

The Christian Marriage Act, 1872

(ACT NO. XV OF 1872)

2♣An Act to consolidate and amend the law relating to the solemnization of the marriages of Christians.

Preamble

WHEREAS it is expedient to consolidate and amend the law relating to the solemnization of the marriages of persons professing the Christian religion; It is hereby enacted as follows:-

PRELIMINARY

Short title

1. This Act may be called the Christian Marriage Act, 1872.

Extent

It extends to the whole of Bangladesh and, so far only as regards Christian citizens of Bangladesh, ³[* * *].

[Repealed]

2. [Repealed by the Repealing Act, 1938 (Act No. I of 1938), section 2 and Schedule.]

Interpretation-clause

3. In this Act, unless there is something repugnant in the subject or context,-

"Church of England" and "Anglican" mean and apply to the Church of England as by law established;

"Church of Scotland" means the Church of Scotland as by law established;

"Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head;

"Church" includes any chapel or other building generally used for public Christian worship;

"minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow;

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the expression "Christians" means persons professing the Christian religion;

and the expression "Native Christians" includes the Christian descendants of ⁴[inhabitants of Indo-Bangla Pakistan] sub-continent converted to Christianity, as well as such converts;

"Registrar General of Births, Deaths and Marriages" means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886.

PART I

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED

Marriages to be solemnized according to Act

4. Every marriage between persons, one or both of whom is or are a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

Persons by whom marriages may be solemnized

5. Marriages may be solemnized in Bangladesh-

(1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister;

(2) by any clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland;

(3) by any Minister of Religion licensed under this Act to solemnized marriages;

(4) by, or in the presence of, a Marriage Registrar appointed under this Act;

(5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

Grant and revocation

**of licenses
to
solemnize
marriage**

6. The Government, ⁵[* * *] may, by notification in the official Gazette, grant licenses to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses.

**Marriage
Registrars**

7. The Government may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for any district subject to its administration.

**Senior
Marriage
Registrar**

Where there are more marriage Registrars than one in any district, the Government shall appoint one of them to be the senior marriage Registrar.

**Magistrate
when to be
Marriage
Registrar**

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily vacant, the Magistrate of the district shall act as, and be, Marriage Registrar thereof during such absence, illness or temporary vacancy.

[Omitted]

8. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

**Licensing
of persons
to grant
certificates
of marriage
between
Native
Christians**

9. The Government ⁶[* * *] may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificate of marriage between Native Christians.

(4) by, or in the presence of, a Marriage Registrar appointed under this Act;

(5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

PART II

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED

**Time for
solemnizing
marriage**

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening:

Exceptions

Provided that nothing in this section shall apply to-

(1) a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2) a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license, or

(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland.

Place for solemnizing marriage

11. No Clergyman of the Church of England shall solemnize a marriage in any place other than a church where worship is generally held according to the forms of the Church of England,

unless there is no such church within five miles distance by the shortest road from such place, or

unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

Fee for special license

For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorizes.

PART III

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT

Notice of intended marriage

12. Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriages under this Act-

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein-

(a) the name and surname, and the profession or condition, of each of the persons intending marriage,

(b) the dwelling- place of each of them,

(c) the time during which each has dwelt there, and

(d) the church or private dwelling in which the marriage is to be solemnized:

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

**Publication
of such
notice**

13. If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of Religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church.

**Return or
transfer of
notice**

But if he is not entitled to officiate as a Minister in such church, he shall, 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 cause the notice to be affixed as aforesaid.

**Notice of
intended
marriage in
private
dwelling**

14. If it be intended that the marriage shall be solemnized in a private dwelling, the Minister of Religion, on receiving the notice prescribed in section 12, shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own office.

**Sending
copy of
notice to
Marriage
Registrar
when one**

15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar of the district,