

LOK SABHA
**THE CHRISTIAN MARRIAGE AND MATRI-
MONIAL CAUSES BILL, 1962**

(Report of the Joint Committee)

(PRESENTED ON THE 26TH NOVEMBER, 1963)

127(S)
2/12/63



**LOK SABHA SECRETARIAT
NEW DELHI**

November, 1963

Agrahayana, 1885 (Saka)

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JOINT/SELECT COMMITTEE REPORTS
PRESENTED TO LOK SABHA DURING THE
YEAR 1963.

Sl.No.	Name of the Report	Date of Presentation.
1.	The Administrators-General Bill, 1962 (Report of the Select Committee)	25-1-1963
2.	The Constitution (Fifteenth Amendment) Bill, 1962 (Report of Joint Committee)	8-3-1963
3.	Joint Committee on the Constitution (Fifteenth Amendment) Bill, 1962 - <u>EVIDENCE.</u>	-do-
4.	The Constitution (Sixteenth Amendment) Bill, 1963 (Report of the Joint Committee)	18-3-1963
5.	The Government of Union Territories Bill, 1963 (Report of the Joint Committee)	15-4-1963
6.	The Major Port Trusts Bill, 1962 (Report of the Select Committee)	13-8-1963
7.	Select Committee on the Major Port Trusts Bill, 1962 - <u>EVIDENCE</u>	-do-
8.	The Christian Marriage and Matrimonial Causes Bill, 1962 (Report of the Joint Committee)	26-11-1963
9.	Joint Committee on the Christian Marriage and Matrimonial Causes Bill, 1962 - <u>EVIDENCE.</u>	-do-
10.	The Companies (Amendment) Bill, 1963 (Report of the Select Committee)	9-12-1963
11.	Select Committee on the Companies (Amendment) Bill, 1963 - <u>EVIDENCE.</u>	-do-
12.	The Slum Areas (Improvement and Clearance) Amendment Bill, 1963 (Report of the Joint Committee)	18-12-1963

CORRIGENDA

to

**the Report of the Joint Committee on the-Christian
Marriage and Matrimonial Causes Bill, 1962**

Bill as reported

1. Page 9, line 30, underline "13"
2. Page 10, line 9, underline "14"
3. Page 24, line 15, for "willfully" read "wilfully"
4. Page 26, lines 2 & 3 -
for "of translation" read "or translation"

Appendix III

5. Page 41, line 40,
for "Appstolic" read "Apostolic"
6. Page 41, line 42
for "Prebyterian" read "Presbyterian"
7. Page 42, line 21,
for "Orthodx" read "Orthodox"

Appendix V

8. Page 52, line 8,
for "sub-Committee" read "sub-Committees"
9. Page 53, S.No. 33,
for "Shri Shri" read "Shri"

P. T. O.

10. Page 62, line 6
after "Diocese" omit "of"
11. Page 64, lines 3 to 6 & 8,
for "Paster" read "Pastor"
12. Page 78, line 11,
*after "Page 9" omit "line 27, for
'16' substitute '14' "*

NEW DELHI;

The 29th November, 1963

62-L SRP- 2. 11. 63/1,250.

CONTENTS

	PAGE
1. Composition of the Joint Committee	iii
2. Report of the Joint Committee	v
3. Minutes of Dissent	xi
4. Bill as reported by the Joint Committee	i
 APPENDIX I :	
Motion in Lok Sabha for reference of the Bill to Joint Committee	36
 APPENDIX II :	
Motion in Rajya Sabha	38
 APPENDIX III :	
Statement of memoranda/representations received by the Joint Committee	9
 APPENDIX IV :	
List of Associations/individual who gave evidence before the Joint Committee	43
 APPENDIX V :	
Minutes of the sittings of the Joint Committee	5

**THE CHRISTIAN MARRIAGE AND MATRIMONIAL CAUSES
BILL, 1962**

COMPOSITION OF THE JOINT COMMITTEE

LOK SABHA

Shrimati Renu Chakravartty*—Chairman

Members

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shri Rajendranath Barua
5. Shrimati Kamala Chaudhri
6. Sardar Daljit Singh
7. Shri Ram Dhani Das
8. Shri Sudhansu Bhushan Das.
9. Shri M. L. Dwivedi**
10. Shri V. B. Gandhi
11. Shri L. D. Kotoki
12. Shri M. K. Kumaran
13. Shri Baij Nath Kureel
14. Shri Mathew Maniyangadan
15. Shri Harish Chandra Mathur
16. Shri Panampilli Govinda Menon
17. Shri Bibudhendra Misra
18. Shri Maheswar Naik
19. Shri A. Nesamony
20. Shri Purushottamdas R. Patel
21. Shrimati Yashoda Reddy
22. Shri T. H. Sonavane
23. Shri Sivamurthi Swami
24. Shri G. G. Swell
25. Shri A. M. Thomas

*Appointed Chairman on the 1st February, 1963 *vice* Shri Mulchand Dube died.

**Appointed member *vide* motion adopted by Lok Sabha on the 8th March, 1963, *vice* Shri Mulchand Dube died.

26. Pandit D. N. Tiwari
27. Shri U. M. Trivedi
28. Shri T. Abdul Wahid
29. Shri Yashpal Singh
30. Shri Asoke K. Sen

RAJYA SABHA

31. Rajkumari Amrit Kaur
32. Shri Jairamdas Daulatram
33. Shri A. C. Gilbert
34. Shrimati Jahanara Jaipal Singh
35. Shri Dayaldas Kurre
36. Shri Bansi Lal
37. Shri A. D. Mani
38. Shrimati Uma Nehru*
39. Shri M. Ruthnaswamy**
40. Shri Mulka Govinda Reddy
41. Shri M. H. Samuel
42. Shri M. C. Shah
43. Shri Awadeshwar Prasad Sinha
44. Shri P. A. Salomon
45. Shri A. M. Tariq.

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission.*
3. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

*Died on 28th August, 1963.

**Appointed member vide motion adopted by Rajya Sabha on the 10th May, 1963, *vice* Shri Thomas Srinivasan died.

REPORT OF THE JOINT COMMITTEE

I, the Chairman of the Joint Committee to which the Bill* to amend and codify the law relating to marriage and matrimonial causes among Christians was referred, having been authorised to submit the report on their behalf, present this their report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in Lok Sabha on the 22nd June, 1962. The motion for reference of the Bill to a Joint Committee of the Houses was moved in Lok Sabha by Shri Asoke K. Sen, the Minister of Law, on the 8th August, 1962 and was discussed and adopted on the same day (Appendix I).

3. Rajya Sabha discussed and concurred in the said motion on the 4th September, 1962 (Appendix II).

4. The message from Rajya Sabha was reported to Lok Sabha on the 7th September, 1962.

5. The Committee held 16 sittings in all.

6. The report of the Committee was to be presented by the first day of the Third Session. As the Committee felt that it would not be possible for them to complete their work by that time, they, at their first sitting held on the 8th September, 1962, decided to ask for an extension of time for presentation of their report upto the last day of the Fourth Session. Necessary motion was brought before the House and adopted on the 8th November, 1962. Subsequently, further extensions of time for presentation of the report were granted by the House by motions moved and adopted on the 23rd April and 4th September, 1963. According to the motion adopted by the House on the 4th September, 1963, the report of the Committee is to be presented by the last day of the current (Sixth) session of Lok Sabha.

7. The first sitting of the Committee was held on the 8th September, 1962 to draw up a programme of work. The Committee at this sitting decided to hear evidence from associations etc. and to issue a press communique inviting memoranda for the purpose by the 15th October, 1962. As the Committee received a number of representations from interested parties to the effect that the time for submission of memoranda on the Bill was very short, the Committee decided at their third sitting held on the 20th April, 1963, to issue another press communique extending the time for submission of memoranda upto the 30th June, 1963.

*Published in the Gazette of India, Extraordinary, Part II, Section 2, dated the 22nd June, 1962.

8. 509 memoranda/representations on the Bill were received by the Committee from various Churches, religious associations and individuals as mentioned in Appendix III.

9. At their Second, Third and Fifth to Tenth sittings held on the 18th and 20th April and 15th to 20th July, 1963, respectively, the Committee heard the evidence given by one individual and the representatives of 23 associations specified in Appendix IV.

10. The Committee have decided that the evidence given before them should be laid on the Tables of both the Houses *in extenso*.

11. The Committee considered the Bill clause by clause at their Eleventh to Fifteenth sittings held on the 23rd, 24th and 25th September and 19th and 21st October, 1963, respectively.

12. The Committee considered and adopted the report on the 19th November, 1963.

13. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

14. *Clause 1.*—Amendments to sub-clause (3) are consequential to the omission of the original clause 7. (See para 19). Other amendments are of drafting nature.

15. *Clause 2.*—The terms “Church”, “Custom” and “Minister”, which have been used in the Bill, have been defined. The term “Custom” has been defined on the lines of the definition contained in the Hindu Marriage Act, 1955.

Definitions of the terms “licensed Minister”, “Minister of a recognized Church” and “recognized Church” have been omitted consequent on the omission of the original clauses 7 and 8 (See para 19).

Definition of the term “rules” has been amplified to include regulations as well.

It was represented to the Committee that apart from the well evolved denominations of Christian Churches, there existed small organized groups of Christians who did not belong to any particular Church, having their own rules, modes of worship, baptism and solemnization of marriages. The Committee feel that statutory recognition should be given to such groups of Christians also. In the proposed definitions of the terms “Minister” and “rules”, as also at other appropriate places in the Bill, provision has been made accordingly.

Other amendments are of a drafting nature.

16. *Clause 4.*—The Committee feel that in the case of marriage of a minor girl (a girl between 15 and 18 years of age) the girl's consent should also be obtained in addition to that of her guardian. Sub-clause (v) has been suitably amended for the purpose.

17. *Clause 5.*—The Committee consider that, as in the Hindu Marriage Act, 1955, a provision should be made that in the absence of any person entitled to give consent as guardian under sub-clause (1), consent of guardian should not be necessary for marriage.

A new sub-clause (4) has been incorporated accordingly.

Other amendments are of a consequential and drafting nature.

18. *Clause 6.*—The amendments to this clause are consequential to the omission of the original clauses 7 and 8 (See para 19).

19. *Original clauses 7 and 8.*—It was represented in the memoranda received by the Committee from various Christian religious associations and also urged on behalf of the associations whose representatives gave oral evidence before the Committee that the provisions in the Bill relating to recognition of Churches and licensing of Ministers would, if retained, arm the Government with powers which might well be exercised to discriminate between one Church and another or one Minister and another, thereby affecting the independence of various Christian denominations. In order to avoid an impression that undue interference in the institutional organization of the Christian religion was intended, the Committee consider that the scheme of recognition of Churches and licensing of Ministers for the purposes of solemnization of marriages may be done away with and that any Minister of any Church should be allowed to solemnize marriages subject only to provisions intended to check runaway or frivolous marriages. This would bring at par the various Christian denominations and their institutions and there would be no cause for misapprehension of unfair discrimination by the State.

Original clauses 7 and 8 have accordingly been omitted and consequential amendments made in the other clauses of the Bill.

20. *Clauses 9 and 10 (original clauses 11 and 12).*—The amendments to these clauses are of a consequential and drafting nature.

21. *Clause 11 (original clause 13).*—The Committee consider that if a marriage is intended to be solemnized in a private building, the Minister should, in addition to sending a copy of the notice to the

Marriage Registrar of the district, be required, as a convenient form of publicity, to affix a copy of the notice to some conspicuous part of the building. Provision has accordingly been made in sub-clause (c).

Other amendments are of a drafting nature.

22. *Clauses 12 to 17 (original clauses 14 to 19).*—The amendments to these clauses are of a consequential and drafting nature.

23. *Original clause 20.*—This clause has been omitted as being redundant in view of the provisions of clause 9 (original clause 11).

24. *Clauses 18 to 21 (original clauses 21 to 24).*—Amendments to these clauses are of a consequential and drafting nature.

25. *Clause 22 (original clause 25).*—The Committee are of the opinion that the provisions relating to judicial separation in this Bill should be modelled on the lines of those in the Hindu Marriage Act, 1955 subject to the following modifications—

- (i) the period for presentation of a petition for judicial separation on the ground that the other party has been suffering from venereal disease in a communicable form or from a virulent and incurable form of leprosy should be one year instead of three years; and
- (ii) the grounds for judicial separation should include all the grounds, except the ground of wilful refusal to consummate the marriage, on which divorce can be granted under this Bill.

The clause has been amended accordingly.

26. *Clause 23 (original clause 26).*—The amendment to this clause is of drafting nature.

27. *Clause 24 (original clause 27).*—As the list of prohibited relations under the Bill is not the same as under the existing law, the Committee feel that this clause should not apply to marriages solemnized under the existing law which contravene the rules as to prohibited degrees under that law.

The clause has been amended accordingly.

28. *Clauses 25 (original clause 28).*—The Committee consider that it would lead to family instability if marriages solemnized before the commencement of the Act are made voidable on the grounds specified

in the clause. However, the Committee feel that the ground that the respondent was pregnant by some person other than the petitioner should be available also in case the marriage was solemnized within one year immediately before the commencement of the Act.

As regards the grounds on which a marriage would be voidable, they are of the opinion that wilful refusal of the respondent to consummate the marriage should be added to the grounds which render a marriage voidable.

The clause has been amended accordingly. Other amendments are of a drafting nature.

29. *Clause 26 (original clause 29).*—The amendments to this clause are of a drafting nature.

30. *Clause 27 (original clause 30).*—The provisions of sub-clause (1) (x) providing for cruelty as a ground for divorce have been elaborated and brought in line with similar provisions relating to judicial separation in the Hindu Marriage Act, 1955.

31. *Clauses 28 to 47 (original clauses 31 to 50).*—The amendments to these clauses are of a consequential and drafting nature.

32. *Clause 48 (original clause 51).*—The Committee are of the view that if a person, who has been married *before* the commencement of the Act, contracts another marriage during the life time of his or her spouse, he/she should also be liable to punishment for bigamy.

The clause has been amended accordingly.

33. *Clauses 49 to 73 (original clauses 52 to 76).*—The amendments to these clauses are of a consequential and drafting nature.

34. *First, Second and Third Schedules.*—The amendments to these Schedules are of a consequential and drafting nature.

35. *Fourth Schedule.*—The declaration to be made by the bride and the bridegroom regarding prohibited relationship has been elaborated and a separate declaration to be made by the guardian of a minor bride to the effect that he has given his consent for the marriage has been provided for.

Other amendments are of a drafting nature.

36. *Fifth Schedule.*—The amendments to this Schedule are of a consequential and drafting nature.

37. The Joint Committee recommend that the Bill, as amended, be passed.

RENU CHAKRAVARTTY,

NEW DELHI;
The 19th November, 1963.

Chairman,
Joint Committee.

MINUTES OF DISSENT

I

I regret that I have to submit a minute of dissent with regard to certain provisions of the Bill as passed by the Joint Committee.

The definition of the term "Christian" is very vague and unsatisfactory. For a person to be a Christian Baptism is a *sine qua non* except in the case of one or two small sects. For the vast majority of Christians it is a vital matter because Baptism is a sacrament and not a mere question of organisation or ceremonial. It is an essential requisite for membership of Churches. Therefore Baptism should be included in the definition of "Christian".

The condition that consent of the guardian should be obtained for the marriage of a minor bride ought not have been made applicable to brides who are widows. After her first marriage she ceases to be a ward of her former guardian and it is not likely that she returns to her original home. Such a widow, though minor, is competent to exercise her own free will and her marriage should not be made conditional on the consent of a person who is no more her guardian.

It is a welcome thing that the Joint Committee has agreed to delete the provisions regarding recognition of Churches and licensing of Ministers. Almost all the witnesses who gave evidence had demanded this. But by this suggested improvement nobody wanted or expected that the freedom of Ministers of Churches having rules for solemnization of marriages which are "ancient, definite and well designed to prevent clandestine or prohibited marriages" would be prevented from solemnizing marriages under such rules and compelled to adopt rules different from those sanctioned by their usage.

Of course clause 9 is there which provides that "Marriage may be solemnized under this Act by a Minister according to the rules of the Church or of the group of which he is a Minister". But this has been rendered nugatory by the provisions of the succeeding clauses 10, 11, 13, 14, 15, 17 and 19. It is true that adequate care was taken by the Committee to know the views of various sections of Christians regarding the Bill. But the Bill as it has now emerged contains provisions which nobody contemplated at that time.

Part C of Chapter III should be exclusively for marriages before Marriage Registrars and not made applicable to Ministers of Churches. These provisions are merely copied from the Indian Christian Marriage Act, 1872 ignoring the fact that in the said act they applied only to marriages solemnized by Ministers of Religion licensed under that Act. These provisions do not fit in with the scheme of the present Bill as passed by the Joint Committee. Even in the case of Licensed Ministers the Act of 1872 did not contain provisions similar to those in clauses 10(3) and 15.

Against the above point it is urged that there are groups of Christians who have no definite rules relating to marriage. But when there are no such rules clause 9(1) has no application and marriages between persons belonging to such groups can be solemnized only before a Marriage Registrar. Unless it be to meet the contingencies mentioned above the provisions regarding marriages before Marriage Registrar are unnecessary in this Bill so long as there is the Special Marriage Act of 1954. Christians belonging to groups with no definite marriage laws and who want to have a Christian form of marriage can have their marriage solemnized before a Marriage Registrar without being obliged to have recourse to the Special Marriage Act.

