

(1) Number of pages 70
(2) Date of repair 7-12-42
(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

judicial DEPARTMENT.

G.O. No. <u>555-556</u>	Press Mis.
Dated <u>9-3-</u>	18 <u>80</u> .

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

9th March 1880, No. 555. - 551

Bills—Legislative.

Read the following papers:—

No. 85. *From the Hon. P. O'SULLIVAN, Advocate-General, to the Chief Secretary to Government, dated Madras, 18th February 1880.*

I have the honor to acknowledge the receipt of the Order of Government, dated the 12th February 1880, No. 280, Judicial Department, and the Bill for the appointment of persons to the office of Kazi introduced into the Council of the Governor-General for making Laws and Regulations.

2. It appears to me that the Bill, if passed, is likely to be of much use to the Mahomedan community in this Presidency. At present it would seem that the Government is not authorized to appoint Kazis, and it is not clear that any one else has the power to make a valid appointment to the office. I believe that Kazis in this Presidency used to attend the marriages of Mahomedans and keep a record or register of such marriages. They probably do so still, but in the course of time it will in some cases be difficult to ascertain who is, or was at a particular time and place, entitled to perform the duties of Kazi. It is obvious that the presence of a Kazi, duly appointed, at marriages divorces, and other acts affecting property would, in cases of disputes relating to property, facilitate proof and tend to prevent the setting up of untenable claims.

No. 86. *Proceedings of the Board of Revenue, dated 24th February 1880, No. 2169 (Miscellaneous).*

Read G.O., Judicial Department, dated 12th February 1880, No. 280, requesting certain officers to report on the Kazi's Bill and to forward their remarks by the 5th March 1880.

The Board have no remarks to offer on the Bill. The papers recorded in G.O., dated 20th May 1879, No. 1113, show that legislation to regulate appointment to the office of Kazi is necessary, and the Bill appears to meet requirements.

(True Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 87. *From J. B. PENNINGTON, Esq., Collector of Tinnevely, to the Chief Secretary to Government, dated 25th February 1880, No. 104.*

In reply to G.O., No. 280, dated 12th February 1880, I have the honor to state that I have no special knowledge of the subject of the "Kazi's" Bill referred to, but it appears to me that no objection could possibly be raised to it, and it provides a remedy for what I have in Trichinopoly heard described as an undoubted grievance.

2. I have no time at present to refer to any correspondence there may be on record on the subject.

No. 88. From MAHOMED YUSUF SAHIB, Esq., Presidency Magistrate, to the Chief Secretary to Government, dated Madras, 26th February 1880, No. 26.

In reference to the Orders of Government, dated 12th instant, Judicial Department, I have the honor to submit herewith my remarks on the Kazi's Bill as requested therein.

ENCLOSURE No. 1.

Remarks on the Kazi's Bill.

I have given the proposed measure my best consideration. It is of much importance and one really called for in the interest of the large community for whom it is intended.

2. The office of Kazi carries much weight. He is looked upon as the chief exponent of the Mahomedan law, and as such his position invariably commands respect. The office was held from the State, and its functions were originally threefold—civil, criminal, and ecclesiastical. The appointment by the State ceased under Act XI of 1864, and of its functions the two first ceased long before that, but the last remained intact and is so to this day.

3. The Kazis and their Naibs (Deputies) officiate at marriages and draw up marriage contracts reducing them to writing for future reference. Their intervention is also indispensable in certain cases of divorce, of which records are likewise kept by them. These documents, if regularly kept by men duly appointed, would be of much advantage to tribunals in cases of disputed marriages or divorces, and there is not a day which passes without them.

4. The Presidency swarms with characters unprincipled, mischievous, and irresponsible, styling themselves Kazis, Naibs, and Moulvees, dabbling in fictitious marriages and divorces, thereby entailing much misery on the people, especially the poorer classes.

5. Some of these men profess to keep registers, but these often turn out to be spurious or are found to be tampered with. To go into details here would be out of place.

6. To mitigate these evils the appointment by the State to each district as may be found necessary of one or more Kazis, men of approved qualifications, unexceptionable character, and status in society would be of immense boon to the people at large.

7. I would in no case make the office hereditary.

(Signed) MAHOMED YUSUF,
Presidency Magistrate.

