

Christian Marriage: An Appraisal on its Legal Validity

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Abstract: *Christian marriage appears to be a pious function for those who follow Jesus Christ's preaching and teachings. The feast, the toast, and the bouquet are all sprinkled with indigenous traditions, while other traditions coincide with western cultures, according to Christian marriage. So, Christian marriage seems to be the amalgam of Indian as well as Indian culture. This paper examines the concept of legal status of Christian marriage and its legal status in India.*

Keywords: Christians, Christian marriage, and Divorce

1. Introduction

Christians are the followers of Jesus Christ, who believe Jesus to be the Son of God and follow his teachings and preaching. Christians prey on the churches that sprang up after Jesus' death. The marriages in Christians are performed by a minister or a priest in a church and / or under the Indian Christian Marriage Act of 1872. Instead of opting for a gown, the bride frequently chooses to wear the attire of the community to which she belongs, which adds to the beauty of the marriage. So, in Christian weddings in India, the bride wears traditional attire such as sarees, mekhlas, and traditional sarongs, and the groom, along with his best men, often wears traditional attire as well. Thus, the Christian marriage is a combination of Indian and Western culture.

2. Marriage in Christians

The marriage is performed by a minister or priest in a church for Christians in India. He is required to issue a certificate enlisting the marriage and endorsing the marriage after it has been consummated. Even a previous marriage can also be registered with the Registrar of Marriages' office. However, in order to have a marriage registered, each party to the marriage must file a utility application with the appropriate authority located near his residence.

To be considered a valid marriage, one or both parties must be Christians. In other cases, one of the parties forbids the marriage on the grounds of prohibited degrees of courtship, rendering the marriage null and void under the act. To represent a valid marriage under the Act (Christian Marriage Act 1872 and Christian Marriage Registration in India), the following elements must be met (itzeazy. in):

- The age of the groom should no longer be less than twenty - one years and that of the bride should not be less than eighteen years respectively.
- Consent must be free and voluntary and no longer obtained by misrepresentation, coercion, or using undue influence of information.

- Neither party should have a partner at the time of marriage.

Besides, the marriage must be carried out in the presence of at least 02 reliable witnesses, by means of someone licensed to provide a certificate to the marriage.



A Scene of Christian Marriage
(Source: <https://tinyurl.com/24n22s7w>)

3. Performance of a Marriage by Marriage Registrar

The following situations must be met if a marriage is to be performed with the assistance of the Marriage Registrar:

3.1 Note of Intended Marriage

Both parties to a marriage who live in the same area has to submit an application to the Marriage Registrar informing him or her of their intention to marry. In some cases, where the parties live in different regions, each of them must write a separate letter to the Marriage Registrar in their respective areas of residence. The written notice or application is to be kept in the 'marriage note book' and pasted in a prominent location within the office.

3.2 Pledge before Marriage Registrar

For the issuance of a certificate in person before the Registrar of Marriages, one must personally witness through one of the events of the marriage, both, vowing that:

- There is no barrier, natural inclination or other lawful impediment to the marriage;
- The area of the house is at the location of the marriage registrar;
- Where one of the parties is a minor, the consent of one of the following persons is of paramount importance so that you may marry under permission of:
 - the minor's father, if alive and no longer dead,
 - Guardian of the minor or, if there is no guardian,
 - Mother's consent is required unless any other person authorized to give such consent is residing in India.

Once the vows are taken before the Registrar by both the parties for the marriage and after four days have elapsed from the date of receipt of the intended marriage, the Registrar shall issue a certificate of notice. Certificate of Notice is expected from of the chapel being located in the vicinity of the church or chapel where the marriage is expected to take place. Certificates may no longer be issued if they are withheld from demonstrating any reason why the testament should no longer be issued. However, it is mandatory to marry within six months of the issue of the certificate, failing which the certificate becomes obsolete, and a new certificate must be issued.

4. Performance of the Marriage under the Act

Christian marriage is performed between the parties to the marriage according to the rituals deemed necessary and proper by the Minister or Priest performing the ceremony. Apart from the Minister or Priest performing the marriage, 02 witnesses are required (<https://www.kaanoon.com/168193/Hindu-Christian-marriage>).

5. Person authorized to perform Marriage under Act

Under Section 5 of the Act, the following men and women are eligible to marry. Similarly, those who were appointed with the help of the Episcopal are eligible, provided that such marriages are solemnized in accordance with the customs and customs, which are governed by:

- Church of which he is a minister or priest.
- Clergy of the Church of Scotland stated that such marriages are performed in accordance with the customs, guidelines and policies governed by the Church of Scotland.
- A person to whom the Minister of Religion has given license to solemnize marriages under this Act.
- Any person appointed under the Act through or in the presence of the Registrar of Marriages; Or
- Any person licensed under this Act to provide marriage certificates between Indian Christians.

If the marriage is solemnized by a person who is not always legally permitted to do so under the Act, the marriage can be declared null or void. On the other hand, the Act practically prescribes the 'time' and 'place' for the marriage ceremony. The timing of the marriage rituals to appear remains at 6 am and 7 pm, and the place where the marriage is to be performed is the church. In exceptional circumstances, the church clergy may allow a delay in the time and place of the overall performance of the wedding.

