Government of Madras

HOME DEPARTMENT (MISCELLANEOUS).

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G.O. No. 357, 8th April 1918

4 Despatch 82

A Bill to provide for the Voluntary Registration of Mussalman Marriages and Divorces

Forwarding to the Secretary of State and the Government of India copies of the Hon'ble Yaqub Hasan Sahib Bahadur's draft Bill together with the Statement of Objects and Reasons for the Voluntary Registration of Mussalman Marriages and Divorces in the Madras Presidency.

BACK PAPERS

2,000—19—9-16.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Number of copies { Letter. / Order.

Government of Madras

HOME DEPARTMENT (MISCELLANEOUS). — 2 —

G.O. No. 357, 8th April 1918

A Bill to provide for the Voluntary Registration of Mussalman Marriages and Divorces

Forwarding to the Secretary of State and the Government of India copies of the Hon'ble Yaqub Hasan Sahib Bahadur's draft Bill together with the Statement of Objects and Reasons for the Voluntary Registration of Mussalman Marriages and Divorces in the Madras Presidency.

READ—the following papers:—

I

Letter—from the Hon'ble YAQUB HASAN SAHIB Bahadur, Non-official Additional Member of the Madras Legislative Council.

To—the Secretary to the Madras Legislative Council.

Dated—the 20th March 1918.

In accordance with section 31 of the rules for the conduct of business of the Legislative Council, I beg to give notice that I shall move in the meeting to be held in May 1918, for leave to introduce a Bill to provide for the Voluntary Registration of Mussalman Marriages and Divorces. I enclose herein a copy of the Bill and a full Statement of Objects and Reasons and also a copy of Act I of 1876 of Bengal on which my Bill is based.

[Enclosures.

Enclosures
(1)
A

BILL

To provide for the Voluntary Registration of Mussalman Marriages and Divorces.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mussalmans: It is hereby enacted as follows.

Preamble.

2. In this Act—unless there be something repugnant in the subject or context—

Interpretation.

"Muhammadan Registrar" means any person who is duly authorized under this Act to register marriages and divorces.

"Muhammadan Registrar."

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871, or other law for the time being in force for the registration of documents.

"Inspector-General of Registration."
"Registrar."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"District."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in public.

"Purdah-nisheen."

3. It shall be lawful for the Governor to grant a licence to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits, on application being made to him for registration; and in like manner it shall be lawful for the said Governor to revoke or suspend such licence.

Governor may grant licences to register.

Provided that no more than one person of the same sect, Sunni or Shiah, shall be licensed to exercise the said functions within the same limits.

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of."

Muhammadan Registrars to use seals.

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5. The Governor shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

Government to provide seal and books.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

6. Every Muhammadan Registrar shall keep up the following register books:—

Muhammadan Registrar to keep registers.

Book 1.—Register of marriages in the form (A) contained in the schedule to this Act.

Book 2.—Register of divorces including those of the kind known as Khula, in the form (B) contained in the schedule to this Act.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

Applications by whom to be made.

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians; and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

9. On application being made to a Muhammadan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee and four annas, the Muhammadan Registrar shall—

Duties of Muhammadan Registrar on application being made.

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Muhammadan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry.

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee and four annas when such gratuity is voluntarily tendered.

Muhammadan Registrar may receive gratuity.

11. Every entry in a register kept under this Act shall be signed as follows:—

Entries by whom to be signed.

If the entry be of a marriage in a register in the form (A) contained in the schedule to this Act—

(1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) by two witnesses who were present at the marriage ceremony;

(3) in cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(4) by the Muhammadan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) by the man who has effected the divorce;

(2) By the witness who identifies the man who has effected the divorce;

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(4) By the Muhammadan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) By the parties to the Khula: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) By the person who identifies the man;

(3) By the person who identifies the woman;

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(6) By the Muhammadan Registrar.

12. On completion of the registration of any marriage or divorce, the Muhammmadan Registrar shall deliver to the party who applies for it an attested copy of the entry; and for such copy no charge shall be made.

Copies of entry to be given to parties.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Muhammadan Registrar has made an entry in any such register.

Index to be kept up.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Governor may direct.

Particulars to be shown in index.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the Registrar of the district, and the copies of entries in such index, which are filed in the office of the Registrar of the district under the provisions of section twenty-two of this Act, shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the district under section twenty-two of this Act, shall be given to all persons applying for such copies.

Index may be inspected and copies of entries in registers taken.

Such copies shall be signed and sealed by the Registrar of the district or by the Muhammadan Registrar, as the case may be.

16. Every Registrar of a district and every Muhammadan Registrar shall, for the purposes of this Act, be entitled to levy the following fees :—

Fees for searches and copies.

For every search or permission to search in any index or register under his charge —four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act— one rupee.

17. Every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Muhammadan Registrar is situate.

Muhammadan Registrars to be subject to control of District Registrar.

In the town of Madras every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Madras the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Muhammadan Registrar subordinate to him.

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18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Muhammadan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Muhammadan Registrars, and the regulation of their offices generally.

Inspector-General of Registration to exercise a general superintendence.

19. All rules framed in accordance with the last preceding section shall be submitted to the Governor for approval, and after they have been approved, they shall be published in the official gazette, and shall then have the same force as if they were inserted in this Act.

Rules to be approved by Governor and published in gazette.

20. Every Muhammadan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Refusal to register to be recorded.

21. An appeal shall lie against an order of a Muhammadan Registrar's refusing to register a marriage or divorce to the Registrar to whom such Muhammadan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order; and the order passed by the Registrar on appeal shall be final.

Appeal against refusal to register.

22. Every Muhammadan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section 6 of this Act, and also of the entries which have been made in the index referred to in sections 13 and 14 of this Act, to the Registrar of the district within which such Muhammadan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

Copies of entries to be sent monthly to Registrar of district.

23. Every Muhammadan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the district or cease to hold a licence, make over the same to the Registrar of the district for safe custody, or to such other person as the Registrar may direct.

Registers to be given up.

24. The Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

Governor may prescribe rules.

(*a*) for determining the qualifications to be required from persons to whom licences under section 3 of this Act may be granted;

(*b*) for regulating the attendance of Muhammadan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Muhammadan Registrars;

(*d*) for regulating the payment by the Muhammadan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of districts and Muhammadan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Governor necessary to effect the purposes of this Act.

The Governor may from time to time cancel or alter any such rules.

25. Every Muhammadan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Muhammadan Registrar to be a public officer.

26. Nothing in this Act contained shall be construed to—

Saving clause.

(*a*) render invalid, merely by reason of its not having been registered, any Muhammadan marriage or divorce which would otherwise be valid;

(*b*) render valid, by reason of its having been registered any Muhammadan marriage or divorce which would otherwise be invalid;

(*c*) authorize the attendance of any Muhammadan Registrar at the celebration of a marriage, except at the request of all the parties concerned;

(*d*) affect the religion or religious rites and usages of any of His Majesty's subjects in India;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(SEE SECTIONS 6 AND 11.)

FORM (A), BOOK I.

Register of marriages (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan marriages and divorces).

1. Consecutive No.
2. Name of the bridegroom and that of his father, with their respective residences.
3. Name of the bride and that of her father, with their respective residences.
4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.
5. Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.
6. Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.
7. Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.
8. Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.
9. Date on which the marriage was contracted—to be given according to the English style.
10. Amount of dower.
11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).
12. Whether any portion of the dower was paid at the moment. If so, how much?
13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.
14. Special conditions, if any.
15. Names of village or town, and district in which the marriage took place.
16. Name of the person in whose house the marriage ceremony took place, and that of his father.
17. Date of resignation—to be given according to the English style.

FORM (B), BOOK II.

Register of divorces and Khula.

1. Consecutive No.
2. Names of the husband and of his father, and their residences.
3. Names of the wife and of her father, and their residences.
4. Date of divorce or Khula according to the English style.
5. Amount of dower.
6. Description of divorce.
7. Manner in which the divorce was effected and in case of the Khula whether Khula was acknowledged by the wife in person before the Muhammadan Registrar.
8. If so, name of the party identifying her before the Muhammadan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
9. If the Khula be acknowledged before the Muhammadan Registrar, by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.
10. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.
11. Names of the village or town, and district in which the divorce took place.
12. Name of the party in whose house the divorce took place, and of his father.
13. Names of witnesses to the divorce or Khula, if any, the names of their fathers, and their respective residences.
14. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
15. Date of registration—to be given according to the English style.

(2)

STATEMENT OF OBJECTS AND REASONS.

In this Presidency a Muslim marriage is solemnized by a Kazi in the presence of the friends and relations of the contracting parties. Two men, usually the relations of the bride, obtain her consent to the marriage and, as her vakils, communicate it to the Kazi. On the bridegroom accepting to take the woman unto himself as his wife he repeats a formula after the Kazi and the latter afterwards declares the parties to have been duly married. The Kazi receives a fixed fee from the bridegroom and often, in addition, some presents in accordance with the means of the parties. He notes down in a book or on a piece of paper at the time of the ceremony the names of the parties and of the vakils and the names of their respective fathers. He is supposed to maintain a regular register of the marriages performed by him, but his book is often a flimsy one of which no particular care is taken and which is sometimes not forthcoming when needed for reference.

