notices of marriages;
- issuing ⁷[certificates for marriages] by Marriage Registrars, and registering marriages by the same;

1. Subs. by Act 6 of 1886, sec. 30, for "Secretary to the Local Government".
2. Subs. by Act 13 of 1911, sec. 2, for original section 81.
3. The words "and the officers appointed under section 56" omitted by Act 48 of 1952, sec. 3 and Sch. II.
4. Subs. by Act 48 of 1952, sec. 3 and Sch. II, for "them, respectively".
5. Subs. by the A.O. 1937, for "the Governor General in Council".
6. Subs. by the A.O. 1948, for "Secretary of State for India".
7. Subs. by Act 1 of 1903, sec. 3 and Sch. II, Pt. II, for "certificates of marriage".

entering protest against, or prohibitions of, the issue of ¹[certificates for marriage] by the said Registrars;

searching register-books or certificates, or duplicates, of copies thereof;

giving copies of entries in the same under sections 63 and 79,

the State Government shall fix the amount of such fees respectively, and may from time to time vary or remit them either generally or in special cases, as to it may seem fit.

83. Power to make rules.—²[(1)] The ³[State] Government ⁴[may, by notification in the Official Gazette, make rules] in regard to the disposal of the fees mentioned in section 82, the supply of register books, and the preparation and submission of returns of marriage solemnized under this Act.

⁵[(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before the State Legislature.]

84. Power to prescribe fees and rules for Indian States.—[Rep. by the A.O. 1950.]

85. Power to declare who shall be District Judge.—The ⁶[State] Government may, by notification in the Official Gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.

86. Powers and functions exercisable as regards Indian States.—[Rep. by the A.O. 1950.]

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.

COMMENTS

This Part of the Act deals with miscellaneous matters concerning the marriages under this Act. The marriage solemnised under this Act does not become void on account of minor irregularities. The errors can be corrected.

Section 88 of the Act does not validate a marriage which would be invalid elsewhere as being against the personal law; AIR 1937 Mad 565.

1. Subs. by Act 1 of 1903, sec. 3 and Sch. II, Pt.II, for "marriage certificates".
2. Section 83 re-numbered as sub-section (1) thereof by Act 20 of 1983, sec. 2 and Sch. (w.e.f. 15-3-1984).
3. Subs. by the A.O. 1950, for "Provincial".
4. Subs. by Act 20 of 1983, sec. 2 and Sch., for "may make rules" (w.e.f. 15-3-1984).
5. Ins. by Act 20 of 1983, sec. 2 and Sch. (w.e.f. 15-3-1984).
6. Subs. by the A.O. 1950, for "Provincial".

SCHEDULE I

(See sections 12 and 38)

NOTICE OF MARRIAGE

To a Minister [or Registrar] or

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
James Smith	Widower	Carpenter	Of full age	16, Clive Street	23 days	Free Church of Scotland Church, Calcutta	
Martha Green	Spinster	-----	Minor	20, Hastings Street	More than a month		

Witness my hand, this.....day of.....seventy two.

(Signed) JAMES SMITH

[The *Italics* in this 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 II

(See sections 24 and 50)

CERTIFICATE OF RECEIPT OF NOTICE

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
James Smith	Widower	Carpenter	Of full age	16, Clive Street	23 days	Free Church of Scotland Church, Calcutta	
Martha Green	Spinster	-----	Minor	20, Hastings Street	More than a month		

and that the declaration, [or oath] required by section 17 or 41 of the Indian Christian Marriage Act, 1872, has been duly made by the said (*James Smith*).

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

Date of Certificate given

Witness my hand, this.....day of.....*seventy-two*

(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 only to be filled up when one of the parties lives in another district.]

SCHEDULE III

²(See sections 28 and 31)

FORM OF REGISTER OF MARRIAGES

Quarterly Returns of Marriages for

The Archdeaconry of

{ Calcutta,
Madras,
Bombay, }

I....., Registrar of the Archdeaconry of

{ Calcutta,
Madras,
Bombay, } do hereby

certify that the annexed are correct copies of the originals and Official Quarterly Returns of Marriage within the Archdeaconry of

{ Calcutta,
Madras,
Bombay, } as made

and transmitted to me for the quarter

commencing the.....day of.....ending the.....day of.....in the year of Our Lord.....