Under the existing Act of 1872 validity of a Christian marriage is governed by the personal law of the parties. But the State has decided to prescribe the condition of a valid marriage between Christians without leaving it to be decided by the personal law of the parties. Whatever may be the merits or demerits of this decision, attempt to override ancient and well established rules of Churches regarding solemnization of marriages is certainly an inroad into the right of Christians to manage their own affairs in matters of religion. And this is exactly what is done when the provisions of Part C of Chapter III are made applicable equally to Ministers of Churches and Marriage Registrars. I may quote a passage from the Fifteenth Report of the Law Commission: "Two of these Churches, the Church of Rome and the Anglican Church and its successor, the Church of India, Burma and Ceylon, have rules for solemnization of marriages which are ancient, definite and well-designed to prevent clandestine or prohibited marriages. These Churches are religious denominations, and have a constitutional right to manage their own affairs in matters of religion. It has been held by the Supreme Court that religion includes not merely matters of doctrine and belief but also practices which are regarded by the community as part of its religion. These Churches cannot, therefore, be compelled to adopt rules for solemnization of a marriage different from those

sanctioned by their usage". These observations apply with equal force to ancient Churches like the Malankara Jacobite Syrian Church and the Mar Thoma Syrian Church which have elaborate, reasonable and well defined rules of marriage. In this connection it is pertinent to point out that the Hindu Marriage Act does not prescribe any such rules for solemnization of marriages. I have no objection in specifying that these provisions are applicable also to groups of Christians who have no definite and well established rules regarding marriages.

Under clause 10 notice of marriage is to be given to the Minister whom the parties desire to solemnize the marriage and it is obligatory that the Minister who receives the notice must himself solemnize the marriage. Often it happens that the marriage is solemnized by a Minister who is not the Vicar of the parish to which both or either of the parties to the marriage belong. Under the rules of most of the Churches, notice of marriage is given to the Vicar of the parish to which the parties belong and the banns are published by him. When the parties belong to different parishes banns are published in both places. The actual solemnization of the marriage may be by another Minister who obtains jurisdiction for the purpose either by delegation by the Vicar of the parish or nomination by the appropriate Church authority. This enables the parties to have their marriage solemnized by a Minister of their choice. It may also happen that the Minister to whom notice is given may either have died or been transferred to another parish before the marriage is solemnized. In such cases the successor in office will not be able to solemnize the marriage if the clause remains as it is. Provision must be made to obviate these difficulties.

It is enough that one of the parties give the notice. It need not be jointly by the two parties.

Similar difficulties arise under clause 11 also. Rules of several established Churches provide that solemnization of marriage can be had in any Church with the permission of the appropriate Church authorities provided that banns are published in the parishes to which the parties belong. Publication of the notice of marriage will serve its purpose only if it is done in the parishes of the parties to the marriage. If marriage between two persons belonging to a parish in Kerala is to be solemnized in Delhi there is no meaning in publishing the notice in Delhi where they are practically strangers. Church rules permit such a marriage only if banns are published in the parish Church. Clause 11 makes it obligatory that notice should be published in Delhi also. This obviously is an unnecessary burden cast on the parties to the marriage and it has to be removed.

Sub-clause (d) of clause 11 is an unnecessary provision and it has to be deleted.

The provision regarding issue of Certificate of Notice by Ministers is ambiguous and unnecessary. There is no purpose in retaining such a provision. There is no provision similar to this either in the Special Marriage Act or in the Hindu Marriage Act. It is not clear why such a provision is needed in the law relating to Christian marriages. When the system of licensing of Ministers is abolished it is illogical to retain this provision.

Clause 17 in so far as it relates to solemnization of marriages is a repetition of sub-clause (2) of clause 9 and is redundant. It may be added as a proviso to clause 18.

Provisions of clause 19 should be confined to marriages solemnized before Marriage Registrars. If the provision relating to notice of marriage in clause 10 is to be retained then as regards Ministers the period before which they should solemnize the marriage should be six months after the issue of such notice.

An additional provision for emergency marriages in the case of danger of death as requested by the Catholic Bishops Conference of India should also be made.

All the witnesses who gave evidence and all the representations received by the Joint Committee are unanimously of the view that there should be no provision for Divorce in the Bill. The very idea of divorce is against Christian sentiment. There is no necessity for separate laws on Divorce for the various communities in India. It is enough to have one law on the matter applicable to all the citizens irrespective of religion. Anyhow now there is the Indian Divorce Act of 1869. If necessary that may be kept as a separate piece of legislation with necessary amendments, rather than incorporating its provisions into this Bill, as has been done here.

NEW DELHI,
The 20th November, 1963.

MATHEW MANIYANGADAN.

II

While I agree to all the amendments to the original Bill made by the Joint Committee I want to suggest that the clauses which deal with divorce should be taken out of the Bill and put into another Bill called the Indian Divorce Bill. Especially, as there is an Indian

Divorce Act already on the Statute Book which provides for divorce amongst Christians. It is odd that a Bill dealing with marriage should provide also for divorce. Merely adding the expression "Matrimonial Causes" to the title of the Bill does not save it from the charge of incongruity. Divorce is not a matrimonial cause. It is an anti-matrimonial cause. Not only would it offend legislative artistry combining as it does these two incongruous causes together but it would offend a large body of Christians like the Roman Catholic who object consciously to divorce and to combine marriage and divorce in the same Bill.

I am not against giving the relief of divorce to people who believe in it. All that I want is that the part of this Bill dealing with divorce should be taken out of the Bill and put into another Bill to be passed as an Act.

NEW DELHI;
The 22nd November, 1963.

M. RUTHNASWAMY.

**THE CHRISTIAN MARRIAGE AND MATRIMONIAL
CAUSES BILL, 1962**

ARRANGEMENT OF CLAUSES

CHAPTER I

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

CONDITIONS FOR CHRISTIAN MARRIAGE

3. Marriages between Christians to be solemnized according to Act.
4. Conditions of marriage.
5. Consent of guardian in marriage.

CHAPTER III

SOLEMNIZATION OF CHRISTIAN MARRIAGES

A.—Persons authorised to solemnize marriages

6. Who may solemnize marriages.
7. Marriage Registrars in India.
8. Marriage Registrars outside India.

B.—Marriages before Ministers

9. Solemnization of marriages.

*C.—Provisions as to marriages generally and marriages before
Marriage Registrars*

10. Notice of intended marriage to Ministers, etc., and Marriage Notice Book.
11. Procedure to be followed by Minister on receipt of notice.
12. Procedure to be followed by Marriage Registrars on receipt of notice.
13. Issue of certificate of notice.
14. Objection to certificate.

CLAUSES

15. Application to district court against decision on objection.
16. Procedure on receipt of objection by Marriage Registrar abroad.
17. Certificate not to be issued and marriage not to be solemnized in certain cases.
18. Solemnization of marriage by Marriage Registrar.
19. Certificate void if marriage not solemnized within three months.

D.—Registration of marriages

20. Certificate of marriage and registration.

CHAPTER IV**RESTITUTION OF CONJUGAL RIGHTS**

21. Restitution.

CHAPTER V-**JUDICIAL SEPARATION**

22. Judicial separation.
23. Effect of judicial separation on duty to cohabit.

CHAPTER VI**NULLITY OF MARRIAGE**

24. Void marriages.
25. Voidable marriages.
26. Legitimacy of children of certain void and voidable marriages.

CHAPTER VII**DIVORCE***A.—Grounds of divorce*

27. Grounds of divorce.
28. Divorce after decree for judicial separation.
29. No petition for divorce to be presented within three years of marriage.

B.—Re-marriage after divorce

30. Re-marriage of divorced persons.

CHAPTER VIII

JURISDICTION AND PROCEDURE

CLAUSES

31. Relief to be given to Christians only.
32. Jurisdiction of Indian courts.
33. Court to which petition to be made.
34. Contents and verification of petitions.
35. Application of Code of Civil Procedure.
36. Duty of Court before passing decree.
37. Adulterer or adulteress to be a co-respondent.
38. Relief to respondent in case of opposition to petition for divorce on certain grounds.
39. *Decree nisi* for divorce.
40. Damages from adulterer or adulteress.
41. Maintenance *pendente lite* and expenses of proceedings.
42. Permanent alimony and maintenance.
43. Disposal of property.
44. Custody of children.
45. Proceedings may be *in camera* and may not be published.
46. Appeals from decrees and orders.
47. Enforcement of decrees and orders.

CHAPTER IX

PENALTIES

48. Punishment of bigamy.
49. Punishment for contravention of certain other conditions for marriage.
50. Penalty for false oath, declaration, notice or certificate for procuring marriage.
51. False personation by person objecting to marriage.
52. Solemnizing marriage without due authority.
53. Penalty for not deciding objections within prescribed period or refusal to solemnize marriage.
54. Penalty for wrongful action of Marriage Registrar or Minister, etc.
55. Destroying or falsifying Marriage Certificate Books.
56. Penalty for publishing proceedings held *in camera*.
57. Limitation for prosecutions.

CHAPTER X

MISCELLANEOUS

CLAUSES

58. Liability for frivolous objections.
59. Savings regarding irregularities.
60. Correction of errors.
61. Solemnization of marriages by Ministers of Church in places sanctioned by custom or usage.
62. Marriage Registrars to be deemed to be public servants.
63. Inspection of Marriage Notice Book.
64. Inspection of Marriage Certificate Book.
65. Certified copy to be evidence.
66. Language of notices and declarations.
67. Ministers not compelled to solemnize marriages contrary to the rules of the Church.
68. Powers of Marriage Registrars in respect of inquiries.
69. Power to make rules.
70. Rules by the High Court.
71. Savings regarding marriages solemnized before the Act.
72. Savings for other marriages.
73. Repeal.

THE FIRST SCHEDULE.—PROHIBITED RELATIONSHIP.

THE SECOND SCHEDULE.—FORM OF NOTICE OF INTENDED MARRIAGE.

THE THIRD SCHEDULE.—FORM OF CERTIFICATE OF NOTICE.

THE FOURTH SCHEDULE.—DECLARATION TO BE MADE BY THE BRIDEGROOM—BRIDE—GUARDIAN.

THE FIFTH SCHEDULE.—FORM OF CERTIFICATE OF MARRIAGE.

THE CHRISTIAN MARRIAGE AND MATRIMONIAL
CAUSES BILL, 1962

(AS REPORTED BY THE JOINT COMMITTEE)

(Words side-lined or underlined indicate the amendments suggested
by the Committee; asterisks indicate omissions)

A

BILL

to amend and codify the law relating to marriage and matrimonial
causes among Christians.

BE it enacted by Parliament in the Fourteenth Year of the
Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Christian Marriage and Matri- Short title,
monial Causes Act, 1963. commencement.

(2) It extends to the whole of India except the State of Jammu
and Kashmir, and applies also to Christians who are domiciled in the
territories to which this Act extends and are outside the said terri-
10 tories

(3) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "Christian" means a person who professes the Christian religion;

(b) "Church" means an organized body of Christians holding the same faith, following the same rules and acknowledging the same authority;

(c) "church building" includes any chapel or other building or any place generally used for public Christian worship;

(d) "custom" means any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Christians in any local area, tribe, community, group or family;

Provided that the rule is certain and not unreasonable or opposed to public policy;

(e) "desertion" means the withdrawal by one spouse, without reasonable cause and without the consent or against the wish of the other spouse, from cohabitation with the other spouse with the intention of bringing cohabitation permanently to an end; and its grammatical variations and cognate expressions shall be construed accordingly;

(f) "diplomatic officer" means an ambassador, envoy, minister, charge d' affaires, high commissioner, commissioner or other diplomatic representative, or a counsellor or secretary of an embassy, legation or high commission;

(g) "district", in relation to a Marriage Registrar, means the area for which he is appointed as such under this Act;

(h) "district court" means, in any area for which there is a city civil court, that court, and, in any other area, the principal civil court of original jurisdiction, and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(i) "India" means the territories to which this Act extends;

* * * *

(j) "Marriage Registrar" means a Marriage Registrar appointed under section 7 or section 8;

(k) "Minister" means a person who, according to the rules of the Church or the rules of the group of Christians to which he belongs, is competent to solemnize marriages;

(l) "minor" means a person who has not completed the age of eighteen years;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "prohibited relationship"—a man and any of the persons mentioned in Part I of the First Schedule, and a woman and any of the persons mentioned in Part II of the said Schedule, are within prohibited relationship;

Explanation.—"Relationship" includes,—

(a) relationship by half or uterine blood as well as by full blood;

(b) illegitimate blood relationship as well as legitimate; and all terms of relationship in this Act shall be construed accordingly;

* * * * *

(o) "Registrar-General" means—

(i) a Registrar-General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886, and

(ii) in relation to any territories to which that Act does not extend, an officer performing the functions of a Registrar-General of Births, Deaths and Marriages under any corresponding law in force in those territories;

(p) "rules", in any expression denoting rules of any Church, or of any group of Christians, include rites, ceremonies, customs or regulations of that Church or group relating to marriages.

CHAPTER II

CONDITIONS FOR CHRISTIAN MARRIAGE

3. Every marriage between persons both of whom are Christians shall be solemnized in accordance with the provisions of this Act, unless the same is solemnized under the provisions of the Special Marriage Act, 1954.

Marriages between Christians to be solemnized according to Act.

Conditions of marriage. 4. A marriage may be solemnized between any two Christians if the following conditions are fulfilled, namely:—

(i) neither party has a spouse living at the time of the marriage;

(ii) the parties are not within prohibited relationship, unless the custom governing each of them permits of a marriage between the two;

(iii) neither party is an idiot or a lunatic at the time of the marriage;

(iv) the bridegroom has completed the age of eighteen years and the bride the age of fifteen years at the time of the marriage;

(v) where the bride has not completed the age of eighteen years, the consent in writing of the bride and of her guardian in marriage or the permission of the district court under sub-section (5) of section 5, has been obtained for the marriage; and

(vi) where the marriage is solemnized outside India, both parties are domiciled in India.

Consent of guardian in marriage.

5. (1) Whenever the consent of a guardian in marriage is necessary for a bride under this Act, the persons entitled to give such consent shall be the following in the order specified hereunder, namely:—

(a) the father;

(b) the mother;

(c) the paternal grandfather;

(d) the paternal grandmother;

(e) the brother by full blood; as between brothers, the elder being preferred;

(f) the brother by half blood; as between brothers by half blood, the elder being preferred;

Provided that the bride is living with him and is being brought up by him;

(g) the paternal uncle by full blood; as between paternal uncles, the elder being preferred;

(h) the maternal grandfather;

(i) the maternal grandmother;

(j) the maternal uncle by full blood; as between maternal uncles, the elder being preferred:

5 Provided that the bride is living with him and is being brought up by him. ;

(2) No person shall be entitled to act as a guardian in marriage under sub-section (1) unless such person has himself completed the age of twenty-one years.

10 (3) Where any person entitled to be the guardian in marriage under sub-section (1) refuses, or is for any cause unable or unfit, to act as such, the person next in order shall be entitled to be the guardian.

15 (4) In the absence of any such person as is referred to in sub-section (1), the consent of the guardian shall not be necessary for a marriage under this Act.

(5) Where no such person as is referred to in sub-section (1) is * * * willing and able and fit to act as guardian in marriage, or where any guardian in marriage, without just cause, withholds his consent to the marriage, the permission of the district court shall 20 be necessary for the marriage of the bride.

(6) The permission of the district court for the marriage of the bride under sub-section (5) may be applied for by a petition made by the parties to the intended marriage.

25 (7) Where such a petition is made, the district court shall examine the allegations of the petition in a summary manner and shall decide the matter after giving a reasonable opportunity to the parties to be heard.

(8) The decision of the district court granting or refusing permission under sub-section (5) shall be final.

30 (9) Notwithstanding anything contained in sub-section (1), where any person has been appointed or declared by a court to be the guardian of the person of the bride, he alone shall be entitled to act as guardian in marriage.

35 (10) Nothing in this section shall affect the jurisdiction of a court to prohibit by injunction an intended marriage if, in the interests of the bride for whose marriage consent is required, the court thinks it necessary to prohibit it.

CHAPTER III

SOLEMNIZATION OF CHRISTIAN MARRIAGES

A.—Persons authorised to solemnize marriages

Who may
solemnize
marriages.

6. Marriages may be solemnized under this Act—

(1) by a Minister; 5

(2) by, or in the presence of, a Marriage Registrar appointed under section 7 or section 8.

* * * *

Marriage
Registrars in
India.

7. (1) The State Government may, by notification in the Official Gazette, appoint any person to be a Marriage Registrar for any district. 10

(2) Where there are more Marriage Registrars than one in any district, the State Government shall appoint one of them to be the Senior Marriage Registrar.

(3) Where there is only one Marriage Registrar in a district, and such Registrar is absent from the district or is ill or his office is temporarily vacant, any person authorised in this behalf by the State Government, by general or special order, shall act as, and be, the Marriage Registrar of the district during such absence, illness or temporary vacancy. 15

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Marriage
Registrars
outside
India.

8. For the purposes of this Act in its application to Christians domiciled in India who are outside India, the Central Government may, by notification in the Official Gazette,—

(a) in the case of the State of Jammu and Kashmir, appoint such officers of the Central Government as it may think fit to be the Marriage Registrars for the State or any part thereof; and 25

(b) in the case of any other country, place or area, appoint such diplomatic or consular officers as it may think fit to be the Marriage Registrars for the country, place or area.

B.—Marriages before Ministers 30

Solemniza-
tion of
marriages.

9. (1) Marriages may be solemnized under this Act by a Minister according to the rules of the Church or of the group of which he is a Minister and in the presence of at least two witnesses.

(2) No such marriage shall be solemnized—

(a) if the Minister has reason to believe that the solemnization of the intended marriage would be contrary to the provisions of section 4; 35

(b) if any other lawful impediment be shown to the satisfaction of the Minister why such marriage should not be solemnized;

(c) unless a solemn declaration has been made in the presence of the Minister in the form specified in the Fourth Schedule—

(i) by the bridegroom, and

(ii) by the bride, and, if she is a minor for whose marriage the consent of the guardian also is required under this Act, by the guardian also on behalf of the bride.

C.—Provisions as to marriages generally and marriages before Marriage Registrars

10. (1) When a marriage is intended to be solemnized by a Minister or by or in the presence of a Marriage Registrar, the parties to the marriage shall give notice thereof in writing in the form specified in the Second Schedule—

Notice of intended marriage to Ministers, etc., and Marriage Notice Book.

(a) to the * Minister whom they desire to solemnize the marriage, or

(b) to the Marriage Registrar of the district in which at least one of the parties to the marriage has resided for a period of thirty days immediately preceding the date on which such notice is given.

(2) Where the bride is a minor for whose marriage the consent of the guardian also is required under this Act, the notice to be given under sub-section (1) shall be signed by the bride and on her behalf by the guardian also.