A divorce and *Khula* is also reported to the Kazi of the locality where the party or parties reside, even when it is not actually effected in his presence and under his guidance, and he registers it in his book.

This loose system of registering marriages and divorces is capable of giving room to abuses of gravest nature, and the present Bill is introduced with a view to provide a better regulated system. It is based on Act No. I of 1876 passed by the Lieutenant-Governor of Bengal in Council. The present Kazis and other persons who act as such and perform marriages and register divorces shall each be given a licence by the local Government and they shall be known, for the purpose of this Act, as Muhammadan registrars. They shall be provided, on payment of fixed charges, with seals, printed registers and other printed forms. The registers and the current indices will be open to inspection by the District Registrars and when completed shall be placed in the custody of the latter.

The registration of marriages and divorces will be absolutely voluntary. It will be open to parties to get married in the simple Islamic manner before any two Mussalmans and have their marriage registered, or not registered, as they please, with the Muhammadan Registrar of the locality in which the ceremony took place. But the Muhammadan Registrar, when applied to, shall be bound to register a marriage or divorce and grant a certificate subject to the provisions of this Bill.

II

Letter— from M.R.Ry. Rai Sahib V. T. Krishnama Achariyar Avargal, Under Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Yaqub Hasan Sahib Bahadur, Non-official Additional Member of the Madras Legislative Council.
Dated—the 23rd March 1918.
No.—855-1 L.

I am directed to acknowledge the receipt of your letter of the 20th instant, in which you give notice of your intention to move for leave to introduce a Bill to provide for the voluntary registration of Mussalman marriages and divorces, and to state that it will receive due attention.

Order—No. 357, Home (Miscellaneous), dated 8th April 1918.

The following letters will be despatched to the Secretary of State and to the Government of India.

(True extract)

L. D. Swamikannu,
Acting Secretary to Government.

Copy to Local and Municipal (Legislative) Department.

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GOVERNMENT OF MADRAS

HOME (MISCELLANEOUS) DEPARTMENT

No. 358.

From

The Hon'ble Diwan Bahadur
L. D. SWAMIKANNU PILLAI Avargal, I.S.O.,
Acting Secretary to the Government of Madras,
Home (Miscellaneous) Department,

To

The SECRETARY to the GOVERNMENT of INDIA,
Legislative Department.

Dated Fort St. George, the 8th April 1918.

Sir,

With reference to the instructions of the Government of India in their letters Nos. 2119–2126 Leg., dated the 12th June 1913, and 4033, dated the 4th November 1916, I am directed to forward herewith a copy of a draft Bill with the Statement of Objects and Reasons for the voluntary registration of marriages and divorces among Mussalmans in this Presidency which the Hon'ble Yaqub Hasan Sahib Bahadur, a non-official Additional Member of the Madras Legislative Council, has given notice of his intention to move at the meeting of the Council to be held in May 1918.

2. The Bill in its main lines resembles the measure which became law in Bengal as Bengal Act I of 1876. Its object is to provide a better regulated system of registering marriages and divorces than is at present in vogue among Mussalmans.

3. I am to request that this Government may be informed of the views of the Government of India as to the attitude which should be adopted towards the proposed legislation. I am at the same time to forward for the information of the Government of India a copy of a Despatch No. 1 of this date addressed to His Majesty's Secretary of State together with its enclosures.

I have the honour to be,
Sir,
Your most obedient servant,

L. D. SWAMIKANNU,
Acting Secretary to Government.

[Annexure.

ANNEXURES.

(1)

A

BILL

To provide for the Voluntary Registration of Mussalman Marriages and Divorces.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mussalmans: It is hereby enacted as follows.

Preamble

2. In this Act—unless there be something repugnant in the subject or context—

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"Muhammadan Registrar."

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"Inspector-General of Registration."
"Registrar."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"District."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in public.

"Purdah-nisheen."

3. It shall be lawful for the Governor to grant a licence to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits, on application being made to him for registration; and in like manner it shall be lawful for the said Governor to revoke or suspend such licence.

Governor may grant licences to register.

Provided that no more than one person of the same sect, Sunni or Shiah, shall be licensed to exercise the said functions within the same limits.

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of."

Muhammadan Registrars to use seals.

5. The Governor shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

Government to provide seal and books.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

6. Every Muhammadan Registrar shall keep up the following register books:—

Muhammadan Registrar to keep registers.

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Book 2.—Register of divorces including those of the kind known as Khula, in the form (B) contained in the schedule to this Act.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

Applications by whom to be made.

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians; and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

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9. On application being made to a Muhammadan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee and four annas, the Muhammadan Registrar shall—

Duties of Muhammadan Registrar on application being made.

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Muhammadan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry.

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee and four annas when such gratuity is voluntarily tendered.

Muhammadan Registrar may receive gratuity.

11. Every entry in a register kept under this Act shall be signed as follows:—

Entries by whom to be signed.

If the entry be of a marriage in a register in the form (A) contained in the schedule to this Act—

(1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) by two witnesses who were present at the marriage ceremony;

(3) in cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(4) by the Muhammadan Registrar

If the entry be of a divorce other than the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) by the man who has effected the divorce;

(2) By the witness who identifies the man who has effected the divorce;

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(4) By the Muhammadan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) By the parties to the Khula: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) By the person who identifies the man;

(3) By the person who identifies the woman;

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(6) By the Muhammadan Registrar.

12. On completion of the registration of any marriage or divorce, the Muhammadan Registrar shall deliver to the party who applies for it an attested copy of the entry; and for such copy no charge shall be made.

Copies of entry to be given to parties.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Muhammadan Registrar has made an entry in any such register.

Index to be kept up.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Governor may direct.

Particulars to be shown in index.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the Registrar of the district, and the copies of entries in such index, which are filed in the office of the Registrar of the district under the provisions of section twenty-two of this Act, shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the district under section twenty-two of this Act, shall be given to all persons applying for such copies.

Index may be inspected and copies of entries in registers taken.

Such copies shall be signed and sealed by the Registrar of the district or by the Muhammadan Registrar, as the case may be.

16. Every Registrar of a district and every Muhammadan Registrar shall, for the purposes of this Act, be entitled to levy the following fees :—

Fees for searches and copies.

For every search or permission to search in any index or register under his charge —four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act—one rupee.

17. Every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Muhammadan Registrar is situate.

Muhammadan Registrars to be subject to control of District Registrar.

In the town of Madras every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Madras the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Muhammadan Registrar subordinate to him.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Muhammadan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Muhammadan Registrars, and the regulation of their offices generally.

Inspector-General of Registration to exercise a general superintendence.

19. All rules framed in accordance with the last preceding section shall be submitted to the Governor for approval, and after they have been approved, they shall be published in the official gazette, and shall then have the same force as if they were inserted in this Act.

Rules to be approved by Governor and published in gazette.

20. Every Muhammadan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Refusal to register to be recorded.

21. An appeal shall lie against an order of a Muhammadan Registrar's refusing to register a marriage or divorce to the Registrar to whom such Muhammadan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order; and the order passed by the Registrar on appeal shall be final.

Appeal against refusal to register.

22. Every Muhammadan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section 6 of this Act, and also of the entries which have been made in the index referred to in sections 13 and 14 of this Act, to the Registrar of the district within which such Muhammadan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

Copies of entries to be sent monthly to Registrar of district.

23. Every Muhammadan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the district or cease to hold a licence, make over the same to the Registrar of the district for safe custody, or to such other person as the Registrar may direct.

Registers to be given up.

358 Home (Mis.)—3

24. The Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

Governor may prescribe rules.

(*a*) for determining the qualifications to be required from persons to whom licences under section 3 of this Act may be granted ;

(*b*) for regulating the attendance of Muhammadan Registrars at the celebration of marriages, and their remuneration for such attendance ;

(*c*) for regulating the grant of copies by Registrars and Muhammadan Registrars ;

(*d*) for regulating the payment by the Muhammadan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government ;

(*e*) for regulating the application of the fees levied by Registrars of districts and Muhammadan Registrars under this Act ; and

(*f*) for regulating such other matters as appear to the Governor necessary to effect the purposes of this Act.

The Governor may from time to time cancel or alter any such rules.

25. Every Muhammadan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Muhammadan Registrar to be a public officer.

26. Nothing in this Act contained shall be construed to—

Saving clause.

(*a*) render invalid, merely by reason of its not having been registered, any Muhammadan marriage or divorce which would otherwise be valid ;

(*b*) render valid, by reason of its having been registered any Muhammadan marriage or divorce which would otherwise be invalid ;

(*c*) authorize the attendance of any Muhammadan Registrar at the celebration of a marriage, except at the request of all the parties concerned ;

(*d*) affect the religion or religious rites and usages of any of His Majesty's subjects in India ;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(See Sections 6 and 11.)

Form (A), Book I.

Register of marriages (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan marriages and divorces).

1. Consecutive No.
2. Name of the bridegroom and that of his father, with their respective residences.
3. Name of the bride and that of her father, with their respective residences.
4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.
5. Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.
6. Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.
7. Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.
8. Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.
9. Date on which the marriage was contracted—to be given according to the English style.
10. Amount of dower.
11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).
12. Whether any portion of the dower was paid at the moment. If so, how much ?
13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.
14. Special conditions, if any.
15. Names of village or town, and district in which the marriage took place.
16. Name of the person in whose house the marriage ceremony took place, and that of his father.
17. Date of resignation—to be given according to the English style.

