

ANAND MARRIAGE ACT, 1909

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LEGALITY VIABILITY
LAW RESEARCH JOURNAL

INTRODUCTION

Marriage is the foundation of a family; it provides legal status & security to the parties & legitimacy to their children. The right to marry is a component of the right to life under Article 21 of the Indian Constitution. The United Nations also recognise this right in the Universal Declaration of Human Rights, 1948. According to our Vedas, Puranas, Holy scriptures, history & mythology, the institution of marriage is necessary as a man is incomplete without a woman & a woman is known as “Ardhangini” or better half. Religious ceremonies cannot be complete without man & woman. Marriage is regarded as a foundation of the family institution. Marriage is a sacrament union of man & woman, which is indissoluble & can be dissolved only after death. Gods & Goddesses like Shiv Parvati, Sita Rama, Radha Krishna etc., are also depicted as a couple in Hinduism & are worshipped.

The Institution of Marriage is the oldest institution till date. From time immemorial, the institution of marriage is the base of social structure & family. According to Promila Kapoor, “Marriage is a Sanskara & as such it is a sacrament & religious bond which cannot be broken under any circumstances. Ideally, it aims not only at the individual’s biological, emotional, social & spiritual fulfilments & development through union with a person of the opposite sex, but also at the development, fulfilment & welfare of the family, & through it of the society & mankind.”

According to Prophet Mohammed, “Marriage is my Sunnah & those who did not follow this way are not my followers”.

Marriage is a civil contract as well as a religious sacrament in Islam, Hinduism & Sikhism.

MARRIAGE IN SIKHISM

Marriage is regarded as a sacred institution in both Hinduism & Sikhism. It is a unity of mind & soul. It is a means to attain spirituality & not an end. The fundamental goal of marriage is the union of both souls with God. Our Gurus in Sikhism have emphasised the importance of the institution of marriage. They imbibed that to attain Salvation, a person need not leave the world & become an ascetic, but salvation can be achieved by becoming a family man by doing meditation by Karma and remembering God.

According to the third Nanak, Sri Guru Amar Das Ji, the Institution of Marriage is an attempt to uniting the individual soul to God.

“They are not to be called husband and wife who only sit together; rather they are husband and wife who have one spirit in two bodies”. -SGGS Ang no.788

Marriage ceremony under Sikhism is commonly called Anand Karaj, whose meaning is “Blissful Occasion”. This ceremony was introduced by the fourth Nanak, Sri Guru Ram Das Ji. In this Ceremony, 4 Lavan’s (name of Hymn which governs this ceremony) recitation from Guru Granth Sahib Ji (the Sikh Holy Book), & with each Lavan, the groom & the bride must do circumambulation of Sri Guru Granth Sahib Ji, a total of four times. After the fourth circumambulation of Guru Granth Sahib Ji by the groom & the bride, the marriage is complete & legally binding.

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Anand Karaj ceremony is used to solemnize the marriage in Sikhs from the past. From the Singh Sabha Movement in 1870s, Anand Karaj Ceremony was being popularised among the Sikhs & reforms were being carried out in Sikhism. In 1908, Maharaja Ripudaman Singh moved the bill to the British Imperial Legislative Council. In August 1909, Sundar Singh Majithia represented the Anand Karaj Bill in front of the British Legislative Council. He claimed that the Sikh community practises Anand Karaj Ceremony from the time of Gurus. The Bill was moved to Select Committee, whose members was Herbert Hope Risley, Sundar