No. 89. From MOULAVI MAHOMED ABDUL ALLAM SAHIB, District Munsif, Bezvada, to the Chief Secretary to Government, dated Bezvada, 26th February 1880, No. 23.

In obedience to G.O., 12th February 1880, No. 280, I have the honor to offer my humble remarks in the shape of a memorandum on the Kazi's Bill No. III of 1880.

ENCLOSURE No. 1.

Memorandum.

It is provided in "Hidaga," Book II, Friday Chapter, that prayers on Friday and during the festivals of "Edulphither" and "Eduzohar" and "holy sacrifices" should not be offered in a place where there is no Kazi.

2. By the religious law and the custom of the Mahomedans a Kazi should not be appointed by any other than the King.

3. Mahomedans would be put to great inconvenience in performing their ritual observances (celebrating marriages, presiding at divorces, and performing various rites and ceremonies) if no Kazi is duly appointed by the Crown.

4. I do not think that the appointment of a Kazi, which removes the great want of Mahomedan British subjects of India, is not a difficult task for the benevolent Government.

(Signed) MOULAVI MAHOMED ABDUL ALLAM SAHIB.
BEZVADA,
26th February 1880.

No. 90. From MIR UNSURDIN SAHIB BAHADOOR, Deputy Collector on General Duties, North Arcot, to the Chief Secretary to Government, dated Arni, 28th February 1880, No. 22.

I have the honor to acknowledge the receipt of the Order of Government, No. 280, dated 12th instant, and to state that I have given the subject-matter my minute attention and beg to submit my humble opinion thereon.

ENCLOSURE No. 1.

Remarks on the Kazi's Bill.

I need scarcely go far back into the principles of Mahomedan law under which the Kazis, before the introduction of the British rule, were exercising their powers, as the same have been fully illustrated by Syed Ahmad of Calcutta in the statement that accompanied the above.

2. I do not hesitate in submitting that the services of Kazis are of no less importance to the Mahomedan community in various matters connected with their rites and ceremonies than those of English clergymen are among Europeans in this country, and the want of this convenience after the appointment ceased to be one made by the State is of course much felt, as advocated by our learned Syed Ahmad, especially in the Presidency of Fort St. George.

3. The draft Bill in my humble opinion does not require to be much commented upon and is I think very well fitted to remove the inconvenience which has been so long felt, but the only question arising in my mind is what would be the duties which would devolve on Kazis in virtue of their appointments by Government according to the proposed Act.

4. I think it would be well if it is made incumbent on them to attend to the following duties:—

- (1.) Celebrating marriages and presiding at divorces.
- (2.) Performing various rites and ceremonies besides giving advice in spiritual matters.

I observe that by Section 2 of the draft Bill the Local Government is empowered to suspend or dismiss any Kazi, from which it is to be inferred that they are paid Kazis. If such be the case, it would be expedient to mention in the Act that they are bound to attend to the performance of the works enumerated above.

5. The appointment of well-versed and qualified persons to the post of Kazi by the State will certainly be far more respected by Mahomedans at large than resorting to mere nominal Kazis who at present themselves assume such functions with their superficial knowledge of Mahomedan law and are a source of evil rather than of good to the community.

6. In conclusion I have to suggest that an additional clause be added to the effect that Kazis should keep records of all that they may do in their official capacity and must also get all marriages and divorces over which they may preside registered in the nearest Tahsildar or Sub-Magistrate's Offices in order to avoid the malpractice of allowing any Kazi to exercise a tyrannical power in the discharge of the duties appertaining to them, for it may perhaps be impossible to procure respectable and educated men to hold such responsible offices in the Mofussil, and those of low standard, who may be available on the spot and who may be selected to the post, may do all sorts of mischief without any restriction and with no one to control over them, and the consequence will be that many divorces and remarriages will unnecessarily take place. It is also advisable that the proceedings of all the Kazis in all such sub-stations be duly reported to the principal Kazis who may be located at the central stations, such as Madras and other principal towns, and be subject to their revision where it is necessary. It may be naturally expected that the Kazis at the principal stations would be men of more learning and better qualifications and attainments than those at the minor stations.

7. Thus on the whole I consider that the appointment by the Government of one or more Kazis to each district according to the requirements thereof will of course prove very advantageous and will certainly be a boon conferred by the State on the Mahomedan community at large.