Form (B), Book II.

Register of divorces and Khula.

1. Consecutive No.
2. Names of the husband and of his father, and their residences.
3. Names of the wife and of her father, and their residences.
4. Date of divorce or Khula according to the English style.
5. Amount of dower.
6. Description of divorce.
7. Manner in which the divorce was effected and in case of the Khula whether Khula was acknowledged by the wife in person before the Muhammadan Registrar.
8. If so, name of the party identifying her before the Muhammadan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
9. If the Khula be acknowledged before the Muhammadan Registrar, by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.
10. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.
11. Names of the village or town, and district in which the divorce took place.
12. Name of the party in whose house the divorce took place, and of his father.
13. Names of witnesses to the divorce or Khula, if any, the names of their fathers, and their respective residences.
14. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
15. Date of registration—to be given according to the English style.

(2)

STATEMENT OF OBJECTS AND REASONS.

In this Presidency a Muslim marriage is solemnized by a Kazi in the presence of the friends and relations of the contracting parties. Two men, usually the relations of the bride, obtain her consent to the marriage and, as her vakils, communicate it to the Kazi. On the bridegroom accepting to take the woman unto himself as his wife he repeats a formula after the Kazi and the latter afterwards declares the parties to have been duly married. The Kazi receives a fixed fee from the bridegroom and often, in addition, some presents in accordance with the means of the parties. He notes down in a book or on a piece of paper at the time of the ceremony the names of the parties and of the vakils and the names of their respective fathers. He is supposed to maintain a regular register of the marriages performed by him, but his book is often a flimsy one of which no particular care is taken and which is sometimes not forthcoming when needed for reference.

A divorce and *Khula* is also reported to the Kazi of the locality where the party or parties reside, even when it is not actually effected in his presence and under his guidance, and he registers it in his book.

This loose system of registering marriages and divorces is capable of giving room to abuses of gravest nature, and the present Bill is introduced with a view to provide a better regulated system. It is based on Act No. I of 1876 passed by the Lieutenant-Governor of Bengal in Council. The present Kazis and other persons who act as such and perform marriages and register divorces shall each be given a licence by the local Government and they shall be known, for the purpose of this Act, as Muhammadan registrars. They shall be provided, on payment of fixed charges, with seals, printed registers and other printed forms. The registers and the current indices will be open to inspection by the District Registrars and when completed shall be placed in the custody of the latter.

The registration of marriages and divorces will be absolutely voluntary. It will be open to parties to get married in the simple Islamic manner before any two Mussalmans and have their marriage registered, or not registered, as they please, with the Muhammadan Registrar of the locality in which the ceremony took place. But the Muhammadan Registrar, when applied to, shall be bound to register a marriage or divorce and grant a certificate subject to the provisions of this Bill.

(3)

No. 1, Home (Miscellaneous), 8th April 1918

HOME (MISCELLANEOUS) DEPARTMENT

Letter—to

The Right Hon'ble the SECRETARY of STATE for INDIA.

Sir,

We have the honour to forward for your information a copy of a draft Bill together with the Statement of Objects and Reasons for the voluntary registration of marriages and divorces among Mussalmans in this Presidency, which the Hon'ble Yaqub Hasan Sahib Bahadur, a non-official Additional Member of the Madras Legislative Council, has given notice of his intention to move at the meeting of the Council to be held in May 1918.

2. The Bill in its main lines resembles the measure which became law in Bengal as Bengal Act I of 1876. Its object is to provide a better regulated system of marriages and divorces than is at present in vogue among the Mussalmans of this Presidency.

3. A copy of the Bill together with the Statement of Objects and Reasons has been forwarded to the Government of India with the request that they may inform this Government of their views as to the attitude which should be adopted towards the proposed legislation.

We have the honour to be,

Sir,

Your most obedient, humble servants,

PENTLAND.
A. G. CARDEW.
H. F. W. GILLMAN.
P. RAJAGOPALA ACHARIYAR.

Fort St. George,
8th April 1918.

NOTES CONNECTED WITH G.O. Nos. 357–58, HOME (MISCELLANEOUS), DATED 8th APRIL 1918

[Subject.—*Motion for leave to introduce a Bill to provide for the voluntary registration of Mussalman marriages and divorces.*]

Previous papers :

G.O.	147 *A.*–148,	*Legislative,*	23*rd Aug.* 1913
,,	23	,,	5*th Feb.* 1915
,,	67	,,	31*st May* 1916
,,	122,	*L. & M. (Legis.),*	28*th Aug.* ,,
,,	128	,,	23*rd Sep.* ,,
,,	3	,,	6*th Jan.* 1917
,,	61	,,	25*th July* ,,

From the Hon'ble Yaqub Hasan Sahib Bahadur.

Local and Municipal (Legislative) Department.

Rule 31, clause (1) of the business rules of the Legislative Council requires that any member desiring to move for leave to introduce a Bill should give the Secretary at least two months' previous notice of his intention and should, together with the notice, send a copy of the Bill and a full Statement of Objects and Reasons. The Additional Member has sent a copy of a Bill to provide for the voluntary registration of Mussalman marriages and divorces and a copy of the Statement of Objects and Reasons; and he has given notice of his intention to move, at the meeting to be held in May next, for leave to introduce the Bill. Having been received on the 20th instant, the notice will be in time if the meeting be held on or after the 20th May. [The date on which the meeting may be held is separately under consideration. In 1916 there was no meeting in May owing to elections. In 1914, 1915 and 1917 the meeting was held on the 19th, 25th and 22nd May respectively.]

2. The attitude of the Government in the Council towards the Bill has to be settled in the administrative department concerned. It will be seen that the object of the revised rule 31 is to enable the Local Government to consult the Government of India and the Secretary of State before a motion for leave to introduce the Bill is made in Council. Immediately upon a notice of a Bill being received, a copy of the Bill with Statement of Objects and Reasons should be forwarded to the Government of India and the Secretary of State (apparently with the remarks of the Local Government) so that these authorities may be given an opportunity to examine it and also to communicate to the Local Government their views as to the attitude which should be adopted towards the proposed legislation before any motion is made in the Legislative Council in relation to the Bill (paragraph 5 of India's letter on page 2 of G.O. Nos. 147 A–148, dated 23rd August 1913, and paragraph 2 of Letter No. 122, dated 28th August 1916). For obvious reasons this will have to be done in the administrative department [in the present case, Home (Miscellaneous)] to which it is submitted that the paper may be transferred un-officially for the purpose.

3. With reference to clause (2) of rule 31 and to paragraph 3 of the Government of India's Letter No. 4033, dated 4th November 1916, it is submitted that, on a perusal of the Bill, no sanction of the Governor-General or the Governor under section 79 (2) and (3) and section 80 (2) of the Government of India Act is seen to be necessary— pages 2–3 in G.O. No. 3, dated 6th January 1917. The only

question that might probably rise on this point is whether the sanction of the Governor-General will be required under section 79 (3) (*e*) of the Act; but it seems to be clear that such sanction is not required inasmuch as clause 26 (*d*) of the Bill expressly says that 'nothing in this Act contained shall be construed to . . . affect the religion or religious rites and usages of any of His Majesty's subjects in India." The administrative department may however, if considered necessary, consult the Advocate-General on the point.

Not very convincing.
R.A.G.—23-3-18.

4. Under rule 32 of the Business Rules the supply of printed copies of the Bill, statement, and connected papers to the members of the Legislative Council need be made only after the motion for leave to introduce the Bill is carried in Council. There seems to be however no objection to place printed copies of the Bill and the Statement of Objects and Reasons on the Council table for use in discussion on the motion. It is for consideration whether this is necessary.

5. Orders are also requested as to the inclusion of the motion in the agenda paper. The motion seems to be in order.

6. A draft * letter of acknowledgment is submitted.

* Issued as letter 855-1, Legislative, 23rd March 1918.

C.V.R.—23-3-18.

Action has to be taken now in the administrative department concerned, to which the papers may be transferred.

V. T. KRISHNAMA ACHARIYAR—23-3-18.

R. A. GRAHAM—23-3-18.

P[ENTLAND]—24-3-18.

Quite unnecessary to copy these now, I think. Make a note and send on.
V.T.K.—25-3-18.

The file may be forwarded in original to the Home (Miscellaneous) Department u.o. for action, a copy of these notes being retained in this department.

C.V.R.—25-3-18.
C.S.—25-3-18.

V.T.K.—25-3-18.

HOME (MISCELLANEOUS) DEPARTMENT.

The object of providing for a previous notice of two months under rule 31 of the Business Rules of the Legislative Council instead of six days as under the old rule is to enable the Government of India to examine and judge before any motion is made in the Legislative Council whether a Bill falls within the classes specified in section 79 (3) of the Government of India Act, 1915 [paragraph 3 on pages 2–3 of G.O. No. 3, L. & M. (Legislative), dated 6th January 1917]. A copy of the Bill with the Statements of Objects and Reasons has to be forwarded to the Government of India and to the Secretary of State [paragraph 2 of letter No. 122, L. & M. (Legislative), dated 28th August 1916, based on paragraph 5 of India's letter, dated 12th June 1913, on page 2 of G.O. Nos. 147–148, Legislative, dated 23rd August 1913].