(3) The * Minister or the Marriage Registrar, as the case may be, shall keep all notices given under sub-section (1) with the records of his office and shall also forthwith enter a true copy of every such notice in a book prescribed for that purpose, to be called the Marriage Notice Book.

11. Where a notice under section 10 is given to a * Minister, he shall proceed as follows:—

Procedure to be followed by Minister on receipt of notice.

(a) if the parties intending marriage desire it to be solemnized in a particular church building, and if the * Minister be entitled to officiate therein, he shall cause the notice to be published by affixing a copy thereof to some conspicuous part of such church building;

(b) if he is not entitled to officiate as a Minister in such church building, he shall, notwithstanding anything contained in sub-section (3) of section 10, at his option, either return the notice to the person who delivered it to him, or deliver it to some other *Minister entitled to officiate therein, who shall thereupon act as if the notice were given by the parties to him under section 10;

(c) if it is intended that the marriage shall be solemnized in a private building, the * * * Minister, on receiving the notice under section 10, shall cause the notice to be published by affixing a copy thereof to some conspicuous part of the private building and shall also forward a copy thereof to the Marriage Registrar of the district, who shall cause it to be published by affixing it to some conspicuous place in his own office;

(d) if the bride intending marriage is a minor, the * * * Minister, on receiving the notice under section 10 shall, unless within twenty-four hours after its receipt he returns the same under clause (b), send by post or otherwise a copy of such notice to the Marriage Registrar of the district, or, if there be more than one Marriage Registrar of the district, to the Senior Marriage Registrar, and the Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such copy, shall affix it 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.

Procedure
to be
followed by
Marriage
Registrars on
receipt of
notice.

12. Where the notice under section 10 is given to a Marriage Registrar, he shall proceed as follows:—

(a) the Marriage Registrar shall cause the notice to be published by affixing a copy thereof to some conspicuous place in his own office;

(b) if the bride is a minor, the Marriage Registrar shall, within twenty-four hours after receiving the notice under section 10, send, by post or otherwise, a copy of the notice to each of the other Marriage Registrars, if any, in the same district, who shall affix the copy to some conspicuous place in his own office;

(c) if either of the parties intending marriage is not permanently resident within the local limits of the district of the

Marriage Registrar, the Marriage Registrar shall also cause a copy of such notice to be transmitted to the Marriage Registrar of the district within whose limits such party is permanently resident, and that Marriage Registrar shall thereupon cause a copy thereof to be affixed to some conspicuous place in his own office.

13. (1) Any * * * Minister or Marriage Registrar consenting or intending to solemnize any marriage under this Act shall, on being required so to do by or on behalf of either of the persons by whom the notice was given, issue under his hand a certificate of notice in the form specified in the Third Schedule.

(2) No such certificate shall be issued—

(a) until the expiration of seven days from the date of publication of the notice or where the bride is a minor, until the expiration of twenty-one days from the said date; and

(b) unless a solemn declaration has been made in the presence of the *Minister or the Marriage Registrar, as the case may be, in the form specified in the Fourth Schedule—

(i) by the bridegroom, and

(ii) by the bride, or, if she is a minor for whose marriage the consent of the guardian also is required under this Act, by the guardian also on behalf of the bride.

14. (1) Any person may, before the expiration of seven days from the date on which any notice has been published under section 11 or section 12, make an objection in writing to the marriage on the ground that it would contravene one or more of the conditions specified in section 4.

(2) If an objection is made under sub-section (1), the * * * Minister or the Marriage Registrar shall not issue the certificate under section 13 unless he has inquired into the matter of the objection and is satisfied that it ought not to prevent the issue of the certificate or the objection is withdrawn by the person making it.

(3) The * * * Minister or the Marriage Registrar shall not take more than thirty days from the date of the objection for the purpose of inquiring into the matter of the objection and arriving at a decision.

15. (1) If the *Minister or the Marriage Registrar fails to arrive at a decision on an objection to an intended marriage within the period specified in sub-section (3) of section 14, or upholds such an objection and refuses to issue the certificate of notice of marriage, either party to the intended marriage may, within a period of

Issue of certificate of notice.

Objection to certificate

Application to district court against decision on objection.

twenty-one days from the date of such refusal, apply by petition to the district court.

(2) The district court may examine the allegations of the petition in a summary manner, and shall decide the matter after giving a reasonable opportunity to the parties to be heard.

(3) The decision of the district court on such petition shall be final, and the * * * Minister or the Marriage Registrar shall act in conformity with the decision.

Procedure on receipt of objection by Marriage Registrar abroad.

16. Where an objection is made under section 14 to a Marriage Registrar outside India in respect of an intended marriage outside India, and the Marriage Registrar, after making such inquiry into the matter as he thinks fit, entertains a doubt in respect thereof, he shall not solemnize the marriage but shall transmit the record to the Central Government with such statement respecting the matter as he thinks fit to make, and the Central Government, after making such inquiry into the matter and after obtaining such advice as it thinks fit, shall give its decision thereon in writing to the Marriage Registrar, who shall act in conformity with the decision of the Central Government.

Certificate not to be issued and marriage not to be solemnized in certain cases.

17. No * * Minister or Marriage Registrar shall issue a certificate of notice in respect of any marriage or solemnize any marriage under this Act—

(a) if he has reason to believe that the solemnization of the intended marriage would be contrary to the provisions of section 4; or

(b) if any other lawful impediment be shown to his satisfaction why such certificate should not be issued or such marriage should not be solemnized.

* * * * *

Solemnization of marriage by Marriage Registrar.

18. (1) After the issue of the certificate of notice by the Marriage Registrar, the marriage may be solemnized between the persons therein described by or in the presence of the Marriage Registrar according to such form or ceremony as the parties think fit to adopt and in the presence of at least two witnesses:

Provided that the marriage shall not be complete and binding on the parties unless each party says to the other in the presence of the Marriage Registrar and the witnesses and in any language understood by the parties—

“I, (A.B.) take thee (C.D.) to be my lawful wife (or husband)”.

(2) The marriage may be solemnized—

(a) at the office of the Marriage Registrar; or

(b) at such other place in his district and within a reasonable distance from his office, as the parties may desire, and upon such conditions and the payment of such additional fees as may be prescribed.

5 19. If a marriage is not solemnized within three months after the date of the certificate issued by the * Minister or the Marriage Registrar under section 13, such certificate and all proceedings, if any, thereon shall be void, and no person shall proceed to solemnize the said marriage until a new notice has been given and the certificate
 10 thereof issued in the manner provided in this Chapter. Certificate void if marriage not solemnized within three months.

D.—Registration of marriages

20. (1) When the marriage has been solemnized, the Minister * * * or the Marriage Registrar, as the case may be, shall enter a certificate thereof in the form specified in the Fifth Schedule
 15 in a book to be kept by him for that purpose and to be called the Marriage Certificate Book, and such certificate shall be signed by the parties to the marriage and the witnesses. Certificate of marriage and registration.

(2) On a certificate being entered in the Marriage Certificate Book by the Minister * * *
 20 or the Marriage Registrar, the certificate shall be deemed to be conclusive evidence of the fact that a marriage under this Act has been solemnized.

(3) Every Minister * * * or Marriage Registrar in a State shall send to the Registrar-General of
 25 that State, at such intervals and in such form as may be prescribed, a true copy of all entries made by him in the Marriage Certificate Book since the last of such intervals.

CHAPTER IV

RESTITUTION OF CONJUGAL RIGHTS

30 21. (1) When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, the other party may apply by petition to the district court for restitution of conjugal rights. Restitution.

(2) Nothing shall be pleaded in answer to such petition which
 35 would not be a ground for judicial separation or for nullity of marriage or for divorce.

(3) The court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why a decree of restitution of conjugal rights should not be granted, may decree
 40 restitution of conjugal rights accordingly.

CHAPTER V

JUDICIAL SEPARATION

Judicial
separation.

22. Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on the ground that the other party—

(a) has, since the solemnization of the marriage, committed adultery; or

(b) has ceased to be a Christian by conversion to another religion; or

(c) has been incurably of unsound mind for a continuous period of not less than two years immediately preceding the presentation of the petition; or

(d) has, for a period of not less than one year immediately preceding the presentation of the petition, been suffering from a virulent form of leprosy; or

(e) has, for a period of not less than one year immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form, the disease not having been contracted from the petitioner; or

(f) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the other party if that party had been alive; or

(g) has failed to comply with a decree for restitution of conjugal rights for a period of two years; or

(h) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or

(i) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party.

Effect of
judicial sep-
aration on
duty to
cohabit.

23. (1) Where a decree for judicial separation has been passed, it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(2) The court may, on the application by petition of either party and on being satisfied of the truth of the statements made in such petition, rescind the decree where the parties have expressed a desire

to come together and to resume cohabitation or where for any other reason the court considers it just and reasonable to rescind the decree.

CHAPTER VI

NULLITY OF MARRIAGE

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24. Any marriage solemnized * * * after the commencement of this Act, shall be null and void and may, on a petition presented for the purpose, be so declared by a decree of nullity, if it contravenes the condition specified in clause (i) or clause (ii) of section 4 and a marriage solemnized before such commencement shall also be null and void and may, on a petition presented for the purpose, be so declared by a decree of nullity, if it contravenes the condition specified in clause (i) of section 4. Void marriages.

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25. (1) Any marriage solemnized * * * after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds, namely:— Voidable marriages.

15

(a) that the marriage is in contravention of the condition specified in clause (iii) of section 4; or

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(b) that the respondent was impotent at the time of the marriage and continued to be so till the institution of the proceeding; or

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(c) that the consent of the petitioner, or where the consent of the guardian in marriage of the petitioner is required under clause (v) of section 4, the consent of such guardian, was obtained by force or fraud; or

30

(d) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or

(e) that the marriage is in contravention of the condition specified in clause (iv) of section 4; or

(f) that the marriage of the petitioner, being the wife, is in contravention of the condition specified in clause (v) of section 4.

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(2) A marriage solemnized after the commencement of this Act or within one year immediately before such commencement shall also be voidable and may be annulled by a decree of nullity on the ground that the respondent was, at the time of the marriage, pregnant by some person other than the petitioner.

(3) Notwithstanding anything contained in sub-section (1), no petition for annulling a marriage on the ground specified in clause (c) of sub-section (1) shall be entertained, if—

(i) the petition is presented more than one year after the force had ceased to operate or, as the case may be, the fraud had been discovered; or

(ii) the petitioner has, with his or her full consent, lived with the other party to the marriage as husband or wife after the force had ceased to operate or, as the case may be, the fraud had been discovered.

(4) Notwithstanding anything contained in clause (e) or clause (f) of sub-section (1), no petition for annulling a marriage under that sub-section shall be entertained if the petition is presented more than one year after the petitioner has completed the age of eighteen years.

(5) Notwithstanding anything contained in sub-section (2), no petition for annulling a marriage on the ground specified in that sub-section shall be entertained, unless the Court is satisfied—

(i) that the petitioner was at the time of the marriage ignorant of the facts alleged;

(ii) that the proceedings have been instituted, in the case of a marriage solemnized before the commencement of this Act, within one year of such commencement and, in the case of a marriage solemnized after such commencement, within one year from the date of the marriage; and

(iii) that marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds for a decree.

Legiti-
macy of
children
of cer-
tain void
and void-
able mar-
riages.

26. (1) Where a marriage is null and void under section 24 by reason of the contravention of the condition specified in clause (i) or clause (ii) of section 4, any child begotten or conceived before the marriage is declared to be null and void, who would have been the legitimate child of the parties to the marriage if the marriage had been valid, shall be deemed to be their legitimate child notwithstanding that the marriage is null and void.

(2) Where a marriage is annulled by a decree of nullity under section 25, any child begotten or conceived before the decree is made, who would have been the legitimate child of the parties to the marriage if the marriage had been dissolved instead of having been

annulled by a decree of nullity, shall be deemed to be their legitimate child notwithstanding the decree of nullity.

(3) Nothing contained in this section shall be construed as conferring upon any child of a marriage which is void or which is annulled by a decree of nullity any rights in or to the property of any person other than the parents in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

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CHAPTER VII

DIVORCE

A.—*Grounds of divorce*

27. (1) Any marriage, solemnized whether before or after the commencement of this Act, may, on a petition presented either by the husband or the wife, be dissolved by a decree of divorce on the ground that the respondent—

Grounds
of divorce.

(i) has, since the solemnization of the marriage, committed adultery; or

(ii) has ceased to be a Christian by conversion to another religion; or

(iii) has been incurably of unsound mind for a continuous period of not less than three years immediately preceding the presentation of the petition; or

(iv) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or

(v) has, for a period of not less than three years immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form; or

(vi) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or

(vii) has wilfully refused to consummate the marriage, and the marriage has not therefore been consummated; or

(viii) has failed to comply with a decree for restitution of conjugal rights for a period of two years or upwards after the passing of the decree against the respondent; or

(ix) has deserted the petitioner for a period of at least three years immediately preceding the presentation of the petition; or

(x) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party. 5

(2) A wife may also present a petition for the dissolution of her marriage by a decree of divorce on the ground that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality. 10

Divorce after decree for judicial separation.

28. Where in respect of any marriage, solemnized whether before or after the commencement of this Act, a decree for judicial separation has been passed, and there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or upwards after the passing of the decree, either party may, by an application in the proceeding in which the decree was passed, pray for a dissolution of the marriage by a decree of divorce; and the court may, on being satisfied of the truth of the statements made in such application, pass a decree accordingly. 15 20

No petition for divorce to be presented within three years of marriage.

29. (1) Notwithstanding anything contained in this Act, it shall not be competent for any court to entertain any petition for dissolution of a marriage by a decree of divorce under section 27, unless at the date of the presentation of the petition three years have elapsed since the date of the marriage: 25

Provided that the court may grant leave to present a petition before the said three years have elapsed if the court thinks fit to do so on the ground that the case is one of exceptional hardship to the petitioner or of exceptional depravity on the part of the respondent; but any such leave may, in the interests of justice, be revoked by the court at any time before a *decree nisi* of divorce is passed, and where the leave is so revoked, the court may dismiss the petition without prejudice to any petition which may be brought after the expiration of the said three years upon the same or substantially the same facts as those alleged in support of the petition so dismissed. 30 35

(2) In disposing of any application under this section for leave to present a petition for divorce before the expiration of three years from the date of the marriage, the court shall have regard to the

interests of any children of the marriage and to the question whether there is a reasonable probability of a reconciliation between the parties before the expiration of the said three years.

B.—Re-marriage after divorce

5 30. Where a decree of divorce has been made absolute under section 39 or a decree of divorce has been passed under section 28, and the time for appealing has expired without any appeal having been presented or an appeal has been presented but has been dismissed and the decree of dismissal has become final, but not sooner, either
10 party to the marriage may marry again.

Re-marriage of divorced persons.

CHAPTER VIII

JURISDICTION AND PROCEDURE

31. Nothing contained in this Act shall authorise any court to grant any relief under Chapters IV to VII, except where—

Relief to be given to Christians only.

15 (a) both the parties to the marriage are Christians at the time of the presentation of the petition; or

 (b) both the parties to the marriage were Christians at the time of the marriage, and at least one of the parties is a Christian at the time of the presentation of the petition; or

20 (c) the marriage was solemnized under any enactment repealed hereby, and at least one of the parties is a Christian at the time of the presentation of the petition.

32. Nothing contained in this Act shall authorise any court—

Jurisdiction of Indian courts.

25 (a) to make any decree of dissolution of marriage, except where—

 (i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

30 (ii) the petitioner, being the wife, was domiciled in India immediately before the marriage and has been residing in India for a period of not less than three years immediately preceding the presentation of the petition;

 (b) to make any decree of nullity of marriage, except where—

35 (i) the parties to the marriage are domiciled in India at the time of the presentation of the petition; or

(ii) the marriage was solemnized under this Act or under any enactment repealed hereby, and the petitioner is either domiciled or residing in India at the time of the presentation of the petition;

(c) to grant any other relief under Chapters IV to VII, 5 except where the petitioner is residing in India at the time of the presentation of the petition.

Court to which petition to be made.

33. (1) Every petition under sub-section (6) of section 5 shall be presented to the district court within the local limits of whose ordinary civil jurisdiction the bride resides. 10

(2) Every petition under section 15 shall be presented to the district court within the local limits of whose ordinary original civil jurisdiction the * Minister discharges his functions or the office of the Marriage Registrar is situate, as the case may be.

(3) Every petition under Chapters IV to VII shall be presented 15 to the district court within the local limits of whose ordinary original civil jurisdiction—

(a) the respondent is residing at the time of the presentation of the petition, or

(b) the marriage was solemnized, or

(c) the husband and wife last resided together, or 20

(d) the petitioner is residing at the time of the presentation of the petition, provided that the respondent is, at that time, residing outside India.

Contents and verification of petitions.

34. (1) Every petition presented under Chapters IV to VII shall 25 state as distinctly as the nature of the case permits the facts on which the claim to relief is founded and shall also state that there is no collusion between the petitioner and the other party to the marriage.

(2) The statements contained in every petition under Chapters 30 IV to VII shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints and may, at the hearing, be referred to as evidence.

Application of Code of Civil Procedure.

35. Subject to the other provisions contained in this Act and to such rules as the High Court may make in this behalf, all proceed- 35 ings under this Act shall be regulated, as far as may be, by the Code of Civil Procedure, 1908.

36. (1) In any proceeding under Chapters IV to VII, whether defended or not, if the court is satisfied that—

Duty of court before passing decree.

5 (a) any of the grounds for granting relief exists and the petitioner is not in any way taking advantage of his or her own wrong or disability for the purpose of such relief, and

10 (b) where the ground of the petition is adultery, the petitioner has not in any manner been accessory to or connived at or condoned the adultery, or where the ground of the petition is cruelty, the petitioner has not in any manner condoned the cruelty, and

(c) the petition is not presented or prosecuted in collusion with the respondent, and

(d) there has not been any unnecessary or improper delay in instituting the proceeding, and

15 (e) there is no other legal ground why relief should not be granted,

then, and in such a case, but not otherwise, the court shall decree such relief accordingly.

