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THE MARRIAGES VALIDATION ACT, 1892]

ACT No. IL OF 1892

[29th January, 1892]

An Act to validate certain marriages solemnized under Part VI of the Christian Marriage Act, 1872.

WHEREAS provision is made in Part VI of the Christian Marriage Act, 1872, (XV of 1872) for the solemnization of marriages between persons of whom both are Native Christians, but not of marriages between persons of whom one only is a Native Christian;

And whereas persons licensed under section 9 of the said Act have in divers parts of 7[Pakistan] through ignorance of the law, permitted marriages to be solemnized in their presence under the said Part between persons of whom one is a Native Christian and the other is not a Native Christian;

And whereas it is expedient that such marriages, having been solemnized in good faith, should be validated;

It is hereby enacted as follows:—

1. [Commencement.] Rep. by the Repealing and Amending Act, 1914 (10 of 1914).

2. Definition. In this Act the expression “Native Christian” has the same meaning as in the Christian Marriage Act, 1872 (XV of 1872).

3. Validation of irregular marriages. All marriages which have already been solemnized under Part VI of the Christian Marriage Act, 1872, (XV of 1872) between persons of whom one only was a Native Christian, shall be as good and valid in law as if such marriages had been solemnized between persons of whom both were Native Christians:

Provided that nothing in this section shall apply to any marriage which had 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.

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 Native Christians.

'Short title given by the Short Titles Act, 1897 (14 of 1897).

For Statement of Objects and Reasons, see Gazette of India, 1891, Pt. V. p. 142; for Report of the Select Committee on the Bill, see ibid., 1891, Pt. VI, p. 117, and ibid., 1892, Pt. VI, p. 11.

This Act has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913.

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950. Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

This Act has been and shall be deemed to have been extended to the whole of Pakistan by the Central Laws (Extension) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

*Subs. ibid, (with effect from the 14th October, 1955) for “the Provinces and the Capital of the Federation of India” and 4, for “British India.”

5. Application of Act to marriages under Act V of 1865. References in this Act to the Christian Marriage Act, 1872, (XV of 1872) shall, so far as may be requisite, be construed as applying also to the corresponding portions of the 'Indian Marriage Act 1865 (V of 1865)

6. Penalty for solemnizing irregular marriages. If any person licensed under section 9 of the said Act to grant certificates of marriage between Native 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.

'Rep. (except as to Straits Settlements) by the Christian Marriage Act, 1872 (15 of 1872).