T.K.K.—27-3-18.

2. It is understood from Legislative that this is the first instance of a Bill received after the recent amendment of rule 31 of the Business Rules. It will be seen from paragraph 3 of the India's letter, dated the 4th November 1916, that they reserve to themselves the duty of deciding whether or not a particular measure falls within the classes specified in section 79 (3) of the Government of India Act, 1915 [vide letter No. 61, L. & M. (Legislative), dated 25th July 1917, and page 2 of G.O. No. 3, L. & M. (Legislative), dated 6th January 1917]. There is therefore no need to consult

the Advocate-General whether the prior sanction of the Government of India is required in the present case with reference to clause (*e*) of sub-section 3 of section 79 of the Government of India Act (cf. paragraph 3 of Legislative Department note at pages 1 and 2 supra).

3. Draft letters to the Government of India and the Secretary of State are submitted. No detailed remarks on the provisions of the Bill seem called for from this Government at the present stage. India merely want copies of the Bill together with the Statement of Objects and Reasons and they undertake to examine the Bill and communicate their views as to the attitude to be adopted by the Government towards the measure (vide paragraph 5 of India's letter on page 2 of G.Os. Nos. 147–148, dated 23rd August 1913, and paragraph 2 of letter No. 122, dated 28th August 1916).

P.S.R.—28-3-18.

C. RAMANUJA ACHARIYAR—28-3-18.

Honourable Member and circulate.

L. D. SWAMIKANNU—28-3-18.

H. F. W. G[ILLMAN]—29-3-18.

P. R[AJAGOPALA ACHARIYAR]—30-3-18.

A. G. C[ARDEW]—1-4-18.

P[ENTLAND]—2-4-18.

Issue.

L.D.S.—3-4-18.

[G.O. Nos. 357–58, Home (Miscellaneous), dated 8th April 1918.]

Sectt. II—10(5) 14,002—19-4-17.

Muhammadan Marriage Bill

Addressing the Secy of State and Report on the Hon'ble Yaqub Hasan Sahib Bahadur's draft.

Home (Misc.) DEPARTMENT.

—14—

READ AGAIN G.O. No. ....., dated ..... 19 .

" " " " ....., " ..... 19 .

READ ALSO:—

C. No. 1131, From the Hon'ble Yaqub Hasan Sahib Bahadur, No. ....., dated 20-3- 1918.

" " ....., " " ....., " ....., " ..... 19 .

" " ....., " " ....., " ....., " ..... 19 .

ORDER.

No. 357, dated 8-4-1918.

Press.

Read 10th inst. with Secy. Dept. 17.4.18.

copy to the Legy (Leg) Dept.

Signature copy despd at 6 p.m. 20.4.18.

(1) G.O. 147-148 Legve dated 23813 & 3 Legve dated 6-1-17 (3)

pp 2-13 C.F.

pp 14-15 C.F.

pp 2-15 C.F

The following letters will be despatched to the Secretary of State and to the Government of India.

P.S.R.
27-3-18.

C.R.
28-3-18.

L.D.S.
28-3-18.

LETTER:- No 358 dated 8-4-18

To

The Secretary to the Govt. of India,

Legislative Department.

(with copy of the Bill, Statement of O.&R and Despatch to the Secy. of State).

Sir,

With reference to the instructions of the Government of India in their letters Nos. 2119-2136 Leg. dated the 12th June 1913 and 4033, dated the 4th November 1916 I am directed to forward herewith a copy of a draft Bill ~~annexed~~ with the Statement of Objects and Reasons for the voluntary registration of marriages and

divorces among Mussalmans in this Presidency which the Hon'ble Yaqub Hasan Sahib Bahadur a non-official Additional Member of the Madras Legislative Council has given notice of his intention to move at the meeting of the Council to be held in May 1918.

2. The Bill in its main lines resembles the measure which became law in Bengal as Bengal Act I of 1876. Its object is to provide a better regulated system of registering marriages and divorces than is at present in vogue among Mussalmans.

3. I am to request that this Govt. may be informed of the views of the Govt. of India as to the attitude which should be adopted towards the proposed legislation. I am at the same time to forward for the information of the Govt.of India a copy of a Despatch No. of this date addressed to His Majesty's Secretary of State together with its enclosures.

P.S.R.
28-3-18.

C.R.
28-3-18.

L.D.S.
28-3-18.

Copy of Bill, Statement of Objects and Reasons, letter to G.of I.

3-5-18

Sectt. II-8 (f)—25,005—27-4-15.

LETTER:- 101 3-4-18

To

The Right Honourable the
Secretary of State for India.
(with enclosures).

Sir,

We have the honour to forward for your information a copy of a draft Bill together with the statement of Objects and Reasons for the voluntary registration of marriages and divorces among Mussalmans in this Presidency, which the Honourable Yaqub Hasan Sahib Bahadur a non-official Additional Member of the Madras Legislative Council has given notice of his intention to move at the meeting of the Council to be held in May 1918.

2. The Bill in its main lines resembles the measure which became law in Bengal as Bengal Act I of 1876. Its object is to provide a better regulated system of marriages and divorces than is at present in vogue among the Mussalmans of this Presidency.

3. A copy of the Bill together with the Statement of Objects and Reasons has been forwarded to the Government of India with the request that they may inform this Government of their views as to

the attitude which should be adopted towards the proposed legislation.

We have &c.,

P.S.R.
28-3-18.

C.R.
28-3-18.

L.D.S.
28-3-18.

Please see query 6/4

For approval
28/6-4-18

Please note
Dated 8/4/18

— 16 —

G.O. No. 357, April 1918

Muhammadan Marriage Bill

READ—the following papers:—

I

Letter—from the Hon'ble YAQUB HASAN SAHIB Bahadur, Non-official Additional Member of the Madras Legislative Council.
To—the Secretary to the Madras Legislative Council.
Dated—the 20th March 1918.

In accordance with section 31 of the rules for the conduct of business of the Legislative Council, I beg to give notice that I shall move in the meeting to be held in May 1918, for leave to introduce a Bill to provide for the Voluntary Registration of Mussalman Marriages and Divorces. I enclose herein a copy of the Bill and a full Statement of Objects and Reasons and also a copy of Act 1 of 1876 of Bengal on which my Bill is based.

ENCLOSURES
(1)
A

BILL

To provide for the Voluntary Registration of Mussalman Marriages and Divorces.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mussalmans: It is hereby enacted as follows.

Preamble.

2. In this Act—unless there be something repugnant in the subject or context—

Interpretation.

"Muhammadan Registrar" means any person who is duly authorized under this Act to register marriages and divorces.

"Muhammadan Registrar."

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871, or other law for the time being in force for the registration of documents.

"Inspector-General of Registration."
"Registrar."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"District."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in public.

"Purdah-nisheen."

3. It shall be lawful for the Governor to grant a licence to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits, on application being made to him for registration; and in like manner it shall be lawful for the said Governor to revoke or suspend such licence.

Governor may grant licences to register.

Provided that no more than one person of the same sect, Sunni or Shiah, shall be licensed to exercise the said functions within the same limits.

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of."

Muhammadan Registrars to use seals.

5. The Government shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

Government to provide seal and books.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

6. Every Muhammadan Registrar shall keep up the following register books:—

Muhammadan Registrar to keep registers.

Book 1.—Register of marriages in the form (A) contained in the schedule to this Act.

Book 2.—Register of divorces including those of the kind known as Khula, in the form (B) contained in the schedule to this Act.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

Applications by whom to be made.

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians; and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

Duties of Muhammadan Registrar on application being made.

9. On application being made to a Muhammadan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee and four annas, the Muhammadan Registrar shall—

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Muhammadan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry.

Muhammadan Registrar may receive gratuity.

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee and four annas when such gratuity is voluntarily tendered.

11. Every entry in a register kept under this Act shall be signed as follows:—

Entries by whom to be signed.

If the entry be of a marriage in a register in the form (A) contained in the schedule to this Act—

(1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) by two witnesses who were present at the marriage ceremony;

(3) in cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(4) by the Muhammadan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the from (B) contained in the schedule to this Act—

(1) by the man who has effected the divorce;

(2) By the witness who identifies the man who has effected the divorce;

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(4) By the Muhammadan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) By the parties to the Khula: provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) By the person who identifies the man;

(3) By the person who identifies the woman;

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(6) By the Muhammadan Registrar.

12. On completion of the registration of any marriage or divorce, the Muhammmadan Registrar shall deliver to the party who applies for it an attested copy of the entry; and for such copy no charge shall be made.

Copies of entry to be given to parties.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Muhammadan Registrar has made an entry in any such register.

Index to be kept up.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Governor may direct.

Particulars to be shown in index.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the Registrar of the district, and the copies of entries in such index, which are filed in the office of the Registrar of the district under the provisions of section twenty-two of this Act, shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the district under section twenty-two of this Act, shall be given to all persons applying for such copies.

Index may be inspected and copies of entries in registers taken.