20 (2) Before proceeding to grant any relief under Chapters IV to VII, it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties.

25 (3) For the purpose of aiding the court in bringing about such reconciliation, the court may, if the parties so desire or if it thinks it just and proper so to do, adjourn the proceeding and refer the matter to any person named by the parties in this behalf or to any person nominated by the court if the parties fail to name any person, with directions to report to the court as to whether a reconciliation
30 can be, and has been, effected, and shall, in disposing of the proceeding, have due regard to the report.

35 37. (1) On a petition for divorce or judicial separation presented on the ground of adultery the petitioner shall make the alleged adulterer or adulteress a co-respondent, unless the petitioner is excused by the court from so doing on any of the following grounds namely:—

Adulterer or adulteress to be a co-respondent.

(a) that the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed;

(b) that the name of the alleged adulterer or adulteress is unknown to the petitioner although the petitioner has made due efforts to discover it;

(c) that the alleged adulterer or adulteress is dead;

(d) any other ground which the court may regard as sufficient in the circumstances of the case. 5

(2) The provisions of sub-section (1) shall, so far as may be, apply in relation to the answer of a respondent praying for divorce or judicial separation on the ground of adultery, as they apply in relation to a petition for divorce or judicial separation presented on 10 that ground.

Relief to
respondent in
case of
opposition
to petition
for
divorce
on certain
grounds.

38. If, in any proceeding for divorce or judicial separation, the respondent opposes the relief sought on the ground of the petitioner's adultery, cruelty or desertion, the court may give the respondent the same relief to which he or she would have been 15 entitled if he or she had presented a petition seeking such relief.

Decree
nisi for
divorce.

39. (1) Every decree for divorce under section 27 shall, in the first instance, be a *decree nisi*, not to be made absolute until after the expiration of six months from the pronouncing thereof, unless the court fixes a shorter time. 20

(2) After the pronouncing of the *decree nisi* and before the decree is made absolute, any person may, by an application made in accordance with such rules as may be made by the High Court in that behalf, show cause why the decree should not be made absolute by reason of the decree having been obtained by collusion or by 25 reason of material facts not having been brought before the court, and in any such case the court may make the decree absolute, reverse the *decree nisi*, require further inquiry or otherwise deal with the case as the court thinks fit.

(3) Where a *decree nisi* has been obtained and no application for 30 the decree to be made absolute has been made within six months from the pronouncement of the *decree nisi* by the party who obtained the decree, then, at any time within three months from the expiration of the said six months, the party against whom the *decree nisi* has been granted shall be at liberty to apply to the court and 35 the court, on such application, may make the decree absolute,

reverse the *decree nisi*, require further inquiry or otherwise deal with the case as the court thinks fit.

40. (1) A husband or wife may, on a petition for divorce or for judicial separation, claim damages from any person on the ground of adultery with the wife or husband of the petitioner. Damages from adulterer or adulteress.

(2) The court may direct in what manner the damages recovered on any such petition are to be paid or applied, and may direct the whole or any part of the damages to be settled for the benefit of the children, if any, of the marriage, or as a provision for the maintenance of the wife, or husband.

41. Where in any proceeding under Chapters IV to VII it appears to the court that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding, it may, on the application of the wife or the husband, order the respondent to pay to the petitioner the expenses of the proceeding, and monthly during the proceeding such sum, as, having regard to the petitioner's own income and the income of the respondent, may seem to the court to be reasonable. Maintenance pendente lite and expenses of proceedings.

42. (1) Any court exercising jurisdiction under Chapters IV to VII may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purpose by either the wife or the husband, as the case may be, order that the respondent shall, while the applicant remains unmarried, pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term, not exceeding the life of the applicant as, having regard to the respondent's own income and other property, if any, the income and other property of the applicant and the conduct of the parties, may seem to the court to be just, and any such payment may be secured, if necessary, by a charge on the immovable property of the respondent. Permanent alimony and maintenance.

(2) If the court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may, at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the court is satisfied that the party in whose favour an order has been made under this section has remarried, or, if such party is the wife, that she has not remained chaste, or, if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it shall rescind the order.

43. (1) In any proceeding under Chapter VI or Chapter VII, the court may make such provisions in the decree as it deems just and Disposal of property.

proper with respect to any property presented, at or about the time of the marriage, which may belong jointly to both the husband and the wife.

(2) In any case in which the court pronounces a decree for divorce or nullity of marriage, the court may inquire into the existence of ante-nuptial or post nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or any part of the property so settled (whether the settlement is for the benefit of the children of the marriage or of the parties to the marriage or both), as the court thinks fit.

(3) The court shall not make any order under sub-section (2) for the benefit of the parents or either of them at the expense of the children.

Custody
of Child-
ren.

44. In any proceeding under Chapters IV to VII, the court may, from time to time, pass such interim orders and make such provisions in the decree as it may deem just and proper with respect to the custody, maintenance and education of minor children, consistently with their wishes, wherever possible, and may, after the decree, upon application by petition for the purpose, make, from time to time, all such orders and provisions with respect to the custody, maintenance and education of such children as might have been made by such decree or interim orders in case the proceeding for obtaining such decree were still pending, and the court may also from time to time revoke, suspend or vary any such orders and provisions previously made.

Proceed-
ings may
be in
camera
and may
not be
published.

45. A proceeding under this Act shall be conducted *in camera* if either party so desires or if the court so thinks fit to do, and it shall not be lawful for any person to print or publish any matter in relation to such proceeding except with the previous permission of the court.

Appeals
from de-
crees and
orders.

46. All decrees and orders made by the court in any proceeding under this Act shall be appealable as decrees of the court made in the exercise of its original civil jurisdiction and such appeal shall lie to the court to which appeals ordinarily lie from the decisions of the court given in the exercise of its original civil jurisdiction:

Provided that there shall be no appeal on the subject of costs only.

Enforce-
ment of
decrees
and orders.

47. All decrees and orders made by the court in any proceeding under this Act shall be enforced in the like manner as the decrees

and orders of the court made in the exercise of its original civil jurisdiction for the time being are enforced.

CHAPTER IX

PENALTIES

5 48. Every person whose marriage is solemnized whether before or after the commencement of this Act and who, during the lifetime of his or her wife or husband, contracts any other marriage shall be subject to the penalties provided in section 494 and section 495 of the Indian Penal Code for the offence of marrying again during the lifetime of the husband or wife, and the marriage so contracted shall be void.

Punish-
ment of
bigamy.

5 of 1860.

10 49. Every person who procures a marriage of himself or herself to be solemnized under this Act in contravention of the conditions specified in clauses (ii), (iv) and (v) of section 4 shall be punishable—

Punish-
ment for
contraven-
tion of
certain
other con-
ditions
for mar-
riage.

(a) in the case of a contravention of the condition specified in clause (ii) of section 4, with simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both,

20 (b) in the case of a contravention of the condition specified in clause (iv) of section 4, with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both, and

25 (c) in the case of a contravention of the condition specified in clause (v) of section 4, with fine which may extend to one thousand rupees.

50. Whoever, for the purpose of procuring a marriage * * * intentionally,—

Penalty
for false
oath, dec-
laration,
notice or
certificate
for pro-
curing
marriage.

30 (a) where an oath or declaration is required by this Act, or by any Church or group according to the rules of which a marriage is intended to be solemnized, makes a false oath or declaration, or

(b) where a notice or certificate is required by this Act, signs a false notice or certificate,

35 shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

False personation by person objecting to marriage.

51. Whoever makes an objection to the issue, by a * Minister or 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 to be guilty of the offence described in section 205 of the Indian Penal Code and shall be punishable accordingly. 45 of 1880.

Solemnizing marriage without due authority.

52. Whoever, not being authorised by section 6 to solemnize marriages, solemnizes or professes to solemnize under this Act a marriage between persons who are Christians, shall be punishable with imprisonment for a term which may extend to ten years, and shall also be liable to fine which may extend to two thousand rupees. 10

Penalty for not deciding objections within prescribed period or refusal to solemnize marriage.

53. (1) Whoever, being a * Minister or a Marriage Registrar, in contravention of the provisions of sub-section (3) of section 14, willfully or without just cause takes more than thirty days from the date of any objection to an intended marriage for the purpose of inquiring into the matter of the objection and arriving at a decision, shall be punishable with fine which may extend to five hundred rupees. 15

(2) Whoever, being a * Minister or a Marriage Registrar, refuses, without just cause, to solemnize a marriage under this Act, shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both. 20

Penalty for wrongful action of Marriage Registrar or Minister, etc.

54. Whoever, being authorized under this Act to solemnize a marriage, knowingly and wilfully— 25

(a) solemnizes such marriage—

(i) without publishing a notice regarding such marriage as required by any provision of this Act, or

(ii) in contravention of any other provision contained in this Act, or 30

(b) issues any certificate in contravention of any provision contained in this Act,

shall be punishable with simple imprisonment for a term which may extend to one year, or with fine which may extend to five hundred rupees, or with both. 35

85. Whoever, by himself or another, wilfully destroys or injures any Marriage Certificate Book, or any part thereof or any authenticated extract therefrom, or falsely makes or counterfeits any part of such book, or wilfully inserts any false entry in any such book or authenticated extract, shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine which may extend to two thousand rupees.

Destroying or falsifying Marriage Certificate Books.

56. Any person who prints or publishes any matter in contravention of the provisions contained in section 45 shall be punishable with fine which may extend to one thousand rupees.

Penalty for publishing proceedings held in camera.

57. No prosecution for any offence punishable under section 49, section 50, section 51, section 52, section 53, section 54, section 55 or section 56 shall be instituted after the expiry of two years from the date on which the offence is committed.

Limitation for prosecutions.

15 CHAPTER X MISCELLANEOUS

58. (1) Where any person makes an objection against the issue of any certificate of notice of marriage and the Marriage Registrar under section 14 or the district court under sub-section (5) of section 5 or under section 15, declares that the objection is not reasonable and has not been made in good faith, the Marriage Registrar or the district court, as the case may be, may, after giving such person a reasonable opportunity of being heard, award, by way of compensation, costs, not exceeding one thousand rupees, to the parties to the intended marriage.

Liability for frivolous objections.

(2) Any person aggrieved by an order of the Marriage Registrar or the district court under sub-section (1) may, within a period of thirty days from the date of the order, appeal to the district court or the High Court, as the case may be.

30 (3) Subject to any order passed on appeal under sub-section (2), the order of the Marriage Registrar or the district court under sub-section (1) shall be final.

(4) Any order of costs made under sub-section (1) may be executed in the same manner as a decree passed by the district court within the local limits of whose jurisdiction the office of the Marriage Registrar is situate.

59. Whenever any marriage has been solemnized between two Christians under this Act in accordance with the provisions of this Act, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely:—

Savings regarding irregularities.

40 (i) any statement made in regard to the dwelling-place of the persons married;

- (ii) the notice of the marriage;
- (iii) the certificate of the notice of the marriage of translation thereof;
- (iv) the registration of the marriage.

Correction of errors. **60.** (1) Any person authorised to solemnize a marriage under 5 this Act, who discovers any error in the form or substance of any entry in the Marriage Certificate Book 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 witnesses, correct the error by entry in the margin, without 10 any alteration of the original entry and shall sign the marginal entry and add thereto the date of such correction.

(2) Every correction made under this section shall be attested by the witnesses in whose presence it was made.

(3) Where a copy of any entry has already been sent under sub- 15 section (3) of section 20 to the Registrar-General, such person shall make and send in like manner a separate certificate of the original erroneous entry and of the marginal corrections therein made.

Solemnization of marriages by Ministers of Church in places sanctioned by custom or usage. **61.** Subject to the other provisions contained in this Act, a marriage under this Act may be solemnized by a Minister—* * * 20

(a) in a church building, or

(b) in any other place agreed upon between the parties to the marriage, if solemnization at such place is in accordance with the custom or usage applicable to the community to which the parties to the marriage belong. 25

Marriage Registrars to be deemed to be public servants. **62.** Every Marriage Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 46 of 1860.

Inspection of Marriage Notice Book. **63.** The Marriage Notice Book shall be open for inspection at all reasonable times, without fee, by any person desirous of inspecting the same. 30

Inspection of Marriage Certificate Book. **64.** (1) The Marriage Certificate Book kept under this Act shall at all reasonable times be open for inspection and shall be admissible as evidence of the statements therein contained.

(2) Certified extracts from the Marriage Certificate Book shall, on application, be given by the person who solemnized the marriage or 35

other person having the custody for the time being of the Marriage Certificate Book, to any person who applies for the same.

(3) Inspection of the Marriage Certificate Book under sub-section (1) and the grant of certified extracts therefrom under sub-section 5 (2) shall be—

(a) without fee, if applied for by the parties to the marriage at or about the time of the marriage,

(b) subject to the payment of the prescribed fees, in other cases.

10 65. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any Marriage Certificate Book, of an entry of a marriage in such Book, shall be received in evidence without production or proof of the original. Certified copy to be evidence.

15 66. (1) Any notice to be given or declaration to be made by any person in respect of an intended marriage under this Act may be given or made in a language commonly in use in the State or the part of State in which the notice is given or declaration made; or in English. Language of notices and declarations.

20 (2) Every person solemnizing a marriage under this Act shall satisfy himself that the parties to the marriage have understood the contents of the notice given and the declaration made by each of them, and (where a certificate of notice of marriage is required to be issued under this Act) of the certificate of notice of marriage issued for the marriage.

25 67. No Minister * * * shall be compelled to solemnize any marriage, the solemnization of which would be contrary to the rules of the Church or group of which he is a Minister. Ministers not compelled to solemnize marriages contrary to the rules of the Church.

of 1908. 30 68. For the purpose of any inquiry under this Act, the Marriage Registrar shall have all the powers vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:— Powers of Marriage Registrars in respect of inquiries.

(a) summoning and enforcing the attendance of witnesses and examining them on oath;

(b) discovery and inspection;

35 (c) compelling the production of documents;

(d) reception of evidence on affidavits; and

(e) issuing commissions for the examination of witnesses;

and any proceeding before the Marriage Registrar shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code.

5 45 of 1880.

Explanation.—For the purpose of enforcing the attendance of any person to give evidence, the local limits of the jurisdiction of the Marriage Registrar shall be the local limits of his district.

Power to
make
rules.

69. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 10

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the duties and powers of Marriage Registrars and the areas in which they may exercise jurisdiction; 15

(b) the manner in which a Marriage Registrar may hold inquiries under this Act, and the procedure therefor;

(c) the form and manner in which any books required by or under this Act shall be maintained;

(d) the fees that may be levied for the performance of any 20 duty imposed upon any person under this Act;

* * * * *

(e) the form in which, and the intervals within which, copies of entries in the Marriage Certificate Book shall be sent to the Registrar-General; 25

(f) any other matter which may be, or requires to be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised 30 in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be 35 of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

70. The High Court may, by notification in the Official Gazette, make such rules consistent with the provisions contained in this Act as it may consider expedient for the purpose of regulating the procedure to be followed in petitions under sub-section (6) of section 5 or under section 15, and for the purpose of carrying into effect the provisions of Chapters IV to VII.

Rules by
the High
Court.

71. A marriage solemnized before the commencement of this Act, which is otherwise valid, shall not be deemed to be invalid merely by reason of any provision contained in this Act.

Sayings re-
garding
marriages
solemniz-
ed before
the Act.

43 of 1954. 72. Nothing in this Act shall affect the provisions of the Special Marriage Act, 1954, or apply to any marriage solemnized under that Act.

Savings
for other
marriages.

4 of 1869.
15 of 1872.
16 & 17
Geo. 5, c.
40. 3 & 4
Geo. 6, c.
35. 9 & 10.
Geo. 6,
c. 5.
73. (1) The Indian Divorce Act, 1869, the Indian Christian Marriage Act, 1872, the Indian and Colonial Divorce Jurisdiction Act, 1926, the Indian and Colonial Divorce Jurisdiction Act, 1940, the Indian Divorce Act, 1945, and any enactment corresponding to the Indian Christian Marriage Act, 1872, in force in the territories which, immediately before the first day of November, 1956, were comprised in the States of Travancore-Cochin and Manipur, are hereby repealed.

Repeal.

(2) Notwithstanding such repeal—

15 of 1872. (a) all marriages duly solemnized under the Indian Christian Marriage Act, 1872, or any such corresponding enactment, shall be deemed to have been solemnized under this Act:

25 (b) all suits and proceedings in causes and matters matrimonial which, when this Act comes into force, are pending in any court under the Indian Divorce Act, 1869, or under the Indian and Colonial Divorce Jurisdiction Act, 1926, or under the Indian and Colonial Divorce Jurisdiction Act, 1940, or under the Indian Christian Marriage Act, 1872, or any such corresponding enactment, shall be dealt with and decided by such court as if this Act had not been passed.

10 of 1897.
16 & 17
Geo. 5, c.
40. 3 & 4
Geo. 6, c.
35. 9 & 10.
Geo. 6, c. 5
35 (3) The provisions of sub-section (2) shall be without prejudice to the provisions contained in section 6 of the General Clauses Act, 1897, which shall also apply to the repeal of the Indian and Colonial Divorce Jurisdiction Act, 1926, the Indian and Colonial Divorce Jurisdiction Act, 1940, the Indian Divorce Act, 1945, and any such corresponding enactment.

THE FIRST SCHEDULE

[See section 2(n)]

PROHIBITED RELATIONSHIP

PART I

1. Mother. 5
2. Father's widow (step-mother).
3. Mother's mother.
4. Mother's father's widow (step grand-mother).
5. Father's mother.
6. Father's father's widow (step grand-mother). 10
7. Daughter.
8. Son's widow.
9. Daughter's daughter.
10. Daughter's son's widow.
11. Son's daughter. 15
12. Son's son's widow.
13. Sister.
14. Wife's daughter (step-daughter).
15. Wife's mother.
16. Wife's son's daughter (step-son's daughter). 20
17. Wife's daughter's daughter (step-daughter's daughter).
18. Wife's father's mother.
19. Wife's mother's mother.