(Signed) MIR UNSURDIN,
Deputy Collector of North Arcot.

No. 91. From G. McWATTERS, Esq., Acting Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 1st March 1880, No. 556.

With reference to G.O., dated 12th February 1880, No. 280, Judicial Department, calling for remarks on the Bill for the appointment of persons to the office of

Kazi, I have the honor to state that the provisions of the Bill are considered very desirable and are highly approved by the most respectable Mahomedans of Malabar.

2. There appear to be three kinds of Kazis—

1. Mut-al-ug Kazi.
2. Mustaghille „
3. Mug-ayyad „

The first has unlimited powers over life and property.

The second has similar powers, but only over a restricted area.

The third possesses limited powers in certain classes of cases in which they are empowered to exercise them.

3. Of course the first and second class of Kazis have no existence in British India, and the Bill accordingly deals solely with the third class.

4. The presence of this third class is essential at marriages and divorces. They also determine the periods of fasts and feasts by watching the full and new moons and prepare and exercise control over rites and ceremonies in the mosques. They also fix the amount of dowry in certain cases, and it is said in particular that orphans should be betrothed only by Kazis appointed by the State.

5. The present class of Kazis who have succeeded to office by hereditary right are mostly ignorant persons, and the Bill enables Government to appoint fit and properly-qualified persons after consulting the principal Mahomedans.

6. The sanction of Government to future appointments will materially increase the status and influence of the Kazis, and, by securing the best men available, will tend to strengthen the executive in districts where Mahomedans prevail.

No. 92. *From the Acting Collector of Bellary, to the Chief Secretary to Government, dated 2nd March 1880, No. 727.*

With reference to the Order of Government, dated 12th instant, No. 280, I have the honor to report that the principal members of the Mahomedan community at this station approve the appointment of Kazis by Government in accordance with Section 2 of the Bill.

No. 93. ORDER THEREON, 9th March 1880, No. 555.

Ordered that the foregoing papers be transmitted to the Government of India.

(True Extract.)

R. DAVIDSON,
Chief Secretary.

To the Honorable the Advocate-General.

- „ Board of Revenue.
- „ Collector of Tinnevely.
- „ Collector of Malabar.
- „ Collector of Bellary.
- „ Mahomed Yusuf Sahib, Esq.
- „ District Munsif, Bezvada.
- „ Deputy Collector, North Arcot.

Exd. J. W. Fischer.

JUDICIAL DEPARTMENT.

Bills—Legislative.

No. 556.

FROM

R. DAVIDSON, Esq., C.S.I.,
Chief Secretary to the Government of Fort St. George,

TO

THE SECRETARY TO THE GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

SIR,

With reference to your letter, dated 7th February 1880, No. 176, I am directed to transmit the marginally-noted Proceedings of this Government for the consideration of the Government of India, and to state that His Grace the Governor in Council is of opinion that the Draft Bill will answer the purpose for which legislation was suggested by this Government and that it is favorably regarded by all those whose opinion the Government has sought.

English ..	10th February 1880.
Tamil	} .. 24th February 1880.
Telugu	
Malayalam	
Hindustani	
Canarese	9th March 1880.

2. The Bill was published in English and in the Vernacular languages of the Presidency on the marginally-noted dates.

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

FORT ST. GEORGE,
9th March 1880.

Chief Secretary.

Exd. J. W. Fischer.

Govt. of 118801
JUDICIAL.

To
THE HON. THE ADVOCATE-GENERAL,
&c., &c., &c.

Dated March, 9th.

Issued

Recd.

Encl.

G.O., 9th March 1880, No. 555.

MARCH.
Nos. 85-94.

Bills—Legislative.—Reports received from certain officers on the Kazis Bill forwarded to Government of India with observations.

*Notes.—Logskiff.—*Transmitting, with observations, reports received from certain officers on the *Mani's* List.

The Honorable P. O. Sullivan
 Advocate General
 Fort Saint George
 Sir,
 I have the honour to acknowledge the receipt of the order of Government dated the 17th Feb^y 1880, No. 289, Judicial Department and the Bill for the appointment of persons to the office of Kazi introduced into the Council of the Governor General for making Laws and Regulations.
 It appears to me that the Bill, if passed, is likely to be of much use to the Mahomedan community in this Presidency. At present it would seem that the Government is not authorized to appoint Kazis, and it is not clear that any one else has the power to make a valid appointment to the office.