Such copies shall be signed and sealed by the Registrar of the district or by the Muhammadan Registrar, as the case may be.

16. Every Registrar of a district and every Muhammadan Registrar shall, for the purposes of this Act, be entitled to levy the following fees :—

Fees for searches and copies.

For every search or permission to search in any index or register under his charge —four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act—one rupee.

17. Every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Muhammadan Registrar is situate.

Muhammadan Registrars to be subject to control of District Registrar.

In the town of Madras every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Madras the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Muhammadan Registrar subordinate to him.

Inspector-General of Registration to exercise a general Superintendence.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Muhammadan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Muhammadan Registrars, and the regulation of their offices generally.

Rules to be approved by Governor and published in Gazette.

19. All rules framed in accordance with the last preceding section shall be submitted to the Governor for approval, and after they have been approved, they shall be published in the official gazette, and shall then have the same force as if they were inserted in this Act.

Refusal to register to be recorded.

20. Every Muhammadan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Appeal against refusal to register.

21. An appeal shall lie against an order of a Muhammadan Registrar's refusing to register a marriage or divorce to the Registrar to whom such Muhammadan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order: and the order passed by the Registrar on appeal shall be final.

Copies of entries to be sent monthly to Registar of district.

22. Every Muhammadan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in

section 6 of this Act, and also of the entries which have been made in the index referred to in sections 13 and 14 of this Act, to the Registrar of the district within which such Muhammadan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

23. Every Muhammadan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the district or cease to hold a licence, make over the same to the Registrar of the district for safe custody, or to such other person as the Registrar may direct.

Registers to be given up.

24. The Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

Governor may prescribe rules.

(*a*) for determining the qualifications to be required from persons to whom licences under section 3 of this Act may be granted;

(*b*) for regulating the attendance of Muhammadan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Muhammadan Registrars;

(*d*) for regulating the payment by the Muhammadan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of districts and Muhammadan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Governor necessary to effect the purposes of this Act.

The Governor may from time to time cancel or alter any such rules.

25. Every Muhammadan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Muhammadan Registrar to be a public officer.

26. Nothing in this Act contained shall be construed to—

Saving clause.

(*a*) render invalid, merely by reason of its not having been registered, any

Muhammadan marriage or divorce which would otherwise be valid ;

(*b*) render valid, by reason of its having been registered any Muhammadan marriage or divorce which would otherwise be invalid ;

(*c*) authorize the attendance of any Muhammadan Registrar at the celebration of a marriage, except at the request of all the parties concerned ;

(*d*) affect the religion or religious rites and usages of any of His Majesty's subjects in India ;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(SEE SECTIONS 6 AND 11.)

FORM (A), BOOK I.

Register of marriages (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan marriages and divorces).

1. Consecutive No.
2. Name of the bridegroom and that of his father, with their respective residences.
3. Name of the bride and that of her father, with their respective residences.
4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.
5. Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.
6. Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.
7. Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.
8. Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.
9. Date on which the marriage was contracted,—to be given according to the English style.
10. Amount of dower.
11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).
12. Whether any portion of the dower was paid at the moment. If so, how much ?
13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.
14. Special conditions, if any.
15. Names of village or town, and district in which the marriage took place.
16. Name of the person in whose house the marriage ceremony took place, and that of his father.
17. Date of resignation,—to be given according to the English style.

FORM (B), BOOK II.

Register of divorces and Khula.

1. Consecutive No.
2. Names of the husband and of his father, and their residences.
3. Names of the wife and of her father, and their residences.
4. Date of divorce or Khula according to the English style.
5. Amount of dower.
6. Description of divorce.
7. Manner in which the divorce was effected and in case of the Khula whether Khula was acknowledged by the wife in person before the Muhammadan Registrar.
8. If so, name of the party identifying her before the Muhammadan registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
9. If the Khula be acknowledged before the Muhammadan registrar, by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.
10. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.
11. Names of the village or town, and district in which the divorce took place.
12. Name of the party in whose house the divorce took place, and of his father.
13. Names of witnesses to the divorce or Khula, if any, the names of their fathers, and their respective residences.
14. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
16. Date of registration,—to be given according to the English style.

(2)

STATEMENT OF OBJECTS AND REASONS.

In this Presidency a Muslim marriage is solemnized by a Kazi in the presence of the friends and relations of the contracting parties. Two men, usually the relations of the bride, obtain her consent to the marriage and, as her vakils, communicate it to the Kazi. On the bridegroom accepting to take the women unto himself as his wife he repeats a formula after the Kazi and the latter afterwards declares the parties to have been duly married. The Kazi receives a fixed fee from the bridegroom and often, in addition, some presents in accordance with the means of the parties. He notes down in a book or on a piece of paper at the time of the ceremony the names of the parties and of the vakils and the names of their respective fathers. He is supposed to maintain a regular register of the marriages performed by him, but his book is often a flimsy one of which no particular care is taken and which is sometimes not forthcoming when needed for reference.

A divorce and *Khula* is also reported to the Kazi of the locality where the party or parties reside, even when it is not actually effected in his presence and under his guidance, and he registers it in his book.

This loose system of registering marriages and divorces is capable of giving room to abuses of gravest nature, and the present Bill is introduced with a view to provide a better regulated system. It is based on Act No. I of 1876 passed by the Lieutenant-Governor of Bengal in Council. The present Kazis and other persons who act as such and perform marriages and register divorces shall each be given a licence by the local Government and they shall be known, for the purpose of this Act, as Muhammadan registrars. They shall be provided, on payment of fixed charges, with seals, printed registers and other printed forms. The registers and the current indices will be open to inspection by the District Registrars and when completed shall be placed in the custody of the latter.

The registration of marriages and divorces will be absolutely voluntary. It will be open to parties to get married in the simple Islamic manner before any two Mussalmans and have their marriage registered, or not registered, as they please, with the Muhammadan Registrar of the locality in which the ceremony took place. But the Muhammadan Registrar, when applied to, shall be bound to register a marriage or divorce and grant a certificate subject to the provisions of this Bill.

II

Letter— from M.R.Ry. Rai Sahib V. T. Krishnama Achariyar Avargal, Secretary to Government, Local and Municipal (Legislative) Department.
To—the Hon'ble Yakub Hasan Sahib Bahadur, Non-official Additional Member of the Madras Legislative Council.
Dated—the 23rd March 1918.
No.—855-1 L.

I am directed to acknowledge the receipt of your letter of the 20th instant, in which you give notice of your intention to move for leave to introduce a Bill to provide for the voluntary registration of Mussalman marriages and divorces, and to state that it will receive due attention.

Order—No. 357 Home (Miscellaneous), dated 8th April 1918.

The following letters will be despatched to the Secretary of State and to the Government of India.

(True extract)

L. D. Swamikannu,
Acting Secretary to Government.

For approval please
Rack
8/4
28
6.4.18

-25-

GOVERNMENT OF MADRAS

HOME (MISCELLANEOUS) DEPARTMENT

No. 358

From

THE HON'BLE DIWAN BAHADUR
L. D. SWAMIKANNU PILLAI AVARGAL, I.S.O.,
Acting Secretary to the Government of Madras,
Home (Miscellaneous) Department,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

Dated Fort St. George, the 8th April 1918.

SIR,

With reference to the instructions of the Government of India in their letters Nos. 2119–2126 Leg., dated the 12th June 1913, and 4033, dated the 4th November 1916, I am directed to forward herewith a copy of a draft Bill with the Statement of Objects and Reasons for the voluntary registration of marriages and divorces among Mussalmans in this Presidency which the Hon'ble Yaqub Hasan Sahib Bahadur, a non-official Additional Member of the Madras Legislative Council, has given notice of his intention to move at the meeting of the Council to be held in May 1918.

2. The Bill in its main lines resembles the measure which became law in Bengal as Bengal Act I of 1876. Its object is to provide a better regulated system of registering marriages and divorces than is at present in vogue among Mussalmans.

3. I am to request that this Government may be informed of the views of the Government of India as to the attitude which should be adopted towards the proposed legislation. I am at the same time to forward for the information of the Government of India a copy of a Despatch No. ^ of this date addressed to His Majesty's Secretary of State together with its enclosures.

I have the honour to be,
Sir,
Your most obedient servant,

L. D. SWAMIKANNU,
Acting Secretary to Government.

[Annexure.

ANNEXURES
(1)
A

BILL

To provide for the Voluntary Registration of Mussalman Marriages and Divorces.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mussalmans: It is hereby enacted as follows.

Preamble.

2. In this Act—unless there be something repugnant in the subject or context—

Interpretation.

"Muhammadan Registrar" means any person who is duly authorized under this Act to register marriages and divorces.

"Muhammadan Registrar."

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871, or other law for the time being in force for the registration of documents.

"Inspector-General of Registration."
"Registrar."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"District."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in public.

"Purdah-nisheen."

3. It shall be lawful for the Governor to grant a licence to any person, being a Muhammadan, authorizing him to register Muhammadan marriages and divorces which have been effected within certain specified limits, on application being made to him for registration; and in like manner it shall be lawful for the said Governor to revoke or suspend such licence.

Governor may grant licences to register.

Provided that no more than one person of the same sect, Sunni or Shiah, shall be licensed to exercise the said functions within the same limits.