Explanation.—For the purposes of this Part, the expression “widow” includes a divorced wife. 25

PART II

20. Father.
21. Mother's husband (step-father).
22. Father's father.
23. Father's mother's husband (step grand-father). 30

- 24. Mother's father.
- 25. Mother's mother's husband (step grand-father).
- 26. Son.
- 27. Daughter's husband.
- 5 28. Son's son.
- 29. Son's daughter's husband.
- 30. Daughter's son.
- 31. Daughter's daughter's husband.
- 32. Brother.
- 10 33. Husband's father.
- 34. Husband's son (step-son).
- 35. Husband's son's son (step-son's son).
- 36. Husband's daughter's son (step-daughter's son).
- 37. Husband's father's father.
- 15 38. Husband's mother's father.

Explanation.—For the purposes of this Part, the expression “husband” includes a divorced husband.

THE SECOND SCHEDULE

[See section 10(1)]

20 FORM OF NOTICE OF INTENDED MARRIAGE

To

The [~~*~~ Minister]†
 [Marriage Registrar]† for.....

25 We hereby give you notice that a marriage under the Christian Marriage and Matrimonial Causes Act, 1963, is intended to be solemnized between us within three calendar months from the date hereof.

Name	Condition	Occupation	Date of birth	Dwelling place	Permanent dwelling place, if present dwelling place not permanent	Length of residence	**Place *in which marriage is to be solemnized.***

†Strike off what is inapplicable.

A.B. Unmarried
Widower
Divorcee

C.D. Unmarried
Widow
Divorcee

5

Witness our hands, this.....
day of..... 19.....

(Sd.) A.B.

(Sd.) C.D.

10

NOTE.—In the case of a minor bride for whose marriage the consent of her guardian is required, in addition to the bride, the guardian also should sign on her behalf.

THE THIRD SCHEDULE

[See section 13(1)]

15

FORM OF CERTIFICATE 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 both the parties, that is to say,—

20

Name	Con	Occupation	Date of birth	Dwelling place	Permanent dwelling place, if present dwelling place not permanent	Length of residence	**Place *in which marriage is to be solemnized.**

25

A.B. Unmarried
Widower
Divorcee

30

C.D. Unmarried
Widow
Divorcee

and that the declaration required by sections of the Christian Marriage and Matrimonial Causes Act, 1963, §has been duly made by the said.....

Date of notice entered.....

5 Date of certificate given.....

Witness my hand, this.....day of.....
19.....

(Sd.)

This certificate will be void unless the marriage is solemnized on
10 or before the.....day of.....19.....

*Minister†

Marriage Registrar

THE FOURTH SCHEDULE

[See section 9 (2) (c) and section 13(2)]

15 **DECLARATION TO BE MADE BY THE BRIDEGROOM**

I, A.B., hereby declare as follows:—

1. I am at the present time unmarried (or a widower or a divorcee, as the case may be).

2. I have completed.....years of age.

20 | 3. C.D. (the bride) and I are not within prohibited relationship/Although C.D. (the bride) and I are within prohibited relationship, the custom governing each of us permits of a marriage between us two†.

4. I am a Christian.

25 5. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.

(Sd.) A. B. (the Bridegroom).

DECLARATION TO BE MADE BY THE BRIDE

I, C.D., hereby declare as follows:—

30 1. I am at the present time unmarried (or a widow or a divorcee, as the case may be.)

2. I have completed.....years of age.

§To be filled up.

†Strike off what is inapplicable.

35 ‡Strike off if not applicable. If in lieu of guardian's consent, permission of the district court has been obtained, state so, giving full particulars relating thereto.

3. A.B. (the bridegroom) and I are not within prohibited relationship/Although A.B. (the bridegroom) and I are within prohibited relationship, the custom governing each of us permits of a marriage between us two.

4. I am a Christian.

5

5. Consent of my guardian in marriage, Shri.....has been obtained to my proposed marriage with A.B.†

6. I am aware that, if any statement in this declaration is false, I am liable to imprisonment and also to fine.

(Sd.) C.D. (the Bride). 10

NOTE.—In the case of a minor bride for whose marriage the consent of her guardian is required, the guardian should make the following declaration:—

DECLARATION TO BE MADE BY THE GUARDIAN

I, R.S., guardian of C.D., have given my consent to her marriage with A.B. 15

(Sd.) (R.S.)
(guardian of C.D.)

Signed in our presence by the above-named A.B. and C.D. So far as we are aware there is no lawful impediment to the marriage. 20

(Sd.) G.H. }
(Sd.) I.J. } . Two witnesses.

(Countersigned) E.F.
* Minister†
Marriage Registrar†

25

Dated the _____ day of _____ 19 .

THE FIFTH SCHEDULE

[See section 20 (1)]

FORM OF CERTIFICATE OF MARRIAGE

30

I, E.F., hereby certify that on the.....day of.....

†Strike off if not applicable. If in lieu of guardian's consent, permission of the district court has been obtained, state so, giving all particulars relating thereto.
‡Strike off what is in applicable.

19.....A.B. and C.D.† appeared before me and that the declaration required by section‡ of the Christian Marriage and Matrimonial Causes Act, 1963, was duly made, and that a marriage under that Act was solemnized between them in my presence and in the presence of two witnesses who have signed hereunder.

(Sd.) E.F.

* Minister§

Marriage Registrar§

10

(Sd.) A.B.

Bridegroom.

(Sd.) C.D.

Bride.

15

(Sd.) G.H. }

(Sd.) I.J. }

Two witnesses.

Dated the day of 19 .

† Herein give particulars of the parties.

To be entered.

‡ Strike off what is inapplicable.

APPENDIX I

(Vide para 2 of the Report)

Motion in Lok Sabha for reference of the Bill to Joint Committee

"That the Bill to amend and codify the law relating to marriage and matrimonial causes among Christians be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

1. Shri Joachim Alva
2. Shri A. E. T. Barrow
3. Shri Rajendranath Barua
4. Shrimati Renu Chakravartty
5. Shrimati Kamala Chaudhuri
6. Sardar Daljit Singh
7. Shri Ram Dhani Das
8. Shri Sudhansu Bhushan Das
9. Shri Mulchand Dube
10. Shri V. B. Gandhi
11. Shri L. D. Kotoki
12. Shri M. K. Kumaran
13. Shri Baij Nath Kureel
14. Shri Mathew Maniyangadan
15. Shri Harish Chandra Mathur
16. Shri Panampilli Govinda Menon
17. Shri Bibudhendra Misra
18. Shri Maheswar Naik
19. Shri A. Nesamony
20. Shri Purushottamdas R. Patel
21. Shrimati Yashoda Reddy
22. Shri T. H. Sonavane
23. Shri Sivamurthi Swami
24. Shri G. G. Swell
25. Shri A. M. Thomas

26. Pandit D. N. Tiwary
27. Shri U. M. Trivedi
28. Shri T. Abdul Wahid
29. Shri Yashpal Singh, and
30. Shri Asoke K. Sen

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(Vide para 3 of the Report)

Motion in Rajya Sabha

“That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and matrimonial causes among the Christians, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Rajkumari Amrit Kaur
 2. Shri Jairamdas Daulatram
 3. Shri A. C. Gilbert
 4. Shrimati Jhanara Jaipal Singh
 5. Shri Dayaldas Kurre
 6. Shri Bansi Lal
 7. Shri A. D. Mani
 8. Shrimati Uma Nehru
 9. Shri Mulka Govinda Reddy
 10. Shri M. H. Samuel
 11. Shri M. C. Shah
 12. Shri Awadheshwar Prasad Sinha
 13. Shri P. A. Solomon
 14. Shri Thomas Srinivasan
 15. Shri A. M. Tariq.”
-

APPENDIX III

(Vide para 8 of the Report)

Statement of memoranda/representations received by the Joint Committee

Sl. No.	Nature of document	From whom received	Action taken
1	Memorandum	The Indian Pentecostal Church of God (Regd.) Hebron, Kumbanad (Kerala).	Circulated to members and evidence taken on 18th & 20th April, 1963.
2	Do.	India Bible Christian Council, New Delhi.	Do.
3	Do.	St. Thomas Evangelical Church of India, Tiruvalla, Kerala.	Circulated to members and evidence taken on 20th April, 1963.
4	Do.	All Kerala Catholic Congress, Kottayam (Kerala).	Circulated to members and evidence taken on 15th July, 1963.
5	Do.	Shahjahanpur (Independent) Church, Shahjahanpur.	Do.
6	Do.	United Pentecostal Church, Kodaikanal (Madras).	Do.
7	Do.	Church of God (South India), Girideepam, Chengannur (Kerala).	Do.
8	Do.	The National Christian Council of India, Nagpur (Maharashtra).	Do.
9	Do.	Mar Thoma Syrian Church of Malabar, Tiruvalla (Kerala).	Circulated to members and evidence taken on 16th July, 1963.
10	Do.	The Indian Pentecostal Church of God, Kottayam (Kerala).	Do.
11	Do.	The Orthodox Syrian Church of the East, Kottayam (Kerala).	Do.
12	Do.	St. Mary's Syrian Church, Ernakulam (Kerala).	Do.
13	Do.	The Representative Committee of the "Assemblies of the Brethren", Kottayam (Kerala).	Circulated to members and evidence taken on 17th July, 1963.
14	Do.	Church of Christ, Shillong (Assam).	Do.

Sl. No.	Nature of document	From whom received	Action taken
15	Memorandum	Brethren Church Committee, Angamally (Kerala).	Circulated to members and evidence taken on 17th July, 1963.
16	Do.	The Society of the Church of God (Full Gospel) in India, Mulakuzha (Kerala).	Do.
17	Do.	Christian Assemblies (Churches) Known As "Brethren", Madras.	Circulated to members and evidence taken on 18th July, 1963.
18	Do.	Archbishop of Bombay and President, Catholic Bishops' Conference of India, Bombay.	Do.
19	Do.	South India Assemblies of God Punalur (Kerala).	Do.
20	Do.	Mr. W. S. Desai	Circulated to members and evidence taken on 19th July, 1963.
21	Do.	Orthodox Syrian Church of the East (Diocese outside Kerala), Ootacamund.	Do.
22	Do.	Pentecostal Churches of India (Regd.) Ludhiana.	Do.
23	Do.	The Ceylon Pentecostal Mission, Trivandrum.	Circulated to members and evidence taken on 20th July, 1963.
24	Do.	Full Gospel Church, Jabalpur (M.P.)	Do.
25	Do.	Strict Baptist Mission, Namakkal, Salem Dt. (Madras).	Circulated to members.
26	Do.	Armenian Holy Church of Nazareth, Calcutta (West Bengal).	Do.
27	Do.	Delhi Clergy Fraternal, New Delhi.	Do.
28	Do.	Malabar Independent Syrian Church, Thozhiyur (Kerala).	Do.
29	Do.	Cochin Diocese of the Malankara Orthodox (Jacobite) Syrian Christians, Koratty (Kerala).	Do.
30	Do.	The Church of South India, Diocese of Central Travancore, Kottayam (Kerala).	Do.
31	Do.	Assemblies of Christians Known as Gospel Tabernacle Church of Christ, Porkulam (via Kunnamkulam) (Kerala).	Do.
32	Do.	Assemblies of Christians Known as Church of Christ, Trichur (Kerala).	Do.

Sl. No.	Nature of document	From whom received	Action
33	Memorandum	The Crusaders' League India Mangalore Taluk.	memb
34	Do.	The Kerala Christian Council Tirvalla (Kerala).	Do.
35	Do.	Apostolic Church of God, Pazhanji (Kerala).	Do.
36	Do.	Church of God (Regd.), Marai- kkal, Kannara P.O., Trichur, Kerala.	Do.
37	Do.	Assemblies of Christians Known as "The Church of God in Christ Jesus", Ranni (Kerala).	Do.
38	Do.	South Indian Gospel Association (Kerala) Padachira, Payyappady P.O. Puthupally, Kottayam (Kerala).	Do.
39	Do.	St. Mary's Orthodox Syrian Church, Pazhanji (Kerala).	Do.
40	Do.	His Grace Mar Thoma Darmo Metropolitan of Malabar and India, Church of the East, Trichur (Kerala).	Do.
41	Do.	Tamil Baptist Church, Rasipuram (Madras).	Do.
42	Do.	Fellowship of Christian Assem- blies in Rayalaseema and Nor- thern Circars, Anantpur I (Andhra Pradesh).	Do.
43	Do.	The Union Church, Coonoor (Madras).	Do.
44	Do.	Women's Fellowship of the Union Gospel Hall, Bangalore.	Do.
45	Representation	Bible Book House, Kanpur.	Placed in Parliament Lib- rary and members informed.
46	Do.	Indian National Church, Bom- bay.	Do.
47	Do.	Apostolic Church of God, Naric- kal, Punalur P.O., (Kerala).	Do.
48	Do.	The Bible Prebyterian Church of Kanpur, Kanpur (U.P.)	Do.
49	Do.	Orthodox Syrian Christian Con- gregation Committee, Madu- rai.	Do.
50	Do.	Mar Thoma Cheria Pally, Kot- hamangalam, Kerala State.	Do.

S. No.	Nature of document	From whom received	Action taken
51	Representation	Indian National Church, Delhi.	Placed in Parliament Library and members informed.
52	Do.	Y.M.C.A. League, Dolours Church, Trichur.	Do.
53	Do.	Assemblies of God of North India, Eastern Distt., Calcutta.	Do.
54	Do.	Union Church of God Punalur P. O., Kerala State.	Do.
55	Do.	Dhaiva Sabha, Padi-Purakalayil, Kalyanpuram, Mailom P.O., Kottarakkara, Kerala State.	Do.
56	Do.	Orthodox Syrian Church Committee, Kozhikode (Kerala State).	Do.
57	Do.	St. Thomas Orthodox Youth League, Karthicapally P.O., Kerala.	Do.
58	Do.	St. Thomas Orthodox Syrian Church, Kundara.	Do.
59	Do.	Bharat Khrist Sangh, Varanasi(U.P.)	Do.
60	Do.	Assembly of Christ Church Kanpur.	Do.
61	Do.	Indian National Church Council, Delhi.	Do.
62	Do.	A.K.K.C. Branch No. 152, Cham-malamattom, Kalaketty P.O., Kottayam via, Kerala.	Do.
63	Do.	Faith Bible Presbyterian Fellowship, Kanpur.	Do.
64	Do.	Kottayam Cheriypally Parish (St. Mary's Church) Kottayam, Kerala.	Do.
65	445 letters/ telegrams received from individuals, etc.	445 different individuals etc.	Do.

APPENDIX IV

(Vide para 9 of the Report)

List of the Associations/individual who gave evidence before the Joint Committee.

Sl. No.	Names of Associations/individual	Dates on which evidence was taken
1	The Indian Pentecostal Church of God (Regd.) Hebron, Kumbanad (Kerala).	18-4-1963 and 20-4-1963
2	Indian Bible Christian Council, New Delhi.	18-4-1963 and 20-4-1963
3	St. Thomas Evangelical Church of India, Tiruvalla, Kerala.	20-4-1963
4	All Kerala Catholic Congress, Kottayam (Kerala)	15-7-1963
5	Shahjahanpur (Independent) Church, Shahjahanpur.	15-7-1963
6	United Pentecostal Church, Kodaikanal (Madras).	15-7-1963
7	Church of God (South India), Girideepam, Chengannur (Kerala).	15-7-1963
8	The National Christian Council of India, Nagpur (Maharashtra)	15-7-1963
9	Mar Thoma Syrian Church of Malabar, Tiruvalla (Kerala).	16-7-1963
10	The Indian Pentecostal Church of God, Kottayam (Kerala).	16-7-1963
11	The Orthodox Syrian Church of the East, Kottayam (Kerala)	16-7-1963
12	St. Mary's Syrian Church, Ernakulam (Kerala).	16-7-1963
13	The Representative Committee of the "Assemblies of the Brethren", Kottayam (Kerala).	17-7-1963
14	Church of Christ, Shillong (Assam).	17-7-1963
15	Brethren Church Committee, Angamally (Kerala).	17-7-1963
16	The Society of the Church of God (Full Gospel) in India, Mula-kuzha (Kerala).	17-7-1963
17	Christian Assemblies (Churches) Known as "Brethren", Madras.	18-7-1963
18	Archbishop of Bombay and President, Catholic Bishops' Conference of India, Bombay.	18-7-1963

Sl. No.	Names of Associations/individual	Dates on which evidence was taken
19	South India Assemblies of God Punalur (Kerala).	18-7-1963
20	Mr. W. S. Desai, Delhi	19-7-1963
21	Orthodox Syrian Church of the East (Diocese outside Kerala), Ootacamund.	19-7-1963
22	Pentecostal Churches of India (Regd.) Ludhiana.	19-7-1963
23	The Ceylon Pentecostal Mission, Trivandrum.	20-7-1963
24	Full Gospel Church, Jabalpur (M.P.)	20-7-1963

APPENDIX V
MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE ON
THE CHRISTIAN MARRIAGE AND MATRIMONIAL CAUSES
BILL, 1962.

I

First Sitting

The Committee met on Saturday, the 8th September, 1962 from 11.00 to 12.10 hours.

PRESENT

Shri Mulchand Dube—*Chairman*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shrimati Renu Chakravartty
4. Sardar Daljit Singh
5. Shri Ram Dhani Das
6. Shri Sudhansu Bhushan Das
7. Shri V. B. Gandhi
8. Shri L. D. Kotoki
9. Shri Baij Nath Kureel
10. Shri Mathew Maniyangadan
11. Shri Bibudhendra Misra
12. Shri Maheswar Naik
13. Shri T. H. Sonavane
14. Pandit D. N. Tiwary
15. Shri Yashpal Singh
16. Shri Asoke K. Sen

Rajya Sabha

17. Shri A. D. Mani
18. Shrimati Uma Nehru
19. Shri Mulka Govinda Reddy
20. Shri M. H. Samuel
21. Shri Awadheshwar Prasad Sinha
22. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them.

3. The Committee considered whether any evidence should be taken by them. It was decided that a Press Communiqué be issued advising associations, public bodies and individuals who are desirous of presenting their suggestions or views before Committee in respect of the Bill to send written memoranda thereon to the Lok Sabha Secretariat by the 15th October, 1962.