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Singh Majithia. After meeting the council on 22nd October 1909, & British Government passed a law & enforced it known as “ANAND MARRIAGE ACT” to provide the legal or statutory recognition to Anand Karaj Ceremony & for the registration of the Sikh Marriages through this act. Sikh Marriages were provided legitimacy & legality through this act till 1947. After the independence of India from British Rule, this act remained in force. Then in 1955, after the passing of the Hindu Marriage Act, Sikhs were also included in the enforcement of the act along with Hindus, Buddhists, Jains according to **Section 2(1)(b) of HMA 1955** & with the provision of the **Constitution Of India** specially made for this purpose of enforcement of Modern Hindu Law Acts like HMA 1955, HAMA 1956, HMGA 1956 & Hindu Succession Act on Hindus, Sikhs, Buddhist, Jains by including them into a broad umbrella term called **Hindu by Article 25(2)(b) of Indian Constitution**. While **Sikhs are considered & regarded as a different religion in the Constitution of India, Article 25(1)**, but still, from then, Sikhs were also made to register their marriages under Hindu Marriage Act 1955. So, the Sikhs started to demand that there must be a separate act to register the marriages solemnised using Anand Karaj Ceremony. In this demand, they also felt a need. For Example: - A couple who goes & settles in a foreign country and identifies themselves as Sikh, but their marriage certificate identifies them as Hindu because marriage was registered under the Hindu Marriage Act 1955.

The Indian Government accepted this long demand of the Sikh Community & in the year **2012**, **ANAND MARRIAGE (AMENDMENT) BILL** was introduced & passed by the Parliament & became law with the assent of the President of India Mrs Pratibha Devi Singh Patil. From that time onwards, till 2018, most of the Indian states have notified the law for the solemnization & registration of Sikh Marriages. After the passing of the **Jammu & Kashmir Reorganization Act, 2019**, the **Act extends to the whole of India**. So now, The Sikh Marriages are solemnised & registered under the **ANAND MARRIAGE ACT** instead of the Hindu Marriage Act, 1955. However, still in the case of Divorce, Hindu Marriage Act will be applicable as Anand Marriage Act does not provide for divorce due to the fact that divorce is not recognised in Sikhism by the supreme authority of Sikhs, **Sri Akal Takht Sahib**, which is situated at Golden Temple Complex, Amritsar.

SOLEMNIZATION & REGISTRATION OF MARRIAGES IN THE ACT

According to **Section 2** of this Act, “All marriages which may be or may have been duly solemnized according to the Sikh marriage ceremony called Anand [(commonly known as Anand Karaj)] shall be and shall be deemed to have been with effect from the date of the solemnization or each respectively, good and valid in law.”

So, this Act provides statutory validity to Anand Karaj ceremony & marriages solemnised by it.

In order to register the marriage, according to Section 6 of Anand Marriage Act provides for the creation of Anand Marriage Registrar by the respective State Governments every states & union territory of India. The marriage registrar shall, without any prejudice will enter the particulars & information & evidences related to the marriage performed or solemnised by Anand Karaj Ceremony & The marriage registrar, on inspection & satisfied by the evidence of statements & on a nominal fee, will register the marriage.

CONDITIONS OF MARRIAGE

According to Sikh Rehat Maryada, which is the code of conduct for Sikhs which was formulated by Shiromani Gurudwara Parbandhak Committee & approved by Akal Takht Sahib, The Conditions of a Sikh Marriage by Anand Karaj Ceremony are:-

ARTICLE 15- ANAND SANSKARA

- 1) A Sikh's daughter must be betrothed to a Sikh in marriage.
- 2) Anand Karaj should solemnize a Sikh's marriage.
- 3) Child marriage is prohibited under Sikhism.
- 4) When a girl becomes physically, mentally, emotionally, character, mentally sound, then a suitable Sikh match should be found & she will be married to him by Anand Karaj Ceremony.

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- 5) For marriage, there should be a congregational gathering in the holy presence of Guru Granth Sahib. There should be hymn singing or Gurbani Recitation. Then the bride & groom should be made to sit facing the Guru Granth Sahib. The bride should sit on the left side of the groom. After soliciting the congregation's permission, the master of the marriage ceremony (who may be a man or woman) should bid the groom & bride & their parents or guardians to stand & should offer the Ardas for the commencement of the Anand marriage ceremony.
- 6) The groom & bride should bow before the Guru Granth Sahib to mark their acceptance of instructions. After that, the bride's father gives an end of the cloth that is worn on the groom's shoulder in her hand & then onwards, Lavan Recitation begins. After each Recitation of Single Lavan out of a total of 4, the groom & bride must circumambulate Guru Granth Sahib Ji while singing that Recited Lavan & settle down after bowing before Guru Granth Sahib Ji. After the recital & singing of all 4 Lavans & circumambulation by the bride & groom, the marriage is completed & legally binding. Then there is a recital of Anand Sahib & Congregational Prayer to mark the completion of a marriage ceremony. Thus, the marriage is solemnised.
- 7) Sikh man & woman, they both are permitted to remarry in case of death of a spouse.
- 8) The remarriage may be solemnized in the same manner as the Anand Karaj.
- 9) Bigamy is prohibited under Sikhism.