4. Every Muhammadan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Muhammadan Registrar of."

Muhammadan Registrars to use seals.

5. The Government shall supply for the office of every Muhammadan Registrar the seal and the books necessary for the purposes of this Act.

Government to provide seal and books.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

6. Every Muhammadan Registrar shall keep up the following register books:—

Muhammadan Registrar to keep registers.

Book 1.—Register of marriages in the form (A) contained in the schedule to this Act.

Book 2.—Register of divorces including those of the kind known as Khula, in the form (B) contained in the schedule to this Act.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered.

8. Every application for registration under this Act shall be made to the Muhammadan Registrar orally as follows:—

Applications by whom to be made.

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians; and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

Duties of Muhammadan Registrar on application being made.

9. On application being made to a Muhammadan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee and four annas, the Muhammadan Registrar shall—

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Muhammadan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section 11 of this Act, is required to sign such entry.

Muhammadan Registrar may receive gratuity.

10. Nothing in the preceding section shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee and four annas when such gratuity is voluntarily tendered.

Entries by whom to be signed.

11. Every entry in a register kept under this Act shall be signed as follows:—

If the entry be of a marriage in a register in the form (A) contained in the schedule to this Act—

(1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) by two witnesses who were present at the marriage ceremony;

(3) in cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(4) by the Muhammadan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the from (B) contained in the schedule to this Act—

(1) by the man who has effected the divorce;

(2) By the witness who identifies the man who has effected the divorce;

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(4) By the Muhammadan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (B) contained in the schedule to this Act—

(1) By the parties to the Khula: provided that if the woman be a purdahnisheen, the entry may be signed on her behalf by her duly authorized vakil;

(2) By the person who identifies the man;

(3) By the person who identifies the woman;

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her;

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected;

(6) By the Muhammadan Registrar.

Copies of entry to be given to parties.

12. On completion of the registration of any marriage or divorce, the Muhammmadan Registrar shall deliver to the party who applies for it an attested copy of the entry; and for such copy no charge shall be made.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Muhammadan Registrar has made an entry in any such register.

Index to be kept up.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Governor may direct.

Particulars to be shown in index.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the Registrar of the district, and the copies of entries in such index, which are filed in the office of the Registrar of the district under the provisions of section twenty-two of this Act, shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the district under section twenty-two of this Act, shall be given to all persons applying for such copies.

Index may be inspected and copies of entries in registers taken.

Such copies shall be signed and sealed by the Registrar of the district or by the Muhammadan Registrar, as the case may be.

16. Every Registrar of a district and every Muhammadan Registrar shall, for the purposes of this Act, be entitled to levy the following fees:—

Fees for searches and copies.

For every search or permission to search in any index or register under his charge —four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act— one rupee.

17. Every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Muhammadan Registrar is situate.

Muhammadan Registrars to be subject to control of District Registrar.

In the town of Madras every Muhammadan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Madras the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Muhammadan Registrar subordinate to him.

Isnpector-General of Registration to exercise a general Superintendence.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Muhammadan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Muhammadan Registrars, and the regulation of their offices generally.

Rules to be approved by Governor and publish:d in Gazette.

19. All rules framed in accordance with the last preceding section shall be submitted to the Governor for approval, and after they have been approved, they shall be published in the official gazette, and shall then have the same force as if they were inserted in this Act.

Refusal to register to be recorded.

20. Every Muhammadan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Appeal against refusal to register.

21. An appeal shall lie against an order of a Muhammadan Registrar's refusing to register a marriage or divorce to the Registrar to whom such Muhammadan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order: and the order passed by the Registrar on appeal shall be final.

Copies of entries to be sent monthly to Registar of district.

22. Every Muhammadan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in

section 6 of this Act, and also of the entries which have been made in the index referred to in sections 13 and 14 of this Act, to the Registrar of the district within which such Muhammadan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

23. Every Muhammadan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the district or cease to hold a licence, make over the same to the Registrar of the district for safe custody, or to such other person as the Registrar may direct.

Registers to be given up.

24. The Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

Governor may prescribe rules.

(*a*) for determining the qualifications to be required from persons to whom licences under section 3 of this Act may be granted;

(*b*) for regulating the attendance of Muhammadan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Muhammadan Registrars;

(*d*) for regulating the payment by the Muhammadan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of districts and Muhammadan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Governor necessary to effect the purposes of this Act.

The Governor may from time to time cancel or alter any such rules.

25. Every Muhammadan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Muhammadan Registrar to be a public officer.

26. Nothing in this Act contained shall be construed to—

Saving clause.

(*a*) render invalid, merely by reason of its not having been registered, any

Muhammadan marriage or divorce which would otherwise be valid;

(*b*) render valid, by reason of its having been registered any Muhammadan marriage or divorce which would otherwise be invalid;

(*c*) authorize the attendance of any Muhammadan Registrar at the celberation of a marriage, except at the request of all the parties concerned;

(*d*) affect the religion or religious rites and usages of any of His Majesty's subjects in India;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(See Sections 6 and 11.)

Form (A), Book I.

Register of marriages (as prescribed by section 6 of the Act for the voluntary registration of Muhammadan marriages and divorces).

1. Consecutive No.
2. Name of the bridegroom and that of his father, with their respective residences.
3. Name of the bride and that of her father, with their respective residences.
4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.
5. Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.
6. Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.
7. Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.
8. Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.
9. Date on which the marriage was contracted,—to be given according to the English style.
10. Amount of dower.
11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).
12. Whether any portion of the dower was paid at the moment. If so, how much?
13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.
14. Special conditions, if any.
15. Names of village or town, and district in which the marriage took place.
16. Name of the person in whose house the marriage ceremony took place, and that of his father.
17. Date of resignation,—to be given according to the English style.

Form (B), Book II.

Register of divorces and Khula.

1. Consecutive No.
2. Names of the husband and of his father, and their residences.
3. Names of the wife and of her father, and their residences.
4. Date of divorce or Khula according to the English style.
5. Amount of dower.
6. Description of divorce.
7. Manner in which the divorce was effected and in case of the Khula whether Khula was acknowledged by the wife in person before the Muhammadan Registrar.
8. If so, name of the party identifying her before the Muhammadan registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.
9. If the Khula be acknowledged before the Muhammadan registrar, by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.
10. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.
11. Names of the village or town, and district in which the divorce took place.
12. Name of the party in whose house the divorce took place, and of his father.
13. Names of witnesses to the divorce or Khula, if any, the names of their fathers, and their respective residences.
14. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
16. Date of registration,—to be given according to the English style.

(2)

STATEMENT OF OBJECTS AND REASONS.

In this Presidency a Muslim marriage is solemnized by a Kazi in the presence of the friends and relations of the contracting parties. Two men, usually the relations of the bride, obtain her consent to the marriage and, as her vakils, communicate it to the Kazi. On the bridegroom accepting to take the woman unto himself as his wife he repeats a formula after the Kazi and the latter afterwards declares the parties to have been duly married. The Kazi receives a fixed fee from the bridegroom and often, in addition, some presents in accordance with the means of the parties. He notes down in a book or on a piece of paper at the time of the ceremony the names of the parties and of the vakils and the names of their respective fathers. He is supposed to maintain a regular register of the marriages performed by him, but his book is often a flimsy one of which no particular care is taken and which is sometimes not forthcoming when needed for reference.

A divorce and *Khula* is also reported to the Kazi of the locality where the party or parties reside, even when it is not actually effected in his presence and under his guidance, and he registers it in his book.

This loose system of registering marriages and divorces is capable of giving room to abuses of gravest nature, and the present Bill is introduced with a view to provide a better regulated system. It is based on Act No. I of 1876 passed by the Lieutenant-Governor of Bengal in Council. The present Kazis and other persons who act as such and perform marriages and register divorces shall each be given a licence by the local Government and they shall be known, for the purpose of this Act, as Muhammadan registrars. They shall be provided, on payment of fixed charges, with seals, printed registers and other printed forms. The registers and the current indices will be open to inspection by the District Registrars and when completed shall be placed in the custody of the latter.

The registration of marriages and divorces will be absolutely voluntary. It will be open to parties to get married in the simple Islamic manner before any two Mussalmans and have their marriage registered, or not registered, as they please, with the Muhammadan Registrar of the locality in which the ceremony took place. But the Muhammadan Registrar, when applied to, shall be bound to register a marriage or divorce and grant a certificate subject to the provisions of this Bill.

(3)

Here print the despatch of the Secy of State as annexture (3)

NOTES CONNECTED WITH G.O. No. 357, HOME (MISCELLANEOUS), DATED 8th APRIL 1918.

[SUBJECT.—*Motion for leave to introduce a Bill to provide for the voluntary registration of Mussalman marriages and divorces.*]

Previous papers :

G.O.	147	*A.*–148,	*Legislative,*	23*rd Aug.* 1913.
,,		23	,,	5*th Feb.* 1915.
,,		67	,,	31*st May* 1916.
,,		122	*L. and M. (Legis.),*	28*th Aug.* ,,
,,		128	,,	23*rd Sep.* ,,
,,		3	,,	6*th Jan.* 1917.
,,		61	,,	25*th July* ,,

From the Hon'ble Yaqub Hasan Sahib Bahadur.