4. The Committee then considered the question of visiting Bombay, Calcutta and some place in the South to be decided by the Chairman for hearing evidence and authorised the Chairman to approach the Speaker for grant of necessary permission as a special case.

5. The Committee felt that it would not be possible for them to complete their work by the first day of the next session. The Committee, therefore, decided to ask for extension of time for presentation of their Report upto the end of the Fourth Session of Lok Sabha. The Chairman and, in his absence, Shri Joachim Alva, M.P., were authorised to move the necessary motion in the House.

6. The Committee authorised the Chairman to fix their next sitting in November.

The Committee then adjourned.

II

Second Sitting

The Committee met on Thursday, the 18th April, 1963 from 15.12 to 17.40 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri Rajendranath Barua

4. Shrimati Kamala Chaudhri
5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri L. D. Kotoki
8. Shri Mathew Maniyangadan
9. Shri Bibudhendra Misra
10. Shri Maheswar Naik -
11. Shri Purushottamdas R. Patel
12. Shri Shivamurthi Swami
13. Shri G. G. Swell
14. Shri A. M. Thomas
15. Pandit D. N. Tiwary
16. Shri U. M. Trivedi
17. Shri T. Abdul Wahid

Rajya Sabha

18. Shri Jairamdas Daulatram
19. Shri P. A. Solomon
20. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri, Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *The Indian Pentecostal Church of God, Kerala*

Rev. P. T. Chacko.

II. *India Bible Christian Council, New Delhi*

1. Shri A. G. Mathew.
2. Shri J. L. Dorsey

2. The Committee heard the evidence given by the representatives of the Associations named above. The evidence of the India Bible Christian Council, New Delhi was not concluded.

3. A verbatim record of evidence given was taken.
4. The Chairman informed the Committee that the Speaker had not accorded permission for the Committee to visit places outside Delhi for the purpose of hearing evidence.
5. The Committee then adjourned to meet again on Saturday, the 20th April, 1963 at 15.00 hours.

III

Third Sitting

The Committee met on Saturday, the 20th April, 1963 from 15.12 to 18.05 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shri Rajendranath Barua
5. Shrimati Kamala Chaudhri
6. Sardar Daljit Singh
7. Shri Sudhansu Bhushan Das
8. Shri Baij Nath Kureel
9. Shri Mathew Maniyangadan
10. Shri Bibudhendra Misra
11. Shri Maheswar Naik
12. Shri Purushottamdas R. Patel
13. Shrimati Yashoda Reddy
14. Shri T. H. Sonavane
15. Shri Sivamurthi Swami
16. Shri A. M. Thomas
17. Shri Asoke K. Sen

Rajya Sabha

18. Rajkumari Amrit Kaur
19. Shri Jairamdas Daulatram

20. Shri A. C. Gilbert
21. Shri Dayaldas Kurre
22. Shri Bansi Lal
23. Shri A. D. Mani
24. Shri Mulka Govinda Reddy
25. Shri M. H. Samuel
26. Shri M. C. Shah
27. Shri Awadheshwar Prasad Sinha
28. Shri P. A. Solomon

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri, Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *India Bible Christian Council, New Delhi*

1. Shri A. G. Mathew.
2. Shri J. L. Dorsey.

II. *St. Thomas Evangelical Church of India, Thiruvalla, Kerala*

1. Shri K. S. Joseph.
2. Shri A. G. Mathew.

III. *The Indian Pentecostal Church of God, Kerala*

1. Rev. K. J. Samuel.
2. Rev. P. T. Chacko.

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee decided to hear further evidence on the Bill from the 15th to 20th July, 1963.

5. The Committee decided to ask for further extension of time for the presentation of their Report upto the last day of the Fifth Session.

6. The Committee authorised the Chairman and, in her absence, Shri Mathew Maniyangadan, to move the necessary motion in the House.

7. The Chairman announced that the motion for extension of time would be moved in the House on Tuesday, the 23rd April, 1963.

8. The Committee directed that after the further extension of time for the presentation of their Report is granted by the House, a Press Communique might be issued that interested parties could send memoranda/representations on the Bill to the Lok Sabha Secretariat upto the 30th June, 1963.

9. The Committee then adjourned to meet again on Monday, the 22nd April, 1963 at 10.00 hours.

IV

Fourth Sitting

The Committee met on Monday, the 22nd April, 1963 from 10.15 to 11.00 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shri Sudhansu Bhushan Das
5. Shri V. B. Gandhi.
6. Shri Baij Nath Kureel
7. Shri Mathew Maniyangadan
8. Shri Bibudhendra Misra
9. Shri Maheswar Naik
10. Shri Purushottamdas R. Patel
11. Shri T. H. Sonavane
12. Shri A. M. Thomas

Rajya Sabha

13. Rajkumari Amrit Kaur
14. Shri Jairamdas Daulatram
15. Shri Mulka Govinda Reddy
16. Shri M. H. Samuel
17. Shri M. C. Shah
18. Shri P. A. Solomon
19. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri, Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Chairman informed the Committee that she had discussed with the Speaker the desire expressed by several members of the Committee to visit certain places outside Delhi for the purpose of hearing evidence specially Kerala which was not visited by the Law Commission and where there is largest concentration of Christians and to which area the Indian Christian Marriage Act, 1872, did not apply. She said, the Speaker was of the opinion that such a visit by a Parliamentary Committee for the purpose of hearing evidence would be unprecedented and was in fact not permitted by the rules on the subject (Dir. 50). The fresh press communique inviting memoranda/representations on the Bill with option to appear before the Committee would be given widest possible publicity. The Committee could then hear as many parties as were desirous of giving oral evidence before them.

3. Most of the members present, however, again stressed the need for the Committee to visit those States where Christians constituted a sizeable population and take evidence there for the reason that the Law Commission had visited only two places outside Delhi, i.e., Bombay and Madras and had not even visited Kerala where largest number of Christians resided.

A member suggested that, according to the tenets of Islam, Christians were a 'Kitabia' and it was permissible for a Muslim to marry a Christian. The provisions of the present Bill would therefore affect the Muslims as well. In case the Committee visited places like Bombay, Muslims might also come forward to give evidence before the Committee.

Members also pointed out that the Law Commission did not include any Christian and a suggestion was made that when the Law Commission considered personal law relating to any community which was not already represented on the Commission, a member belonging to that community might be associated with the Commission for the purpose.

Some members suggested that the Committee might divide itself into sub-Committee for visiting various States for hearing evidence.

The Deputy Minister in the Ministry of Law stated that the Minister of Law was in favour of the Committee visiting places outside Delhi for the purpose of hearing evidence.

4. The Chairman assured the Committee that she would once again apprise the Speaker of the sense of the Committee and obtain his orders. She also stated that it was not desirable to split up the Committee for hearing evidence and expressed doubts whether the rules permitted any evidence being taken outside the Parliament House even by special permission of the Speaker. It had never been done before and such a precedent could not be established without deep thought of all its implications. She, however, said she would discuss with Speaker and the Government to ensure how best to give to all those desirous of being heard, full and untrammelled opportunity to do so.

5. The Committee then adjourned to meet again on Monday, the 15th July, 1963 at 10.00 hours.

V

Fifth Sitting

The Committee met on Monday, the 15th July, 1963, from 10.00 to 12.37 hours and from 14.30 to 17.18 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shri Rajendranath Barua

5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri Sudhansu Bhushan Das
8. Shri M. L. Dwivedi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Panampilli Govinda Menon
14. Shri Bibudhendra Misra
15. Shri Purushottamas R. Patel
16. Shri T. H. Sonavane
17. Shri Sivamurthi Swami
18. Shri G. G. Swell
19. Shri A. M. Thomas
20. Pandit D. N. Tiwary
21. Shri U. M. Trivedi
22. Shri T. Abdul Wahid
23. Shri Yashpal Singh
24. Shri Asoke K. Sen

Rajya Sabha

25. Rajkumari Amrit Kaur
26. Shri Jairamdas Daulatram
27. Shri A. C. Gilbert
28. Shrimati Jahanara Jaipal Singh
29. Shri Dayaldas Kurre
30. Shri Bansi Lal
31. Shri Mulka Govinda Reddy
32. Shri M. H. Samuel
33. Shri Shri M. C. Shah
34. Shri Awadheshwar Prasad Sinha
35. Shri P. A. Solomon
36. Shri A. M. Tariq.

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*

2. Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *The All Kerala Catholic Congress, Kottayam*

1. Shri E. P. Varghese
2. Shri E. M. Joseph.

II. *Shahjahanpur (Independent) Church, Shahjahanpur*

III. *The United Pentecostal Church, Kodaikanal.*

Pastor A. Joseph.

IV. *Church of God (South India), Girideepam, Chengannur*

Rev. P. C. Zachariah.

V. *The National Christian Council of India, Nagpur*

1. Dr. E. C. Bhattu.
2. Mr. Korula Jacob.

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee then adjourned to meet again on Tuesday, the 16th July, 1963 at 09.00 hours.

VI

Sixth Sitting

The Committee met on Tuesday, the 16th July, 1963, from 09.12 to 12.45 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T Barrow

4. Shri Rajendranath Barua
5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri Sudhansu Bhushan Das
8. Shri M. L. Dwivedi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Panampilli Govinda Menon
14. Shri Bibudhendra Misra
15. Shri Purushottamdas R. Patel
16. Shrimati Yashoda Reddy
17. Shri T. H. Sonavane
18. Shri Sivamurthi Swami
19. Shri G. G. Swell
20. Shri A. M. Thomas
21. Pandit D. N. Tiwary
22. Shri U. M. Trivedi
23. Shri T. Abdul Wahid
24. Shri Yashpal Singh

Rajya Sabha

25. Rajkumari Amrit Kaur
26. Shri Jairamdas Daulatram
27. Shri A. C. Gilbert
28. Shrimati Jahanara Jaipal Singh
29. Shri Dayaldas Kurre
30. Shri A. D. Mani
31. Shri Mulka Govinda Reddy
32. Shri M. H. Samuel
33. Shri M. C. Shah
34. Shri Awadheshwar Prasad Sinha
35. Shri P. A. Solomon
36. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

WITNESSES

I. *Mar Thoma Syrian Church of Malabar, Tiruvalla*
Shri K. T. Thomas.

II. *The Indian Pentecostal Church of God, Kottayam*
Pastor P. M. Philip

III. *The Orthodox Syrian Church of the East, Kottayam*

1. The Rev. Fr. K. C. Thomas
2. Shri M. Abraham

IV. *St. Mary's Syrian Church, Ernakulam*

1. Shri M. Abraham
2. Shri C. C. Joseph

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee then adjourned to meet again on Wednesday, the 17th July, 1963, at 09.00 hours.

VII

Seventh Sitting

The Committee met on Wednesday, the 17th July, 1963, from 09.04 to 12.46 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow

4. Sardar Daljit Singh
5. Shri Ram Dhani Das
6. Shri Sudhansu Bhushan Das
7. Shri M. L. Dwivedi
8. Shri V. B. Gandhi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Panampilli Govinda Menon
14. Shri Bibudhendra Misra
15. Shri Purushottamdas R. Patel
16. Shri T. H. Sonavane
17. Shri Sivamurthi Swami
18. Shri G. G. Swell
19. Shri A. M. Thomas
20. Pandit D. N. Tiwary
21. Shri U. M. Trivedi
22. Shri T. Abdul Wahid
23. Shri Yashpal Singh

Rajya Sabha

24. Rajkumari Amrit Kaur
25. Shri Jairamdas Daulatram
26. Shri A. C. Gilbert
27. Shrimati Jahanara Jaipal Singh
28. Shri Bansi Lal
29. Shri A. D. Mani
30. Shri Mulka Govinda Reddy
31. Shri M. H. Samuel
32. Shri M. C. Shah
33. Shri Awadheshwar Prasad Sinha
34. Shri P. A. Solomon
35. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul. *Special Secretary, Ministry of Law and Member, Law Commission.*

2. Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

WITNESSES

I. The Representative Committee of the "Assemblies of the Brethren", Kottayam

1. Dr. K. George Thomas
2. Shri K. P. George

II. Church of Christ, Shillong

Shri J. S. Ryntathiang

III. Brethren Church Committee, Angamaly

1. Shri Danial Oommen
2. Shri T. M. John
3. Shri E. P. Varghese
4. Shri V. T. Mathai

IV. The Society of the Church of God (Full Gospel) in India, Chengannur

1. Rev. T. M. Varughese
2. Rev. M. Benjamin

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee then adjourned to meet again on Thursday, the 18th July, 1963, at 09.00 hours.

VIII

Eighth Sitting

The Committee met on Thursday, the 18th July, 1963, from 09.07 to 12.00 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow

4. Sardar Daljit Singh
5. Shri Ram Dhani Das
6. Shri Sudhansu Bhushan Das
7. Shri M. L. Dwivedi
8. Shri V. B. Gandhi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Panampilli Govinda Menon
14. Shri Bibudhendra Misra
15. Shri Purushottamdas R. Patel
16. Shrimati Yashoda Reddy
17. Shri T. H. Sonavane
18. Shri Sivamurthi Swami
19. Shri G. G. Swell
20. Shri A. M. Thomas
21. Pandit D. N. Tiwary
22. Shri T. Abdul Wahid
23. Shri Yashpal Singh

Rajya Sabha

24. Rajkumari Amrit Kaur
25. Shri Jairamdas Daulatram
26. Shrimati Jahanara Jaipal Singh
27. Shri Dayaldas Kurre
28. Shri Bansi Lal
29. Shri A. D. Mani
30. Shri Mulka Govinda Reddy
31. Shri M. H. Samuel
32. Shri M. C. Shah
33. Shri Awadheshwar Prasad Sinha
34. Shri P. A. Solomon
35. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*

2. Shri R. V. S. Peri Sastry, Assistant Draftsman, Ministry of Law.

SECRETARIAT

Shri A. L. Rai, Deputy Secretary.

WITNESSES

I. Christian Assemblies (Churches) known as 'Brethren', Madras

1. Mr. T. G. Samuel
2. Mr. Danial Oommen
3. Mr. M. J. E. Pritchard

II. The Archbishop of Bombay and President, Catholic Bishops' Conferences of India, Bombay

1. The Most Rev. Dr. Angelo Fernandes
2. Very Rev. Msgr. William Nazareth

III. The South India Assemblies of God, Punalur

1. Pastor A. C. Samuel
2. Mr. George Mathew

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee decided to meet on Saturday, the 20th July, 1963, also at 12.00 hours to chalk out their future programme.

5. The Committee then adjourned to meet again on Thursday, the 19th July, 1963, at 09.00 hours.

IX

Ninth Sitting

The Committee met on Friday, the 19th July, 1963, from 09.15 to 12.08 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow

4. Sardar Daljit Singh
5. Shri Ram Dhani Das
6. Shri Sudhansu Bhushan Das
7. Shri M. L. Dwivedi
8. Shri V. B. Gandhi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Panampilli Govinda Menon
14. Shri Bibudhendra Misra
15. Shri Purushottamdas R. Patel
16. Shrimati Yashoda Reddy
17. Shri T. H. Sonavane
18. Shri Sivamurthi Swami
19. Shri G. G. Swell
20. Shri A. M. Thomas
21. Pandit D. N. Tiwari
22. Shri T. Abdul Wahid
23. Shri Yashpal Singh
24. Shri Asoke K. Sen

Rajya Sabha

25. Rajkumari Amrit Kaur
26. Shri Jairamdas Daulatram
27. Shri A. C. Gilbert
28. Shrimati Jahanara Jaipal Singh
29. Shri Dayaldas Kurre
30. Shri A. D. Mani
31. Shri Mulka Govinda Reddy
32. Shri M. H. Samuel
33. Shri M. C. Shah
34. Shri Awadheshwar Prasad Sinha
35. Shri P. A. Solomon

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*

2. Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

WITNESSES

1. Shri W. S. Desai
 - II. *Orthodox Syrian Church of the East (Diocese of outside Kerala)*
 1. Shri M. G. Matthew
 2. The Rev. Fr. K. C. Thomas
 - III. *The Pentecostal Churches of India (Regd.), Ludhiana*
 1. Prof. Reuben R. Das.
 2. Shri J. Dennis
 3. Dr. Mrs. Dhillon
2. The Committee heard the evidence given by the representatives of the Associations named above.
 3. A verbatim record of evidence given was taken.
 4. The Committee then adjourned to meet again on Saturday, the 20th July, 1963, at 11.00 hours.

X

The Committee met on Saturday the 20th July, 1963, from 11:07 to 13:30 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Sardar Daljit Singh
5. Shri Ram Dhani Das
6. Shri Sudhansu Bhushan Das
7. Shri M. L. Dwivedi

8. Shri V. B. Gandhi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Bibudhendra Misra
14. Shri Purushottamdas R. Patel
15. Shri T. H. Sonavane
16. Shri Sivamurthi Swami
17. Shri G. G. Swell
18. Shri A. M. Thomas
19. Pandit D. N. Tiwary
20. Shri U. M. Trivedi
21. Shri T. Abdul Wahid
22. Shri Yashpal Singh.

Rajya Sabha

23. Rajkumari Amrit Kaur
24. Shri Jairamdas Daulatram
25. Shri A. C. Gilbert.
26. Shrimati Jahanara Jaipal Singh
27. Shri Dayaldas Kurre
28. Shri Bansi Lal
29. Shri A. D. Mani
30. Shri Mulka Govinda Reddy
31. Shri M. H. Samuel
32. Shri Awadheshwar Prasad Sinha
33. Shri M. C. Shah
34. Shri P. A. Solomon
35. Shri A. M. Tariq.

REPRESENTATIVES OF THE MINISTRY

1. Shri G. R. Rajagopaul, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Assistant Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

WITNESSES

I. *The Ceylon Pentecostal Mission, Trivandrum.*

1. Paster A. C. Thomas
2. Paster M. Daniel
3. Paster G. Thomas
4. Paster Samuel Paul

II. *Full Gospel Church, Jabalpur.*

Paster O'Neill J. Wilson

2. The Committee heard the evidence given by the representatives of the Associations named above.

3. A verbatim record of evidence given was taken.

4. The Committee decided that if a request was made by any women's organisation for giving oral evidence, the Chairman may allow their representatives to appear at their next sitting.