So, clearly in this act, according to Sikh Rehat, Maryada provides the Conditions for marriage: -

- Parties must be of Sound Mind.
- Parties to Marriage must be of the age of majority.
- Anand Karaj should solemnize a marriage.

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CONDITIONS SAME WITH THE HINDU MARRIAGE ACT

- Bigamy is prohibited & punishable.
- Age of Majority.

- The soundness of Mind.

NATURE OF CEREMONY

According to provisions of this act & Sikh Rehat Maryada: - Marriage in Anand Marriage Act is to be solemnised by Anand Karaj Ceremony only according to Section 2 of the Act.

PROHIBITED MARRIAGES & EXCEPTIONS

According to Section 5 of the Act, “5. Non-validation of marriages within prohibited degrees. —Nothing in this Act shall be deemed to validate any marriage between persons who are related to each other in any degree of consanguinity or affinity which would, according to the customary law of the Sikhs, render a marriage between them illegal.”

Marriages between the prohibited degrees & same sapindas are void ab initio & are prohibited in this act. Here in this Act, the prohibited degree of relations & Sapinda Relationship is exactly provided under the Hindu Marriage Act.

According to Section 3 of The Act, “3. Exemption of certain marriages from Act. — Nothing in this Act shall apply to—

- (a) any marriage between persons not professing the Sikh religion, or**
- (b) any marriage which has been judicially declared to be null and void.”**

Under this Act, marriage between Non-Sikhs will remain valid & not be affected by this Act.

According to Section 4 of the act, “4. Saving of marriages solemnized according to other ceremonies. —Nothing in this Act shall affect the validity of any marriage duly solemnized according to any other marriage ceremony customary among the Sikhs.”

Marriage solemnised in Sikhs with another ceremony as given due to custom will remain valid.

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According to Sikh Rehat Maryada, the marriage of a Sikh boy & Hindu girl or vice versa can be solemnised under Anand Karaj Ceremony & which is a valid marriage under the provisions of HMA, 1955.

DIVORCE

There is no provision of divorce under this act & so for having a divorce, Hindu Marriage Act will be applicable according to Section 2(1)(b) of HMA 1955 on Sikhs. Decree of divorce will be given under Section 13 of HMA 1955, Restitution of Conjugal Rights under Section 9 of HMA 1955, Judicial Separation also.

CONCLUSION

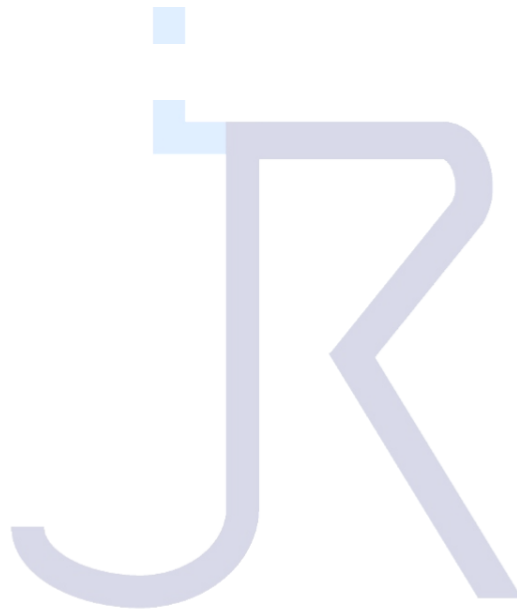
Anand Marriage Act 1909, re-enforcement by the Government of India, has granted relief to the people of Sikh Community, who had to register their marriages under HMA 1955 & also solved their problem of identification as a Hindu by the marriage certificate. The provision of divorce should be provided in this act by the legislature for the future.



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