LOCAL AND MUNICIPAL (LEGISLTIVE), DEPARTMENT.

Rule 31, clause (1) of the business rules of the Legislative Council requires that any member desiring to move for leave to introduce a Bill should give the Secretary at least two months' previous notice of his intention and should, together with the notice, send a copy of the Bill and a full Statement of Objects and Reasons. The Additional Member has sent a copy of a Bill to provide for the voluntary registration of Mussalman marriages and divorces and a copy of the Statement of Objects and Reasons ; and he has given notice of his intention to move, at the meeting to be held in May next, for leave to introduce the Bill. Having been received on the 20th instant, the notice will be in time if the meeting be held on or after the 20th May. [The date on which the meeting may be held is separately under consideration. In 1916 there was no meeting in May owing to elections. In 1914, 1915 and 1917 the meeting was held on the 19th, 25th and 22nd May respectively.]

2. The attitude of the Government in the Council towards the Bill has to be settled in the administrative department concerned. It will be seen that the object of the revised rule 31 is to enable the Local Government to consult the Government of India and the Secretary of State before a motion for leave to introduce the Bill is made in Council. Immediately upon a notice of a Bill being received, a copy of the Bill with Statement of Objects and Reasons should be forwarded to the Government of India and the Secretary of State (apparently with the remarks of the Local Government) so that these authorities may be given an opportunity to examine it and also to communicate to the Local Government their views as to the attitude which should be adopted towards the proposed legislation before any motion is made in the Legislative Council in relation to the Bill (paragraph 5 of India's letter on page 6 of G.O. Nos. 147 A–148, dated 23rd August 1913, and paragraph 2 of Letter No. 122, dated 28th August 1916). For obvious reasons this will have to be done in the administrative department [in the present case, Home (Miscellaneous)] to which it is submitted that the paper may be transferred un-officially for the purpose.

3. With reference to clause (2) of rule 31 and to paragraph 3 of the Government of India's Letter No. 4033, dated 4th November 1916, it is submitted that, on a perusal of the Bill, no sanction of the Governor-General or the Governor under section 79 (2) and (3) and section 80 (2) of the Government of India Act is seen to be necessary—pages 2–3 in G.O. No. 3, dated 6th January 1917. The only

question that might probably rise on this point is whether the sanction of the Governor-General will be required under section 79 (3) (*e*) of the Act; but it seems to be clear that such sanction is not required inasmuch as clause 26 (*d*) of the Bill expressly says that 'nothing in this Act contained shall be construed to . . . affect the religion or religious rites and usages of any of His Majesty's subjects in India." The administrative department may however, if considered necessary, consult the Advocate-General on the point.

Not very convincing.
R.A.G.—23-3-18.

4. Under rule 32 of the Business Rules the supply of printed copies of the Bill, statement, and connected papers to the members of the Legislative Council need be made only after the motion for leave to introduce the Bill is carried in Council. There seems to be however no objection to place printed copies of the Bill and the Statement of Objects and Reasons on the Council table for use in discussion on the motion. It is for consideration whether this is necessary.

5. Orders are also requested as to the inclusion of the motion in the agenda paper. The motion seems to be in order.

6. A draft * letter of acknowledgment is submitted.

C.V.R.—23-3-18.

* Issued as letter 855-1, Legislative, 23rd March 1918.

Action has to be taken now in the administrative department concerned, to which the papers may be transferred.

V. T. KRISHNAMA ACHARIYAR—23-3-18.
R. A. GRAHAM—23-3-18.
P[ENTLAND]—24-3-18.

Quite unnecessary to copy these now, I think. Make a note and send on.
V.T.K.—25-3-18.

The file may be forwarded in original to the Home (Miscellaneous) Department u.o. for action, a copy of these notes ~~and of page 1 and page 27, current file,~~ being retained in this department.

C.V.R.—25-3-18.
C.S.—25-3-18.
V.T.K.—25-3-18.

HOME (MISCELLANEOUS) DEPARTMENT.

The object of providing for a previous notice of two months under rule 31 of the Business Rules of the Legislative Council instead of six days as under the old rule is to enable the Government of India to examine and judge before any motion is made in the Legislative Council whether a Bill falls within the classes specified in section 79 (3) of the Government of India Act, 1915 [paragraph 3 on pages 2–3 of G.O. No. 3, L & M (Legislative), dated 6th January 1917]. A copy of the Bill with the Statements of Objects and Reasons has to be forwarded to the Government of India and to the Secretary of State [paragraph 2 of letter No. 122, L & M (Legislative), dated 28th August 1916, based on paragraph 5 of India's letter dated 12th June 1913, on page 2 of G.O. Nos. 147–148, Legislative, dated 23rd August 1913].

T.K.K.—27-3-18.

2. It is understood from Legislative that this is the first instance of a Bill received after the recent amendment of rule 31 of the Business Rules. It will be seen from paragraph 3 of the India's letter, dated the 4th November 1916, that they reserve to themselves the duty of deciding whether or not a particular measure falls within the classes specified in section 79 (3) of the Government of India Act, 1915 [vide letter No. 61, L & M (Legislative), dated 25th July 1917, and page 2 of G.O. No. 3, L & M (Legislative), dated 6th January 1917]. There is therefore no need to consult the

Advocate-General whether the prior sanction of the Government of India is required in the present case with reference to clause (*e*) of sub-section 3 of section 79 of the Government of India Act (cf. paragraph 3 of Legislative Department note at page 8 1 and 2 supra).

3. Draft letters to the Government of India and the Secretary of State are submitted. No detailed remarks on the provisions of the Bill seem called for from this Government at the present stage. India merely want copies of the Bill together with the Statement of Objects and Reasons and they undertake to examine the Bill and communicate their views as to the attitude to be adopted by the Government towards the measure (vide paragraph 5 of India's letter on page 2 of G.Os. Nos. 147-148, dated 23rd August 1913, and paragraph 2 of letter No. 122, dated 28th August 1916).

P.S.R.—28-3-18.

C. RAMANUJA ACHARIYAR—28-3-18.

Honourable Member and circulate.

L. D. SWAMIKANNU—28-3-18.

H. F. W. G[ILLMAN]—29-3-18.

P. R[AJAGOPALA ACHARIYAR]—30-3-18.

A. G. C[ARDEW]—1-4-18.

P[ENTLAND]—2-4-18.

Issue.

L.D.S.—3-4-18.

[G.O. No. 357, Home (Miscellaneous), dated 8th April 1918.]

B/16 -38

ACT No. I OF 1876.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of the Lieutenant-Governor on the 23rd November, 1875, and of the Governor-General on the 11th January, 1876.)

An Act to provide for the Voluntary Registration of Mahomedan Marriages and Divorces.

Preamble.

Whereas it is expedient to provide for the voluntary registration of marriages and divorces among Mahomedans: It is enacted as follows:—

Local extent.

1. This Act shall commence and take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal, to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*; and thereupon this Act shall commence and take effect in the districts named in such order, on the day which shall be in such order provided for the commencement thereof.

Interpretation.

2. In this Act—unless there be something repugnant in the subject or context—

"Mahomedan Registrar."

"Mahomedan Registrar" means any person who is duly authorized order this Act to register marriages and divorces.

"Inspector-General of Registration." "Registrar."

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the Indian Registration Act, 1871, or other law for the time being in force for the registration of documents.

"District."

"District" means a district formed under the provisions of the Indian Registration Act, 1871.

"Purdah-nisheen."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in public office.

[*Price one anna.*]

3. It shall be lawful for the Lieutenant-Governor to grant a license to any person, being a Mahomedan, authorizing him to register Mahomedan marriages and divorces which have been effected within certain specified limits, on application being made to him for such registration; and in like manner it shall be lawful for the said Lieutenant-Governor to revoke or suspend such license:

Lieutenant-Governor may grant licenses to register.

Provided that no more than two persons shall be licensed to exercise the said functions within the same limits; and provided further that when two persons are so licensed to act within the same limits, the one shall be a member of the Sunni and the other of the Shiah sect.

4. Every Mahomedan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Mahomedan Registrar of."

Mahomedan Registrars to use seals.

5. The Lieutenant-Governor shall supply for the office of every Mahomedan Registrar the seal and the books necessary for the purposes of this Act.

Government to provide seal and books.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

6. Every Mahomedan Registrar shall keep up the following register books:

Mahomedan Registrar to keep registers.

Book 1—Register of marriages in the form (A) contained in the schedule to this Act.

Book 2—Register of divorces other than those of the kind known as *Khula*, in the form (B) contained in the schedule to this Act.

Book 3—Register of divorces of the kind known as *Khula*, in the form (C) contained in the schedule to this Act.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Entries to be numbered.

8. Every application for registration under this Act shall be made to the Mahomedan Registrar orally as follows:—

Applications by whom to be made.

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians; and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

9. On application being made to a Mahomedan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee, the Mahomedan Registrar shall—

Duties of Mahomedan Registrar on application being made.

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Mahomedan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register:

Provided that no such entry shall be made otherwise than in the presence of every person who, by section eleven of this Act, is required to sign such entry.

Mahomedan Registrar may receive gratuity.

10. Nothing in the preceding section shall be held to prohibit a Mahomedan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee, when such gratuity is voluntarily tendered.