5. The Committee decided to ask for further extension of time for the presentation of their Report upto the last day of the Sixth Session.

6. The Committee then adjourned to meet again on Saturday, the 21st September, 1963 or, in case a sitting of the House was fixed for that date, on the day following the adjournment of the House.

XI
Eleventh Sitting

The Committee met on Monday, the 23rd September, 1963 from 10.10 to 13.00 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shrimati Kamala Chaudhri.
5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri Sudhansu Bhushan Das
8. Shri M. L. Dwivedi

9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Bibudhendra Misra
14. Shri Maheswar Naik
15. Shri Purushottamdas R. Patel
16. Shrimati Yashoda Reddy
17. Shri T. H. Sonavane
18. Shri Sivamurthi Swami
19. Shri G. G. Swell
20. Shri A. M. Thomas
21. Shri Yashpal Singh

Rajya Sabha

22. Rajkumari Amrit Kaur
23. Shri Jairamdas Daulatram
24. Shri A. C. Gilbert
25. Shri Bansi Lal
26. Shri Mulka Govinda Reddy
27. Shri M. H. Samuel
28. Shri M. C. Shah
29. Shri Awadheshwar Prasad Sinha
30. Shri P. A. Solomon

REPRESENTATIVES OF THE MINISTRY

1. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. The Committee discussed generally the provisions in the Bill relating to recognition of Churches and licencing of Ministers. The Committee decided that the State should not have the power to recognize Churches and to licence Ministers for the purpose of this

Bill. Provision must at the same time be made to check run-away or frivolous marriages.

Draftsman was directed to examine the Bill and bring before the Committee amendments consequential to the above decision of the Committee.

4. *Clause 1*.—The consideration of the clause was held over.

5. *Clause 2*.—The following amendments were adopted: subject to drafting changes to be made by the Draftsman:

(1) Page 1,

(i) line 16, for "professing" substitute "who professes".

(ii) after line 17 insert—

"(aa) 'Church' means an organized body of Christians, holding the same faith, following the same rites and acknowledging the same authority;"

(iii) lines 18-19,

after "building" insert "or any other place".

(2) Page 2, for lines 25 to 27 substitute

"(J) 'Minister', for purposes of this Act, means a person who, according to the rules of the Church or group to which he belongs, is competent to solemnise marriages;"

(3) Page 3, for lines 16 and 17 substitute

"(p) 'rules of the Church' include rites, ceremonies, customs or regulations of that Church relating to marriage."

6. *Clause 3*.—The consideration of the clause was not concluded.

7. The Committee then adjourned to meet again at 09.30 hours on Tuesday, the 24th September, 1963.

XII

Twelfth Sitting

The Committee met on Tuesday, the 24th September, 1963 from 09.35 to 13.10 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*.

MEMBERS

Lok Sabha

2. Shri Joachim Alva

3. Shri A. E. T. Barrow

4. Shrimati Kamala Chaudhri
5. Sardar Daljit Singh
6. Shri Sudhansu Bhushan Das
7. Shri M. L. Dwivedi
8. Shri V. B. Gandhi
9. Shri L. D. Kotoki
10. Shri M. K. Kumaran
11. Shri Mathew Maniyangadan
12. Shri Panampilli Govinda Menon
13. Shri Bibudhendra Misra
14. Shri Maheswar Naik
15. Shri Purushottamdas R. Patel
16. Shrimati Yashoda Reddy
17. Shri T. H. Sonavane
18. Shri Sivamurthi Swami
19. Shri G. G. Swell
20. Shri A. M. Thomas
21. Shri U. M. Trivedi
22. Shri Yashpal Singh

Rajya Sabha

23. Rajkumari Amrit Kaur
24. Shri Jairamdas Daulatram
25. Shri A. C. Gilbert
26. Shri Mulka Govinda Reddy
27. Shri M. H. Samuel
28. Shri Awadheshwar Prasad Sinha
29. Shri P. A. Solomon

REPRESENTATIVES OF THE MINISTRY

1. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 3.*—Further consideration of the clause was held over.

4. *Clause 4.*—Draftsman was directed to bring before the Committee a redraft of part (v) of the clause so as to be consistent with the amendment to clause 5 agreed to by the Committee.

Subject to above, the clause was adopted.

5. *Clause 5.*—The Committee were of the view that a minor girl should not be compelled by her guardian to marry against her wishes. The Committee decided that in order to leave no scope for such compulsion in the case of marriage of a minor girl, in addition to consent by the guardian therefor, there should be a provision for ascertainment of her wishes before marriage.

The Committee decided that a provision on the lines of Section 6(4) of the Hindu Marriage Act, 1955 should be made after sub-clause (3).

Draftsman was directed to bring before the Committee amendments to this clause and other clauses necessary to give effect to the above decisions of the Committee.

The following amendment was accepted:

Page 5, line 22, for "to do so" substitute "to prohibit it"

Subject to above, the clause was adopted.

6. *Clause 6.*—The following amendments were accepted:

Page 5,

(i) for line 27 substitute

"(a) by a Minister;"

(ii) omit lines 28 and 29.

The clause, as amended, was adopted.

7. *Clauses 7 and 8.*—These clauses were omitted in view of the earlier decision of the Committee against recognition of Churches and licencing of Ministers for the purpose of solemnization of marriages.

8. *Clauses 9 and 10.*—These clauses were adopted without amendment.

9. *Clause 11.*—The following amendment was accepted:

Page 7, line 16, for "before" substitute "in the presence of"

The Committee directed the Draftsman to make Part B of Chapter III comprehensive and self-contained in accordance with their decision.

10. *Clauses 12 and 13.*—Draftsman was directed to bring before the Committee a redraft of these clauses in the light of earlier decisions of the Committee.

It was further decided that in the redraft as also at other appropriate places in the Bill provision should be made for publication of the notice of marriage also at the place where marriage was intended to be solemnized.

11. *Clause 14.*—The following amendment was accepted:

Page 9, line 4, for “residing” substitute “resident”.

The clause, as amended, was adopted.

12. *Clauses 15 to 26.*—These clauses were adopted.

13. *Clause 27.*—The following amendment was accepted:

Page 12, line 31, omit “whether before or”.

The clause, as amended, was adopted.

14. *Clause 28.*—The following amendment was accepted:

Page 12, line 36, omit “whether before or”.

The consideration of the clause was not concluded.

15. The Committee then adjourned to meet again at 10 00 hours on Wednesday, the 25th September, 1963.

XIII

Thirteenth Sitting

The Committee met on Wednesday, the 25th September, 1963 from 10.12 to 13.10 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman.*

MEMBERS

Lok Sabha

2. Shri Joachim Alva
3. Shri A. E. T. Barrow

4. Shrimati Kamala Chaudhri
5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri Sudhansu Bhushan Das
8. Shri M. L. Dwivedi
9. Shri V. B. Gandhi
10. Shri L. D. Kotoki
11. Shri M. K. Kumaran
12. Shri Bajj Nath Kureel
13. Shri Mathew Maniyangadan
14. Shri Panampilli Govinda Menon
15. Shri Bibudhendra Misra
16. Shri Purushottamdas R. Patel
17. Shrimati Yashoda Reddy
18. Shri T. H. Sonavane
19. Shri Sivamurthi Swami
20. Shri G. G. Swell
21. Shri A. M. Thomas
22. Pandit D. N. Tiwary
23. Shri Yashpal Singh

Rajya Sabha

24. Rajkumari Amrit Kaur
25. Shri Jairamdas Daulatram
26. Shri A. C. Gilbert
27. Shri Mulka Govinda Reddy
28. Shri M. H. Samuel
29. Shri Awadheshwar Prasad Sinha
30. Shri P. A. Solomon

REPRESENTATIVES OF THE MINISTRY

1. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. The Committee resumed clause by clause consideration of the Bill.

3. *Clause 3.*—Further consideration of the clause was taken up and the clause was adopted without amendment.

4. *Clause 25.*—The consideration of clause 25 was reopened.

Draftsman was directed to bring before the Committee a redraft of the clause specifying the grounds for judicial separation on the lines of the provisions of Section 10 of the Hindu Marriage Act, 1955 with the following modifications:

(i) the period for presentation of a petition on the ground that the other party has been suffering from venereal disease in a communicable form or from a virulent and incurable form of leprosy should be one year instead of three years.

(ii) the grounds for judicial separation should include all the grounds for divorce specified in clause 30 of the Bill.

5. *Clause 28.*—Draftsman was directed to bring before the Committee a redraft of sub-clause (3) (b) (ii) in the light of discussion in the Committee.

Subject to above, the clause was adopted as amended.

6. *Clause 29.*—The clause was adopted without amendment.

7. *Clause 30.*—Draftsman was directed to bring before the Committee an amendment incorporating in the clause a definition of the term "cruelty" as given in Section 10(1) (b) of the Hindu Marriage Act, 1955.

Subject to above, the clause was adopted.

8. *Clauses 31 to 46.*—These clauses were adopted without amendment.

9. *Clause 47.*—The Committee considered the question of custody of minor children during and after any proceeding under Chapters IV to VII of the Bill and decided that members might examine the question further and bring before the Committee amendments, if necessary.

Subject to above, the clause was adopted.

10. *Clauses 48 to 69.*—These clauses were adopted without amendment.

11. *Clause 70.*—The Committee agreed with the principle that a Church should not be compelled to recognize a marriage which was contrary to the rules of that Church.

Draftsman was directed to examine whether, in view of the decision of the Committee regarding licensing of Ministers and recognition of Churches, retention of this clause was necessary or whether any amendment thereof was necessary to embody the above principle in the Bill and, if so, to bring before the Committee a redraft of the clause.

12. *Clauses 71 to 76.*—These clauses were adopted without amendment.

13. *Schedules I, II, III and V.*—These schedules were adopted without amendment.

14. *Schedule IV.*—The following amendment was accepted:

Page 33, after line 6, insert—

“DECLARATION TO BE MADE BY THE GUARDIAN

‘I, R.S., guardian of C.D., have given my consent to her marriage to A.B.’

(Sd.) R.S. (the Guardian).”

The schedule, as amended, was adopted.

15. *Clause 2.*—The consideration of this clause was reopened. Draftsman was directed to examine the question of including in the Bill a definition of the term “custom” covering usage also on the lines of the provisions of Section 3(a) of the Hindu Marriage Act, 1955.

Subject to above, the clause was adopted.

16. Draftsman was directed to bring before the Committee the necessary and consequential amendments to the various clauses of the Bill to give effect to the decisions of the Committee, drafts of which might be circulated to the members of the Committee about a week before their next sitting.

17. The Committee decided that the evidence given before them might be laid on the Tables of both the Houses and the memoranda submitted by the associations, who gave evidence might be placed in the Parliament Library for reference by members.

18. The Committee then adjourned to meet again on Friday, the 18th October*, 1963 at 10.00 hours.

*Subsequently the date of next sitting was changed by the Chairman to 19th October, 1963

XIV

Fourteenth Sitting

The Committee met on Saturday, the 19th October, 1963 from 10.12 to 12.55 hours.

PRESENT

Shri V. B. Gandhi—*in the Chair*

MEMBERS

Lok Sabha

2. Shri A. E. T. Barrow
3. Shri Rajendranath Barua
4. Shrimati Kamala Chaudhri
5. Sardar Daljit Singh
6. Shri Ram Dhani Das
7. Shri M. L. Dwivedi
8. Shri M. K. Kumaran
9. Shri Baij Nath Kureel
10. Shri Mathew Maniyangadan
11. Shri Bibudhendra Misra
12. Shri Maheswar Naik
13. Shri Purushottamdas R. Patel
14. Shri T. H. Sonavane
15. Shri Sivamurthi Swami
16. Shri G. G. Swell
17. Shri A. M. Thomas
18. Pandit D. N. Tiwary
19. Shri T. Abdul Wahid

Rajya Sabha

20. Rajkumari Amrit Kaur
21. Shri Jairamdas Daulatram
22. Shri A. C. Gilbert
23. Shrimati Jahanara Jaipal Singh
24. Shri Dayaldas Kurre
25. Shri Bansi Lal
26. Shri M. Ruthnaswamy
27. Shri Mulka Govinda Reddy

28. Shri M. H. Samuel
29. Shri Awadheshwar Prasad Sinha
30. Shri P. A. Solomon
31. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary.*

2. In the absence of Shrimati Renu Chakravartty, Chairman of the Committee, Shri V. B. Gandhi was elected Chairman for the sitting.

3. Discussion on clauses was reopened in the light of the amendments submitted by the Draftsman in pursuance of the directions of the Committee at their sitting held on the 25th September, 1963.

4. *Enacting Formula.*—The following amendment was accepted:

Page 1, line 1, for "Thirteenth" substitute "Fourteenth".

The Enacting Formula, as amended, was adopted.

5. *Clause 1.*—The following amendments were accepted:

Page 1,

- (i) line 6, for "1962" substitute "1963".
- (ii) line 8, for "domiciled" substitute "who are domiciled".
- (iii) line 9, for "who" substitute "and".
- (iv) lines 11 and 12, for "Section 7 shall come into force at once and the remaining provisions of this Act" substitute "It".

Clause 1, as amended, was adopted.

6. *Clause 2.*—The following further amendments were accepted:

Page 1,

- (i) *after line 17, insert—*
- (b) "Church" means an organized body of Christians holding the same faith, following the same rules and acknowledging the same authority;

(ii) for lines 18 and 19, *substitute—*

‘(c) “church building” includes any chapel or other building or any place generally used for public Christian worship;’

Page 2,

- (i) line 1, for “(c)” *substitute* “(e)”
- (ii) line 7, for “(d)” *substitute* “(f)”
- (iii) line 11, for “(e)” *substitute* “(g)”
- (iv) line 13, for “(f)” *substitute* “(h)”
- (v) line 19, for “(g)” *substitute* “(i)”
- (vi) *omit* lines 21 and 22
- (vii) line 23, for “(i)” *substitute* “(j)”
- (viii) line 24, for “section 9 or section 10” *substitute* “section 7 or section 8”
- (ix) for lines 25 to 27, *substitute—*
 - ‘(k) “Minister” means a person who according to the rules of the Church or the rules of the group of Christians to which he belongs, is competent to solemnise marriages;’
- (x) line 28, for “(k)” *substitute* “(l)”
- (xi) line 30, for “(l)” *substitute* “(m)”
- (xii) line 32, for “(m)” *substitute* “(n)”

Page 3,

- (i) *omit* lines 1 to 7
- (ii) for lines 16 and 17, *substitute—*

‘(p) “rules”, in any expression denoting rules of any Church, or of any group of Christians, include rites, ceremonies, customs or regulations of that Church or group relating to marriages.’

The consideration of the clause was not concluded.

7. *Clause 4.*—The following amendment was accepted:

Page 4, for lines 1 to 4, *substitute—*

“(v) where the bride has not completed the age of eighteen years, the consent in writing of the bride and of her guardian in marriage or the permission of the district

court under sub-section (5) of section 5 has been obtained for the marriage; and"

The clause, as amended, was adopted.

8. *Clause 5.*—The following further amendments were accepted:

Page 4, after line 35, insert—

"(4) In the absence of any such person as is referred to in sub-section (1), the consent of the guardian shall not be necessary for a marriage under this Act."

Page 5,

- (i) line 1, for "(4) substitute "(5)"
- (ii) line 2, omit "living and"
- (iii) line 6, for "(5) substitute "(6)"
- (iv) line 7, for "(4)" substitute "(5)"
- (v) line 9, for "(6) substitute "(7)"
- (vi) line 13, for "(7)" substitute "(8)"
- (vii) line 14, for "(4)" substitute "(5)".
- (viii) line 15, for "(8)" substitute "(9)"
- (ix) line 19, for "(9)" substitute "(10)"

The clause, as amended, was adopted.

9. *Clause 6.*—The following amendment was accepted:

Page 5, for lines 27 to 31, substitute—

- "(1) by a Minister;
- (2) by, or in the presence of, a Marriage Registrar appointed under section 7 or section 8."

The clause, as amended, was adopted.

10. *Clause 9.*—The following amendment was accepted:

Page 6, line 24, for "9" substitute "7"

The clause, as renumbered, was adopted.

11. *Clause 10.*—The following amendment was accepted:

Page 6, line 36, for "10" substitute "8".

The clause, as renumbered, was adopted.

12. *Heading above clause 11.*—The following amendment was accepted:

Page 7, line 4, omit "of recognised churches".

The heading, as amended, was adopted.

13. *Clause 11.*—Draftsman was directed to submit a re-draft of the clause making separate provisions relating to solemnization of marriages by a Minister and a Marriage Registrar.

14. *Heading above clause 12.*—The following amendment was accepted:

Page 7, line 22, omit "licenced Ministers and"

The heading, as amended, was adopted.

15. *Clause 12.*—The following amendments were accepted:

Page 7,

(i) line 23, for "12" substitute "10"

(ii) lines 24, 27 and 37, for "licensed Minister" substitute "Minister"

(iii) line 34, after "guardian" insert "also"

(iv) lines 35 and 36, for "on behalf of the bride by the guardian" substitute "by the bride and on her behalf by the guardian also"

The clause, as amended, was adopted.

16. *Clause 13.*—The following amendments were accepted:

Page 8,

(i) line 4, for "13" substitute "11"

(ii) lines 4, 7, 15, 19, 23 and 24, for "licensed Minister" substitute "Minister"

(iii) lines 4, 13, 17, 20, 24, for "section 12" substitute "section 10"

(iv) line 20, for "shall forward a copy thereof" substitute "shall cause the notice to be published by affixing a copy thereof to some conspicuous part of the private building and shall also forward a copy thereof"

The clause, as amended, was adopted.

17. *Clause 14.*—The following further amendments were accepted:

Page 8,

(i) line 35, for "14" substitute "12"

(ii) lines 35, 41 and 42, for "section 12" substitute "section 10."

Page 9, line 8, for "residing" substitute "resident"

The clause, as amended, was adopted.