6. Registration of Marriage

The Registrar of the Marriage can register the marriage in the Marriage Register and complete the marriage of the couple after the parties submit a written application. Each of the wedding parties, as well as their witnesses, sign the registration acknowledgement slip. It must be linked as proof of the marriage's registration. After one month, these acknowledgement slips are sent to the Registrar General of Births, Deaths, and Marriages. Without prior notice, Indian Christian marriages can also be recommended under a special provision.

But, the files required for Registration of Marriage under the Act (<https://www.helpline.law.com/family-law/CTMRR/Christian-marriage-and-registration-manner-in-india.html>) should consist of:

- Complete application form;
- Passport length photos;
- The marriage certificates issued by the Minister or the Priest who completed the marriage;
- Two photos of the marriage rituals in conjunction with the marriage invite;
- House and age proof of either birthday party to the marriage; and
- An affidavit certifying the mental and marital status of each party.

7. Divorce in Christians

The divorce is "no longer an option" in Christian marriages. It is worthy to say: "You didn't marry at first with the idea that you could get divorced if things didn't work out. Whatever your interpretation of the biblical passages governing divorce, you should keep it as a personal commitment to your spouse and to God. Enter into marriage with the knowledge that you are swearing to your spouse to God that you will be together until death separates you" (Peach, n. d.).

However, the Indian Divorce Act, 1869 regulates the divorce law and other matrimonial provisions of Christianity. This law applies when one party to the complaint becomes a Christian. This law is based on the English Regulation of Divorce (Section 7). Spouse can file a petition for divorce under section 10 of Part III of the Act.

Divorce can be obtained from any Christian marriage: (1) A petition can be filed if the marriage took place before or after the commencement of the Indian Divorce Amendment Act, 2001. (2) The husband or the wife shall file such

petition for divorce. Before the District Court, because the marriage is solemnized, and the defendant must be annulled:

- Committed adultery.
- Every other religion has ceased to be Christian through conversion.
- Has been incurable of unsound views for a continuous length of at least two years at a time prior to the presentation of the petition.
- For a period of not less than two years immediately preceding the presentation of the petition, with a venomous and incurable size of leprosy.
- Presentation of urgent lawsuits for a period of not less than two years where the petitioner has been suffering from a sexual disorder in a communicable form.
- Have not been heard of with these individuals having been alive for 7 years or more, who clearly would have heard of the defendant if the defendant were alive.
- Has deliberately refused to marry and as a result is no longer married.

He has also failed to comply with a decree for restitution of conjugal rights for a period of two years or more after the passing of the decree against the respondent or the dissolution of a marriage, the court shall discharge itself, to the extent that it reasonably can, not only as to the fact alleged, but also as to whether or not the petitioner has been in any way accented to, or connived at, the proceeding.

8. Power of Court to pronounce Decree of Dissolution

Section 14 of the Act states that if the court is satisfied on the basis of evidence that the petitioner's case has been proved and the petitioner is not in any way influenced or complicit in the conduct of the said form of marriage or adultery. Optional birthday celebrations, the court will issue a decree dissolving the marriage.

However, the court is not bound to issue such an order if it finds that the petitioner has committed adultery in the course of the marriage, or if the petitioner was responsible, in the opinion of the court, unreasonable in circulating or prosecuting such petition. To delay, or to cause cruelty to the alternate party to the marriage, or to abstain or willfully separate himself from the alternate party before a complaint of adultery is filed. No adultery in this regard shall be deemed to have been condoned within the meaning of this Act unless marital cohabitation has been resumed or tolerated.

Further, a new section 10 - A has been inserted after section 10 which lays down the conditions for dissolution of marriage by mutual consent. This is subjected under the miles (HMA, 1955. p65 (s3waas.gov.in) to:

- Subject to the provisions of this Act and the rules established there under, each party to a marriage may file a petition for the dissolution of the marriage with the District Court, whether the marriage took place before or after the commencement of the Indian Divorce (Amendment) Act, 2001, on the ground that they have

been living separately for years or more, that they have been unable to live together, and that they have jointly agreed to divorce.

- If the petition is not withdrawn by both the parties within six months from the date of presentation of the petition referred to in sub - section (1), and if the petition is not withdrawn by both the parties within eighteen months of the said date, the court shall, on being satisfied, after hearing the parties and making such inquiries as it thinks fit, that a marriage has been solemnized and that the arguments within the petition are correct, give way to the marriage.

However, no petition for divorce shall be presented within one year of the marriage.

9. Conclusion

Thus, it is seen that the marriage in Christianity is regarded as a sacred ceremony that is performed by a Minister or Priest. Christians consider marriage ceremony as a gift of God. Many of the functions are planned, as per Hindu marriage, yet divorce is not regarded as a viable choice. However, if it appears to be essential, it is ordered and a judgment is made in accordance with the Indian Christian Marriage Act of 1872 and the Indian Divorce Amendment Act of 2001. Nevertheless, the Christian marriage is a holy function in Christians' lives.

References

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