Entries by whom to be signed.

11. Every entry in a register kept under this Act shall be signed as follows:—

If the entry be of a marriage in a register in the form (*A*) *contained in the Schedule to this Act*—

(1) By the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively: provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil:

(2) By two witnesses who were present at the marriage ceremony:

(3) In cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her:

(4) By the Mahomedan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the form (*B*) *contained in the Schedule to this Act*—

(1) By the man who has effected the divorce:

(2) By the witness who identifies the man who has effected the divorce:

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected:—

(4) By the Mahomedan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form (*C*) *contained in the Schedule to this Act*—

(1) By the parties to the *Khula*: provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil:

(2) By the person who identifies the man:

(3) By the person who identifies the woman:

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her:

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected:

(6) By the Mahomedan Registrar.

Copies of entry to be given to parties.

12. On completion of the registration of any marriage or divorce, the Mahomedan Registrar shall deliver to each of the applicants for registration an attested copy of the entry; and for such copy no charge shall be made.

Index to be kept up.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Mahomedan Registrar has made an entry in any such register.

Particulars to be shown in index.

14 The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Lieutenant-Governor may direct.

Index may be inspected and copies of entries in registers taken.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Mahomedan Registrar or of the Registrar of the district, and the copies of entries in such index, which are filed in the office of the Registrar of the district under the provisions of section twenty-two of this Act,

shall be at all times open to inspection by any person applying to inspect the same; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the district under section twenty-two of this Act, shall be given to all persons applying for such copies.

Such copies shall be signed and sealed by the Registrar of the district or by the Mahomedan Registrar, as the case may be.

Fees for searches and copies.

16. Every Registrar of a district and every Mahomedan Registrar shall, for the purposes of this Act, be entitled to levy the following fees:—

For every search or permission to search in any index or register under his charge—four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act—one rupee.

Mahomedan Registrars to be subject to control of District Registrar.

17. Every Mahomedan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Mahomedan Registrar is situate.

In the town of Calcutta every Mahomedan Registar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Calcutta the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Mahomedan Registrar subordinate to him.

Inspector-General of Registration to exercise a general superintendence.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Mahomedan Registrars, and shall have power from time to time to frame rules consistent with this Act for the guidance of the said Mahomedan Registrars, and the regulation of their offices generally.

Rules to be approved by Lieutenant-Governor and published in Gazette.

19. All rules framed in accordance with the last preceding section shall be submitted to the Lieutenant-Governor for approval, and after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

Refusal to register to be recorded.

20. Every Mahomedan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Appeal against refusal to register.

21. An appeal shall lie against an order of a Mahomedan Registrar refusing to register a marriage or divorce to the Registrar to whom such Mahomedan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order; and the order passed by the Registrar on appeal shall be final.

Copies of entries to be sent monthly to Registrar of district.

22. Every Mahomedan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section six of this Act, and also of the entries which have been made in the index referred to in sections thirteen and fourteen of this Act, to the Registrar of the district within which such Mahomedan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

Registers to be given up.

23. Every Mahomedan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the district or cease to hold a license, make over the same to the Registrar of the district for safe custody, or to such other person as the Registrar may direct.

Lieutenant-Governor may prescribe rules.

24. The Lieutenant-Governor may from time to time prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

(*a*) for determining the qualifications to be required from persons to whom licenses under section three of this Act may be granted;

(*b*) for regulating the attendance of Mahomedan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Mahomedan Registrars;

(*d*) for regulating the payment by the Mahomedan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of districts and Mahomedan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Lieutenant-Governor necessary to effect the purposes of this Act.

The Lieutenant-Governor may from time to time cancel or alter any such rules.

Mahomedan Registrar to be a public officer.

25. Every Mahomedan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Saving clause.

26. Nothing in this Act contained shall be construed to—

(*a*) render invalid, merely by reason of its not having been registered, any Mahomedan marriage or divorce which would otherwise be valid;

(*b*) render valid, by reason of its having been registered, any Mahomedan marriage or divorce which would otherwise be invalid;

(*c*) authorize the attendance of any Mahomedan Registrar at the celebration of a marriage, except at the request of all the parties concerned;

(*d*) affect the religion or religious rites and usages of any of Her Majesty's subjects in India;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(*See Sections 6 and 11.*)

FORM (A), BOOK I.

Register of marriages (*as prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces*).

1. Consecutive No.

2. Name of the bridegroom and that of his father, with their respective residences.

3. Name of the bride and that of her father, with their respective residences.

4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.

5.* Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.

6.* Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.

7.† Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.

8.† Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.

9. Date on which the marriage was contracted,—to be given according to the English style and according to the era current in the district.

10. Amount of dower.

11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).

12. Whether any portion of the dower was paid at the moment. If so, how much?

13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.

* These columns will be blank if the bride and bridegroom respectively are not represented by guardians.

† These columns will be blank when the bride is not represented by a vakil.

14. Special conditions, if any.

15. Names of village or town, police jurisdiction, and district in which the marriage took place.

16. Name of the person in whose house the marriage ceremony took place, and that of his father.

17. Date of registration, to be given according to the English style.

FORM (B), BOOK II.

Register of divorces other than those of the kind known as Khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces).

1. Consecutive No.

2. Names of the husband and of his father, and their residences.

3. Names of the wife and of her father, and their residences.

4. Date of divorce—according to the English style and according to the era current in the district.

5. Description of divorce.

6. Manner in which the divorce was effected.

7. Names of the village or town, police jurisdiction, and district in which the divorce took place.

8. Name of the party in whose house the divorce took place, and of his father.

9. Names of witnesses to the divorce, if any, the names of their fathers, and their respective residences.

10. Name of party identifying the husband before the Mahomedan Registrar and that of his father, and their residences.

11. Date of registration,—to be given according to the English style.

FORM (C), BOOK III.

Register of divorces of the kind known as Khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces).

1. Consecutive No.

2. Name of the husband and that of his father, and their residences.

3. Name of the wife and that of her father, and their residences.

4. Date of *Khula*—according to the English style and according to the era current in the district.

5. Amount of dower.

6. Whether *Khula* was acknowledged by the wife in person before the Mahomedan Registrar.

7. If so, name of the party identifying her before the Mahomedan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.

8.* If the *Khula* be acknowledged before the Mahomedan Registrar by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.

9. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.

10. Name of village or town, police jurisdiction, and district where the *Khula* took place.

11. Name of the person in whose house the *Khula* took place, and that of his father.

12. Names of the witnesses, if any, to the divorce being affected, the names of their fathers, and their residences.

13. Name of the person identifying the husband, and that of his father, and their residences.

14. Date of registration, to be given in the English style.

* This column will be blank if the woman is not represented by a vakil.

B. S. Press—29-1-1910—3674J—200—W. M. D'C.

PRESS SLIP.

ORDINARY. PREFERENCE. URGENT (a).

Sectt. II—38—2-15. Home (Mus) Department. -445-

Current No. 1131, dated 2.6.[illegible]3 1918.

G.O. No....., dated..... 191 .

Number of MS. pages sent (b) Correspondence 30 (b1) Notes 6

Brief subject. Muhammadan Marriage Bill

Number of copies required when struck off (*not including copies for volumes and editors' table which are retained in the Press*).	E. T. copies to supply requisitions for purchase by the public.	Complete correspondence and orders.	Notes.
FOR RECORD.*			
Madras Records	4	25	25
Ooty Records		4	4
For filing with original ...		1	1
Total ..		30	30

FOR ISSUE.†	Letter & Memoranda	Complete G.O.	Special issue copies of G.O. (b) No.	Special issue copies of G.O. (b) Papers.	Notes.
Signature copies	1	1	1	Despatch Annexure	
India Office					
Govt. of India Leg Dept.	30				
Revenue Department					
Public Works Department					
Local and Municipal Department					
Educational Department					
Lt. H. (Leg.) Dept.		4			1.
Public Dept. / Judicial Dept / Political / Financial Dept. / Marine Dept. / Ecclesiastical Dept. — Total					
Total ...					
Spare copies: The Leg & State			3		
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The Extra	10	10	10		
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Despr Consult Section before Despatch

‡ *To be initialled and dated.*

Consulted

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b1) For rules regarding printing of notes, see rule 315 of the office Manual.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for *one* week, and larger papers for *two* weeks only. *The type of notes and of all confidential papers is distributed immediately after striking.*

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, only the first time when they appear on the left side, the initials alone being printed later.

[P.T O

TO PRESS, MADRAS OOTY.

A

Please send proof in duplicate. The papers have been carefully edited.

DBR
3-4-10

Referencer.
Clerk.

Supdt.

B

Proof returned corrected. Please strike off and send number of copies as indicated.

Type ~~may be released after usual interval,~~ ~~at once.~~

Keep the type standing

Referencer.
Clerk.

Supdt.

C

As the matter is clear manuscript and has been carefully edited, (*b*) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval.

Referencer.
Clerk.

Supdt

SPECIAL INSTRUCTIONS.

Press

Please put in type and strike off very urgent

DBR
3-4-10

Read
Proof

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.
Received in Press on	
First proof furnished on	
Call for revised proof received on	
Revised proof furnished on	
Corrected proof received for striking on	
Final copies supplied on	

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