

The Indian Christian Marriage (Extension to Transferred Territory) Act, 1995

TAMILNADU

India

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Act 27 of 1995

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The Indian Christian Marriage (Extension to Transferred Territory) Act, 1995 Tamil Nadu Act 27 of 1995 Statement of Objects and Reasons. - The Indian Christian Marriage Act 1872 (Central Act XV of 1872) was enacted to consolidate and amend the law relating to the solemnization, in India, of the marriages of persons professing the Christian religion and to enable the people to protect themselves and their posterity by a lawful and binding marriage if they wish to be married as Christians. This Act extends to the whole of India except the territories, which immediately before 1st November 1956 were inter alia comprised in the State of Travancore-Cochin.² Consequent on the re-organisation of States in 1956, the Kanyakumari district and the Shencottah taluk of the Tirunelveli-Kattabomman district were transferred to the State of Tamil Nadu from the Travancore-Cochin State. The Indian Christian Marriage Act, 1872 was not in force in the above transferred territories. It has, therefore, been decided to extend the above Act to the areas in the said transferred territory.³ The Bill seeks to give effect to the above decision. An Act to extend the Indian Christian Marriage Act, 1872 to the transferred territory in the State of Tamil Nadu. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-sixth Year of the Republic of India as follows:-

1. Short title and commencement.

(1) This Act may be called the Indian Christian Marriage (Extension to Transferred Territory) Act, 1995. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise require; (1) existing law means any Law, Ordinance, Proclamation, Regulation or Order, By-law or Rule passed or made before the date of

commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a Law, Ordinance, Proclamation, Regulation, Order, By-law or Rule;(2)"transferred territory" means the Kanyakumari district and the Shencottah taluk of the Tirunelveli, Kattabomman district.

3. Extension of Indian Christian Marriage Act, 1872 to the transferred territory.

- The Indian Christian Marriage Act, 1872 (Central Act XV of 1872), as in force immediately before the date of commencement of this Act, in the State of Tamil Nadu except in the transferred territory is hereby extended to and shall be in force in, the transferred territory.

4. Repeal of corresponding laws.

- If, immediately before the date of commencement of this Act, there is in force in the transferred territory any Act, Ordinance, Proclamation, Regulation, Order, By-Law, Rule or other law corresponding to the enactment now extended to the transferred territory, whether such Act, Ordinance, Proclamation, Regulation, Order, By-law, Rule or other law, is in force by virtue of section 119 of the States Reorganisation Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power, such corresponding law shall, on the date of commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

5. Savings.

(1)The repeal, by section 4, of any corresponding existing law shall not affect-(a)the previous operation of any such law or anything duly done or suffered thereunder, or(b)any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or(c)any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or(d)any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such fine, penalty, forfeiture or punishment may be imposed as if this Act had not been passed.(2)Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provisions of the enactment as now extended to, and in force in, the transferred territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.(3)Nothing contained in this section shall render any person liable, to any punishment whatsoever by reason of anything done or omitted to be done by him before the date of commencement of this Act, contrary to the provisions of the enactment as now extended to the transferred territory.

6. Construction of references to authorities where new authorities have been constituted.

(1) Any reference in the enactment now extended to the transferred territory to a law which is not in force in the transferred territory shall, in relation to the transferred territory, be construed as a reference to the corresponding law, if any, in force in the transferred territory. (2) Any reference in any existing law which continues to be in force in the transferred territory after the date of commencement of this Act, to any law repealed by section 4, shall, in relation to the transferred territory, be construed as a reference to the enactment now extended to the transferred territory corresponding to the law so repealed.

7. Construction of references to authorities where new authorities have been constituted.

- Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under the enactment now extended to the transferred territory, have effect as if it were a reference to that new authority.

8. Powers of Court and other authority for purpose of facilitating application of laws.

- For the purpose of facilitating the application in the transferred territory of the enactment now extended to the transferred territory, any Court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court or other authority.