

The muslim male can
validly contract a



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The Shias are very strict as to inter-religious marriages. Under the Shia law, the marriage of Shia male, or female, with a non-Muslim is null and void.

The Sunnis do not adopt such a rigid attitude.

They take the view that a Muslim male can validly contract a marriage with a kitabia, but not with an idol-worshipper or a fire-worshipper. The word “kitabia:’ means a person who believes in a holy book containing revelations. The Christians and the Jews fall under this category, but not Sikhs. It appears that if a Muslim male marries a Christian woman, he can do so only under the Indian Christian Marriage Act, 1872, since that law requires that if one of the parties to the marriage is Christian, then the marriage must be solemnized under that law. This means that the marriage must be solemnized in the presence of a marriage registrar; otherwise, it will be void. It is submitted that in such a case, the marriage, will be a Christian marriage, unless the Muslim formalities are also complied with.

Even then, to such a marriage, the provisions of the Indian Divorce Act, 1869, will be applicable, which means that such a marriage can only be dissolved thereunder. Thus, even if a husband pronounces talak on his wife, dissolution of marriage will not take place. Although a Hanafi male is not allowed to marry a fire-worshipper or an idolatress, the considered view seems to be that such a marriage is not valid, but merely irregular. A Muslim female belonging to any school of the Sunnis is not allowed to marry a non-Muslim, whether a kitabia or a non-kitabia. Mulla, however, hold the view that the marriage of a Sunni female with a non-Muslim is not void but merely irregular. Fyzee considers it to be an inaccurate statement of law, and, citing authority of the Koran, holds the view that such a marriage is void. A Muslim

female cannot also enter into a valid marriage with a Christian under the Christian Marriage Act, 1872, since S. 88 of that statute lays down that a marriage which is forbidden by the personal law of either party; will not be valid by virtue of any of its provisions.

A Muslim, male or female, can perform a valid marriage with a non-Muslim under the provisions of the Special Marriage Act, 1954. But then, such a marriage will be civil marriage, and all the provisions of the Act will apply to such a marriage. Succession to the property of such persons will be governed by the Indian Succession Act, 1925.