Signature of Registrar

Registrar of the Archdeaconry of

{ Calcutta,
Madras,
Bombay, }

MARRIAGES solemnized at

{ Allahabad,
Barrackpore,
Bareilly,
Calcutta, etc. etc. }

1. Ins. by Act 1 of 1903, sec. 3 and Sch. II, Pt. II.

2. Subs. by Act 12 of 1891, sec. 2 and Sch. II, for "(See section 28)".

WHEN MARRIED			NAME OF PARTIES		Age	Condition
Year	Month	Day	Christian	Surname		
Rank or profession	Residence at the time of marriage	Father's name and surname	By banns of license	Signature of the parties	Signature of two or more witnesses present	Signature of the person solemnizing the marriage

SCHEDULE IV

(See sections 32 and 54)

MARRIAGE REGISTER BOOK

Number	When married			Name of parties		Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname
				Christian name	Surname					
	Day	Month	Year							
				James	White	26 years	Widower	Carpenter	Agra	William White
				Martha	Duncan	17 years	Spinster	—	Agra	John Duncan

Married in the.....

This marriage was solemnized between us

{ James White
Marth Duncan, }

in the presence of

{ John Smith,
John Green, }

CERTIFICATE OF MARRIAGE ✓

Number	When married			Name of parties		Age	Condition	Rank or profession	Residence at the time of marriage	Father's name and surname
				Christian	Surname					
	Day	Month	Year							
				James	White	26 years	Widower	Carpenter	Agra	William White
				Martha	Duncan	17 years	Spinster	—	Agra	John Duncan

Married in the.....
This marriage was
solemnized between us

{ James White,
Marth Duncan, }

in the presence of

{ John Smith,
John Green, }

SCHEDULE V

[Enactments Repealed.]

[Rep. by the Repealing Act, 1938 (1 of 1938), sec. 2 and Sch. Pt. I]

