

THE PARSI MARRIAGE AND DIVORCE ACT, 1936
(ACT 3 OF 1936) (23rd April, 1936)

Definitions : - In this Act, unless there is anything repugnant in the subject or context,-

- (5) "husband" means a Parsi husband;
- (6) "marriage" means a marriage between Parsi whether contracted before or after the commencement of this Act;
- (7) a "Parsi" means a Parsi Zoroastrian;
- (8) "priest" means a Parsi priest and includes Dastur and Mobed; and
- (9) "wife" means a Parsi wife.

II MARRIAGES BETWEEN PARSIS

3. Requisites to validity of Parsi Marriages. - (1) No marriage shall be valid if-

- (a) the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule 1; or
- (b) such marriage is not solemnized according to the Parsi form of ceremony called 'Ashirvad' by a priest in the presence of two Parsi witnesses other than such priest; or
- (c) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age.]

(2) Notwithstanding that a marriage is invalid under any of the provisions of sub-section (1), any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate.

4. Remarriage when unlawful.- (I) No Parsi (whether such Parsi has changed his or her religion or domicile or not) shall contract any marriage under this Act or any other law in the lifetime of his or her wife or husband, whether a Parsi or not, except after his or her lawful divorce from such wife or husband or after his or her marriage with such wife or husband has lawfully been declared null and void or dissolved, and, if the marriage was contracted with such wife or husband under the Parsi Marriage and Divorce Act, 1865, or under this Act, except after a divorce, declaration of dissolution as aforesaid under either of the said Acts.

(2) Every marriage contracted contrary to the provisions of sub-section (1) shall be void.

5. Punishment of bigamy. - Every Parsi who during the lifetime of his or her wife or husband, whether a Parsi or not, contracts a marriage without having been lawfully divorced from such wife or husband, or without his or her marriage with such wife or husband having legally been declared null and void or dissolved, shall be subject to the penalties provided in sections 494 and 495 of the Indian Penal Code for the offence of marrying again during the lifetime of a husband or wife.

6. Certificate and registry of marriage. - Every marriage contracted under this Act shall, immediately on the solemnization thereof, be certified by the officiating priest in the form contained in Schedule II. The certificate shall be signed by the said priest, the contracting parties and two witnesses present at the marriage; and the said priest shall thereupon send such certificate together with a fee of two rupees to be paid by the husband to the Registrar of the place at which such marriage is solemnized. The Registrar on receipt of the certificate and fee shall enter the certificate in a register to be kept by him for that purpose and shall be entitled to retain the fee.

7. ¹ Appointment of Registrar. - For the purposes of this Act a Registrar shall be appointed. Within the local limits of the ordinary original civil jurisdiction of a High Court, the Registrar shall be appointed by the Chief Justice of such Court, and without such limits, by the State Government. Every Registrar so appointed may be removed by the Chief Justice or State Government appointing him.

8. Marriage register to be open for public inspection. - The register of marriage mentioned in section 6 shall, at all reasonable times, be open for inspection, and certified extracts therefrom shall, on application, be given by the Registrar on payment to him by the applicant of two rupees for each such extract. Every such register shall be evidence of the truth of the statements therein contained.

9. Copy of certificate to be sent to Registrar-General of Births, Deaths and Marriages.- Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay shall, at such intervals as the State Government by which he was appointed from time to time directs to send to the Registrar-General of Births, Deaths and Marriages for the territories administered by such State Government a true copy certified by him in such form as such State Government from time to time prescribes, of all certificates entered by him in the said register of marriage since the last of such intervals.

10. Registration of divorces. - When a Court passes a decree for divorce, nullity or dissolution, the Court shall send a copy of the decree for registration to the Registrar of Marriages within its jurisdiction appointed under section 7; the Registrar shall enter the same in a register to be kept by him for the purpose, and the provisions of Part II applicable to the Registrars and registers of marriages shall be applicable, so far as may be, to the Registrars and registers of divorces and decrees of nullity and dissolution.

11. Penalty for solemnizing marriage contrary to section 4. - Any priest knowingly and wilfully solemnizing any marriage contrary to and in violation of section 4 shall, on conviction thereof, be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

12. Penalty for priest's neglect of requirements of section 6.- Any priest neglecting to comply with any of the requisitions affecting him contained in section 6 shall, on conviction thereof, be punished for every such offence with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

13. Penalty for omitting to subscribe and attest certificate.-Every other person required by section 6 to subscribe or attest the said certificate who shall wilfully omit or neglect so to do, shall, on conviction thereof, be punished for every such offence with a fine not exceeding one hundred rupees.

14 Penalty for making, etc., false certificate.- Every person making or signing or attesting any such certificate containing a statement which is false, and which he either knows or believes to be false shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both; and if the act amounts to forgery as defined in the Indian Penal Code, then such person shall also be liable, on conviction, thereof, to the penalties provided in section 466 of the said Code.

15. Penalty for failing to register certificate. - Any Registrar failing to enter the said certificate pursuant to section 6 shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

16. Penalty for secreting, destroying or altering register. - Any person secreting, destroying, or dishonestly or fraudulently altering the said register in any part thereof, shall be punished with imprisonment of either description as defined in the Indian Penal Code for a term which may extend to two years, or if he be a Registrar, for a term which may extend to five years and shall be liable to fine which may extend to five hundred rupees.

17. Format irregularity not to invalidate marriage.- No marriage contracted under this Act shall be deemed to be invalid solely by reason of the fact that it was not certified under section 6, or that the certificate was not sent to the Registrar, or that the certificate was defective, irregular or incorrect.