18. *Clause 15.*—The following amendments were accepted:

Page 9,

- (i) line 11, for "15" substitute "13" and for "licensed Minister" substitute "Minister"
- (ii) for lines 16 to 26, substitute
 - "(2) No such certificate shall be issued until the expiration of seven days from the date of publication of the notice or where the bride is a minor until the expiration of twenty-one days from the said date."

The clause, as amended, was adopted.

19. *Clause 16.*—The following amendments were accepted:

Page 9, line 27, for "16" substitute "14"

- (i) line 27, for "16" substitute "14"
- (ii) lines 28 and 29, for "section 13 or section 14" substitute "section 11 or section 12"
- (iii) line 34, for "section 15" substitute "section 13"
- (iv) lines 32 and 33, and 37, for "licensed Minister" substitute "Minister".

The clause, as amended, was adopted.

20. *Clause 17.*—The following amendments were accepted:

Page 10,

- (i) line 1, for "17" substitute "15" and for "licensed Minister" substitute "Minister"
- (ii) line 3, for "section 16" substitute "section 14"
- (iii) line 12, for "licensed Minister" substitute "Minister".

The clause, as amended, was adopted.

21. *Clause 18.*—The following amendment was accepted:

Page 10, line 14, for "18" substitute "16" and for "section 16" substitute "section 14".

The clause, as amended, was adopted.

22. *Clause 19.*—The following amendments were accepted:

Page 10,

- (i) line 25, for "19" substitute "17" and for "licensed Minister" substitute "Minister"
- (ii) lines 26 and 27, omit "or solemnize any marriage".

The clause, as amended, was adopted.

23. *Clause 20.*—The clause was omitted.

24. *Clause 21.*—The following amendments were accepted:

Page 10, line 39, for "21" substitute "18"

Page 11, line 2, omit "and in the presence of at least two witnesses"

The clause, as amended, was adopted.

25. *Clause 22.*—The following amendments were accepted:

Page 11,

(i) line 15, for "22" substitute "19"

(ii) line 16, for "licensed Minister" substitute "Minister"

(iii) line 17, for "section 15" substitute "section 13"

The clause, as amended, was adopted.

26. *Clause 23.*—The following amendments were accepted:

Page 11,

(i) line 22, for "23" substitute "20"

(ii) lines 22 and 23, for "the Minister of a recognised Church or the licensed Minister" substitute "the Minister".

(iii) lines 30 and 31, for "the Minister of a recognised Church or the licensed Minister" substitute "the Minister".

(iv) line 34, for "Minister of a recognized Church, licensed Minister" substitute "Minister".

The clause, as amended, was adopted.

27. *Clause 24.*—The following amendment was accepted:

Page 12, line 3 for "24" substitute "21"

The clause, as renumbered, was adopted.

28. The Committee then adjourned to meet again on Monday, the 21st October, 1963 at 10.00 hours.

Fifteenth Sitting

The Committee met on Monday, the 21st October, 1963 from 10.10 to 12.10 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*

MEMBERS*Lok Sabha*

2. Shri Joachim Alva
3. Shri A. E. T. Barrow
4. Shri Rajendranath Barua
5. Shrimati Kamala Chaudhri
6. Sardar Daljit Singh
7. Shri Ram Dhani Das
8. Shri Sudhansu Bhushan Das
9. Shri V. B. Gandhi
10. Shri M. K. Kumaran
11. Shri Baij Nath Kureel
12. Shri Mathew Maniyangadan
13. Shri Bibudhendra Misra
14. Shri Maheswar Naik
15. Shrimati Yashoda Reddy
16. Shri T. H. Sonavane
17. Shri Sivamurthi Swami
18. Shri G. G. Swell
19. Pandit D. N. Tiwary
20. Shri T. Abdul Wahid

Rajya Sabha

21. Rajkumari Amrit Kaur
22. Shri Jairamdas Daulatram
23. Shri A. C. Gilbert
24. Shri Dayaldas Kurre
25. Shri M. Ruthnaswamy

26. Shri Mulka Govinda Reddy
27. Shri M. H. Samuel
28. Shri Awadheshwar Prasad Sinha
29. Shri P. A. Solomon
30. Shri A. M. Tariq

REPRESENTATIVES OF THE MINISTRY

1. Shri S. P. Sen Verma, *Special Secretary, Ministry of Law and Member, Law Commission.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai—*Deputy Secretary*

2. Discussion on clauses was resumed in the light of the amendments submitted by the Draftsman in pursuance of the directions of the Committee at their sitting held on the 25th September, 1963.

3. *Clause 25.*—The following amendment was accepted:

Page 12, for lines 16 to 19, substitute—

- “22. Either party to a marriage, whether solemnized before or after the commencement of this Act, may present a petition praying for a decree for judicial separation on the ground that the other party—
- (a) has, since the solemnization of the marriage, committed adultery; or
 - (b) has ceased to be a Christian by conversion to another religion; or
 - (c) has been incurably of unsound mind for a continuous period of not less than two years immediately preceding the presentation of the petition; or
 - (d) has, for a period of not less than one year immediately preceding the presentation of the petition, been suffering from a virulent form of leprosy; or
 - (e) has, for a period of not less than one year immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form, the disease not having been contracted from the petitioner; or

- (f) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the other party if that party had been alive; or
- (g) has failed to comply with a decree for restitution of conjugal rights for a period of two years; or
- (h) has deserted the petitioner for a continuous period of not less than two years immediately preceding the presentation of the petition; or
- (i) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party."

The clause, as substituted, was adopted.

4. *Clause 26.*—The following amendment was accepted:

Page 12, line 20, for "26" substitute "23"

The clause, as renumbered, was adopted.

5. *Clause 27.*—The following further amendment was accepted:

Page 12,

line 31, for "27" substitute "24".

It was decided that bigamous marriages solemnized before the commencement of the Act should also be subject to nullity on a petition presented for the purpose. Draftsman was directed to make the necessary drafting changes in the clause.

Subject to above, the clause was adopted.

6. *Clause 28.*—The following further amendments were accepted:

Page 12, line 36, for "28" substitute "25";

Page 13,

(i) after line 4, insert—

"(d) that the marriage has not been consummated owing to the wilful refusal of the respondent to consummate the marriage; or";

(ii) omit lines 5 to 9;

(iii) line 10, for "(a)" substitute "(e)";

(iv) line 12, for "(b)" substitute "(f)";

(v) after line 14, insert—

"(2) A marriage whether solemnized after the commencement of this Act or within one year immediately before such commencement shall also be voidable and may be annulled by a decree of nullity on the ground that the respondent was, at the time of the marriage, pregnant by some person other than the petitioner";

(vi) line 17, omit "(a)"; and

(vii) for lines 26 and 27, substitute—

"(4) Notwithstanding anything contained in sub-section (2), no petition for annulling a marriage on the ground specified in that sub-section shall be entertained, unless the Court is satisfied—"

Page 14, line 1, for "(4)", substitute "(5)" and for "sub-section (2)" substitute "clause (e) or clause (f) of sub-section (1)".

The clause, as amended, was adopted.

7. Clause 29.—The following amendments were accepted:

Page 14,

(i) line 5, for "29" substitute "26" and for "section 27" substitute "section 24".

(ii) line 13, for "section 28" substitute "section 25".

The clause, as amended, was adopted.

8. Clause 30.—The following amendments were accepted:

Page 14, line 28, for "30" substitute "27"

Page 15, for lines 18 and 19, substitute—

"(x) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it will be harmful or injurious for the petitioner to live with the other party."

The clause, as amended, was adopted.

9. Clause 31.—The following amendment was accepted:

Page 15, line 24, for "31" substitute "28".

The clause, as renumbered, was adopted.

10. Clause 32.—The following amendments were accepted:

Page 15,

(i) line 33, for "32" substitute "29".

(ii) line 35, for "section 30", substitute "section 27".

The clause, as amended, was adopted.

11. *Clause 33.*—The following amendments were accepted:

Page 16,

- (i) line 17, for “33” substitute “30”
- (ii) lines 17 and 18, for “section 42” substitute “section 39”
- (iii) line 18, for “section 31”, substitute “section 28”.

The clause, as amended, was adopted.

12. *Clauses 34 and 35.*—The clauses renumbered as 31 and 32 respectively were adopted.

13. *Clause 36.*—The following amendments were accepted:

Page 17,

- (i) line 16, for “36” substitute “33” and for “(5)” substitute “(6)”
- (ii) line 19, for “17” substitute “15”
- (iii) line 21, for “licensed Minister” substitute “Minister”
- (iv) line 31, for “provided” substitute “provided that”.

The clause, as amended, was adopted.

14. *Clauses 37 to 41.*—The clauses renumbered as 34 to 38 respectively were adopted.

15. *Clause 42.*—The following amendment was accepted:

Page 19, line 22, for “42” substitute “39” and for “section 30” substitute “section 27”.

The clause, as amended, was adopted.

16. *Clauses 43 to 50.*—The clauses renumbered as 40 to 47 respectively were adopted.

17. *Clause 51.*—The following amendments were accepted:

Page 22, line 3,

- (i) for “51” substitute “48”
- (ii) for “under” substitute “whether before or after the commencement of”.

The clause, as amended, was adopted.

18. *Clause 52.*—The following amendment was accepted:

Page 22, line 9, for “52” substitute “49”.

The clause, as renumbered, was adopted.

19. *Clause 53*.—The following amendments were accepted:

Page 22,

(i) line 24, for "53" substitute "50"

(ii) lines 24 and 25, omit "or licence of marriage".

(iii) line 27, after "Church" insert "or group".

The clause, as amended, was adopted.

20. *Clause 54*.—The following amendments were accepted:

Page 22,

(i) line 33, for "54" substitute "51"

(ii) lines 33 and 34, for "licensed Minister" substitute "Minister".

The clause, as amended, was adopted.

21. *Clause 55*.—The following amendment was accepted:

Page 23, line 1, for "55" substitute "52".

The clause, as renumbered, was adopted.

22. *Clause 56*.—The following amendments were accepted:

Page 23,

(i) line 6, for "56" substitute "53" and for "licensed Minister" substitute "Minister"

(ii) line 8, for "section 16" substitute "section 14".

(iii) line 13, for "licensed Minister" substitute "Minister".

The clause, as amended, was adopted.

23. *Clauses 57 and 58*.—The clauses renumbered as 54 and 55 respectively were adopted.

24. *Clause 59*.—The following amendments were accepted:

Page 23,

(i) line 37, for "59" substitute "56"

(ii) line 38, for "section 48" substitute "section 45".

The clause, as amended, was adopted.

25. *Clause 60*.—The following amendments were accepted:

Page 24,

(i) line 1, for "60" substitute "57".

- (ii) lines 1 to 3, for "section 52, section 53, section 54, section 55, section 56, section 57, section 58 or section 59" substitute "section 49, section 50, section 51, section 52, section 53, section 54, section 55 or section 56".

The clause, as amended, was adopted.

26. *Clause 61.*—The following amendments were accepted:

Page 24,

- (i) line 7, for "61" substitute "58"
 (ii) line 9, for "section 16" substitute "section 14" and for "sub-section (4)" substitute "sub-section (5)"
 (iii) line 10, for "section 17" substitute "section 15".

The clause, as amended, was adopted.

27. *Clause 62.*—The following amendment was accepted:

Page 24, line 27, for "62" substitute "59".

The clause, as renumbered, was adopted.

28. *Clause 63.*—The following amendments were accepted:

Page 24, line 37, for "63" substitute "60".

Page 25, line 8, for "section 23" substitute "section 20".

The clause, as amended, was adopted.

29. *Clause 64.*—The following amendments were accepted:

Page 25,

- (i) line 11, for "64" substitute "61"
 (ii) lines 12 and 13, for "a Minister of a recognized Church or a licensed Minister" substitute "a Minister".

The clause, as amended, was adopted.

30. *Clauses 65 to 69.*—The clauses renumbered as 62 to 66 respectively were adopted.

31. *Clause 70.*—The following amendments were accepted:

Page 26,

- (i) line 14, for "70" substitute "67" and omit "of a recognized church"
 (ii) line 16, after "Church" insert "or group".

The clause, as amended, was adopted.

32. *Clause 71.*—The following amendment was accepted:
Page 26, line 17, for “71” substitute “68”.

The clause, as renumbered, was adopted.

33. *Clause 72.*—The following amendments were accepted:

Page 26, line 33, for “72” substitute “69”.

Page 27,

- (i) omit lines 7 to 13.
- (ii) line 14, for “(h)” substitute “(e)”
- (iii) line 17, for “(i)” substitute “(f)”
- (iv) line 22, for “two successive sessions” substitute “two or more successive sessions”.

The clause, as amended, was adopted.

34. *Clause 73.*—The following amendments were accepted:

Page 27,

- (i) line 30, for “73” substitute “70”
- (ii) line 33, for “sub-section (5)” substitute “sub-section (6)”
- (iii) line 34, for “section 17” substitute “section 15”.

The clause, as amended, was adopted.

35. *Clauses 74 to 76.*—The clauses renumbered as 71 to 73 respectively were adopted.

36. *First Schedule.*—The following amendment was accepted:

Page 29, line 2, for “section 2(m)” substitute “section 2(n)”.

The Schedule, as amended, was adopted.

37. *Second Schedule.*—The following amendments were accepted:

Page 30,

- (i) line 8, for “section 12(1)” substitute “section 10(1)”
- (ii) line 12, for “licensed Minister” substitute “Minister”
- (iii) line 14, for “1962” substitute “1963”
- (iv) in the last column of the form, for lines 17 to 27 substitute
“Place in which marriage is to be solemnized”
- (v) line 39, for “the guardian” substitute “in addition to the
bride, the guardian also”.

The Schedule, as amended, was adopted.

38. *Third Schedule*.—The following amendments were accepted:

Page 31,

- (i) line 2, for "section 15(1)" substitute "section 13(1)"
- (ii) in the last column of the form, for lines 8 to 18, substitute "Place in which marriage is to be solemnized"
- (iii) line 26, for "1962" substitute "1963"
- (iv) line 35, for "licensed Minister" substitute "Minister".

The Schedule, as amended, was adopted.

39. *Fourth Schedule*.—The following amendments were accepted:

Page 32,

- (i) line 2, for "sections 11(2) (c) and 15(2) (b)" substitute "section 9(2) (c)"

- (ii) for lines 8 and 9, substitute—

"3. C.D. (the bride) and I are not within prohibited relationship/Although C.D. (the bride) and I are within prohibited relationship, the custom governing each of us permits of a marriage between us two*."

- (iii) for lines 19 and 20, substitute—

"3. A.B. (the bridegroom) and I are not within prohibited relationship/Although A.B. (the bridegroom) and I are within prohibited relationship, the custom governing each of us permits of a marriage between us two*."

Page 33,

- (i) lines 5 and 6, for "the guardian should sign on her behalf" substitute "the guardian should make the following declaration:—

DECLARATION TO BE MADE BY THE GUARDIAN

I, R.S., guardian of C.D., have given my consent to her marriage with A.B.

Sd/- (R.S.)
(guardian of C.D.)"

- (ii) for lines 12 and 13 substitute "Minister*"

The Schedule, as amended, was adopted.

40. *Fifth Schedule*.—The following amendments were accepted:

Page 33,

- (i) line 18, for "section 23(1)" substitute "section 20(1)"
- (ii) line 23, for "1962" substitute "1963"
- (iii) for lines 4, 5 and 6 substitute "Minister*/Marriage Registrar*".

The Schedule, as amended, was adopted.

41. *Clause 2*.—The following further amendment was accepted:

Page 1, after line 19, insert—

"(d) 'custom' means any rule which, having been continuously and uniformly observed for a long time, has obtained the force of law among Christians in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy;".

The clause, as amended, was adopted.

42. Draftsman was directed to make drafting or consequential changes in the Bill wherever necessary in the light of amendments accepted by the Committee.

43. The Committee then adjourned to meet again on Tuesday, the 19th November, 1963, at 17.05 hours or five minutes after the rising of Lok Sabha to consider their draft report.

XVI

Sixteenth Sitting

The Committee met on Tuesday, the 19th November, 1963 from 17.20 to 18.08 hours.

PRESENT

Shrimati Renu Chakravartty—*Chairman*.

MEMBERS

Lok Sabha

- 2. Shri A. E. T. Barrow
- 3. Shri Sudhansu Bhushan Das
- 4. Shri M. L. Dwivedi
- 5. Shri V. B. Gandhi

6. Shri M. K. Kumaran
7. Shri Baij Nath Kureel
8. Shri Mathew Maniyangadan
9. Shri Bibudhendra Misra
10. Shri A. Nesamony
11. Shri Purushottamdas R. Patel
12. Shrimati Yashoda Reddy
13. Shri T. H. Sonavane
14. Shri G. G. Swell
15. Shri U. M. Trivedi
16. Shri T. Abdul Wahid

Rajya Sabha

17. Rajkumari Amrit Kaur
18. Shri Jairamdas Daulatram
19. Shri Bansi Lal
20. Shri A. D. Mani
21. Shri M. Ruthnaswamy
22. Shri Mulka Govinda Reddy
23. Shri M. H. Samuel
24. Shri M. C. Shah

REPRESENTATIVE OF THE MINISTRY

Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

SECRETARIAT

Shri A. L. Rai, *Deputy Secretary.*

2. The Committee adopted the Bill, as amended, with the following further amendment:

Page 7, sub-clause (2) (c) of clause 9 (original clause 11), after "has been made",

omit "before the issue of the certificate of notice under section 13".

3. The Committee then considered and adopted the draft Report.

4. The Chairman announced that the minutes of dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 15.00 hours on Saturday, the 23rd November, 1963.

5. The Committee authorised the Chairman and, in her absence, Shri Purushottamdas R. Patel to present the Report on their behalf and to lay the evidence on the Table of the House after the presentation of the Report.

6. The Committee also authorised Rajkumari Amrit Kaur and, in her absence, Shri Jairamdas Daulatram to lay the Report and the evidence on the Table of Rajya Sabha.

7. The Chairman announced that the Report would be presented to Lok Sabha on the 26th November, 1963 and laid on the Table of Rajya Sabha on the same day.

The Committee then adjourned.