Continued from inside front cover page

- Indian Penal Code, 1860 with Classifications and Model Forms of Charge <i>Pocket Size Edition</i>	55.00	- Protection of Human Rights Act, 1993 alongwith National Human Rights Commission (Procedure) Rules, 1994	18.00
- Industrial Disputes Act, 1947 as amended in 1996 alongwith Industrial Disputes (Central) Rules, 1957 and allied Rules	30.00	- Provincial Insolvency Act, 1920	22.00
- Industrial Employment (Standing Orders) Act, 1946 alongwith Rules, 1946	50.00	- Public Gambling Act, 1867	10.00
- Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 alongwith Rules, 1993	22.00	- Public Liability Insurance Act, 1991 alongwith Rules, Forms & Notification	18.00
- Insecticides Act, 1968 along with Rules, 1971	16.00	- Public Premises (Eviction of Unauthorised Occupants) Act, 1971 alongwith Rules	16.00
- Insurance Act, 1938	35.00	- Railway Protection Force Act, 1957 alongwith Railway Protection Force Rules, 1987	60.00
- Interest Act, 1978	65.00	- Railways Act, 1989 alongwith Railway Claims Tribunal Act, 1987 and Railway Property (Unlawful Possession) Act, 1966	40.00
- Interest on Delayed Payments to Small Scale and Ancillary Industrial Undertakings Act, 1993	10.00	- Recovery of Debts Due to Banks and Financial Institutions Act, 1993 as amended by The Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 1995 along with allied Rules	25.00
- Juvenile Justice Act, 1986	7.00	- Registration Act, 1908	16.00
- Land Acquisition Act, 1894	18.00	- Representation of the People Act, 1950 and Representation of the People Act, 1951 alongwith The Parliament (Prevention of Disqualification) Act, 1959 and Maximum Limit of Election Expenses in Parliamentary and Assembly Constituencies	55.00
- Legal Services Authorities Act, 1987 along with Rules, 1995 and Regulations, 1996 together with Application, Affidavits and Vakalatnama	20.00	- Reserve Bank of India Act, 1934 as amended by RBI (Amendment) Act, 1997	35.00
- Life Insurance Corporation Act, 1956	24.00	- Sale of Goods Act, 1930	10.00
- Limitation Act, 1963	20.00	- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act with Rules	25.00
- Maternity Benefit Act, 1961 as amended by the Maternity Benefit (Amendment) Act, 1995 alongwith Rules, 1963	16.00	- Sick Industrial Companies (Special Provisions) Act, 1985 alongwith BIFR and other allied Rules	45.00
- Minimum Rates of Wages in Delhi (w.e.f. 1-2-1996)	22.00	- Societies Registration Act, 1860	10.00
- Minimum Wages Act, 1948 with State Amendments alongwith Central Rules, 1950	28.00	- Special Marriage Act, 1954	18.00
- Monopolies and Restrictive Trade Practices Act, 1969	30.00	- Specific Relief Act, 1963	12.00
- Motor Transport Workers Act, 1961	15.00	- Stamp Act, 1899	24.00
- Motor Vehicles Act, 1988	75.00	- Stamp Duty, Registration, Fees & Court Fees in Delhi alongwith Delhi Registration Rules, 1976	30.00
- Motor Vehicle Rules, 1989 as amended by Amendment Rules, 1995 with allied Schemes, Regulation and Rules	70.00	- State Financial Corporations Act, 1951	20.00
- Muslim Women (Protection of Rights on Divorce) Act, 1986 alongwith Rules, 1986	10.00	- Succession Act, 1925	50.00
- Narcotic Drugs & Psychotropic Substances Act, 1985 alongwith Rules together with Forms and Order	45.00	- Suits Valuation Act, 1887	8.00
- National Commission Acts (Containing 4 Acts and Allied Information)	22.00	- Supreme Court Rules, 1966 alongwith allied Rules	50.00
- National Environment Appellate Authority Act, 1997	10.00	- Telecom Regulatory Authority of India Act, 1997	15.00
- National Environment Tribunal Act, 1995	12.00	- Telegraph Act, 1885	12.00
- National Security Act, 1980	8.00	- Terrorist and Disruptive Activities (Prevention) Act, 1987 as amended by TADA (Amendment) Act, 1993 alongwith Rules, 1987 and Terrorist Affected Areas (Special Courts) Act, 1984	18.00
- Negotiable Instruments Act, 1881	16.00	- Trade Unions Act, 1926 alongwith Central Trade Union Regulations, 1938	16.00
- Notaries Act, 1952 alongwith Rules, 1956	20.00	- Transfer of Property Act, 1882	22.00
- Oaths Act, 1969	10.00	- Transplantation of Human Organs Act, 1994 along with Rules, 1995	20.00
- Official Secrets Act, 1923	10.00	- Trusts Act, 1882	20.00
- Partnership Act, 1932	15.00	- Unlawful Activities (Prevention) Act, 1967 alongwith Rules, 1968	15.00
- Passports Act, 1967 as amended by Passports (Amendment) Act, 1993 alongwith Rules, 1980	30.00	- Urban Land (Ceiling and Regulation) Act, 1976	30.00
- Payment of Bonus Act, 1965 as amended by Amendment Act, 1995 alongwith Rules, 1975	22.00	- Wakf Act, 1995	30.00
- Payment of Gratuity Act, 1972 as amended by Payment of Gratuity (Amendment) Act, 1994 alongwith Rules, 1972	25.00	- Water (Prevention and Control of Pollution) Act, 1974 alongwith Rules, 1975, Cess Act, 1977 and Cess Rules, 1978	48.00
- Payment of Wages Act, 1936 alongwith (Procedure) Rules, 1937	22.00	- Wealth-tax Act, 1957	50.00
- Petroleum Act, 1934 alongwith Rules, 1976	50.00	- Wild Life (Protection) Act, 1972 along with allied Rules	40.00
- Police Acts (6 Acts in 1)	22.00	- Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and The Working Journalists (Fixation of Rates of Wages) Act, 1958 along with Rules, 1957 and Rules, 1979	25.00
- Post Office Act, 1898	18.00	- Workmen's Compensation Act, 1923 as amended by The Workmen's Compensation (Amendment) Act, 1995	
- Powers of Attorney Act, 1882	10.00		
- Pre-Natal Diagnostic Techniques (Regu- lation and Prevention of Misuse) Act, 1994 along with Rules, 1996	20.00		
- Press & Registration of Books Act, 1867 along with Rules and Order	25.00		
- Press Council Act, 1978 alongwith allied Rules and Regulations	15.00		
- Prevention of Corruption Act, 1988	15.00		
- Probation of Offenders Act, 1958	10.00		
- Protection of Civil Rights Act, 1952			