I believe that Kazi in this Presidency used to
attend the marriages of Mahomedans and keep
a record or register of such marriages. They
probably do so still, but in the course of time it
will in some cases be difficult to ascertain
who is, or was, at a particular time and place,
entitled to perform the duties of Kazi. It is
obvious that the presence of a Kazi, duly
appointed, at marriages, divorces and other
acts affecting property would, in cases of dis-
putes relating to property, facilitate proof
and tend to prevent the setting up of inter-
venable claims.

X

I have the honor to be
Sir

Your most Obedient Servant

W. Sullivan

Associate General -

mis. no. 2169 *Rev Dept* 20 18

Proceedings of the Board of Revenue
Dated 24th Feb 1880.

Read G.O. No. 200, requesting certain officers to report on the Khatri's bill and to forward their remarks by the 5th March 1880. -

The Board have no remarks to offer on the Bill. The papers recorded in G.O. No. 200 of May '79, No. 1113 show that legislation to regulate appointments to the office of Kazi is necessary and the Bill appears to meet requirements.

One Substant

Acting Secretary

The Chief Secretary to Govt.
J.D.

20/2/80

85

Just 1880 D. Department
from (with 3 Feb 80)
The Revenue Secy.
Notes:
4099-3-80 to 555-56
The Chief Secy.
Sent:
7075
Dated 18 Feb.
Recd-19-1-80
No 549
Remarks on the Bill
for the appointment of
persons to the office
of Kazi.

Stating that the Board have
no remarks to offer on the Mayor's Bill,
and that it appears to need no further
action.

Ms 635

Recd 1880/11/25
10125551556155
Ms. 635
Feb 24 1880
Feb 25 1880

No 104 Timivelly Collector's Office
Camp Kammēni. 25th February 1880

From J. B. Pennington Esquire
Collector of Timivelly
To R. Davidson Esquire
Chief Secretary to Government
Fort Saint George.

Sir
In reply to G. O. No 280 dated 12th
February 1880 I have the honour to state
that I have no special knowledge of the
subject of the "Kazis" bill referred to, but
it appears to me that no objection could pos-
sibly be raised to it, and it provides a re-
medy for what I have in Trichinopoly heard
described as an undoubted grievance.

I have no time at present to refer to any
correspondence there may be on record on
the subject.

I have the honour to be,
Sir,
Your Most Obedt Servt
J. B. Pennington
Collector.

(Compd)
R.D.

88
No. 26

To R. Davidson Esquire C.S.I.
Chief Secretary to Government
Fort Saint George.

I have the honor to be
Sir

Your most obt. servant

Mark O. Gussel
Residing Magistrate

Paid

R.D.
Feb 80
Mrs. Signifying
The Collector
I sincerely
do hope
the Clerkship
to South
Sgt.
Dated 25th
February 19
No 104
Nog
Kendrick
saying that he
knew several
families of the
subject of the
Hague Bill

Remarks on the Hazi Bill

- 1 — I have given the proposed measure my best Consideration. It is of much importance, and one really called for in the interest of the large Community for whom it is intended.
- 2 — The office of Hazi carries much weight. He is looked upon as the Chief Supporter of the Mahomedan Law, and as such his position invariably commands respect. The office was held from the State, and its functions were originally threefold - Civil Criminal, and Ecclesiastical. The appointment by the State ceased under Act 11 of 1864, and of its functions, the two first ceased long before that. But the last remained intact and is so to this day.
- 3 — The Hazis and their Raibs (deputies) officiate at marriages, draw up Marriage Contracts reducing them to writing for future reference. Their intervention is also indispensable in certain cases of divorce,

5-70
of which records are likewise kept by them. These documents if regularly kept by men duly appointed would be of much advantage to tribunals in cases of disputed marriages or divorces, and there is not a day which passes without them.

- 4 — The Presidency swarms with Characters unprincipled, mischievous and irresponsible, styling themselves Hazis, Raibs and Howdars, dabbling in fictitious marriages and divorces, thereby entailing much misery on the people especially the poorer classes.
- 5 — Some of these men profess to keep Registers, but these often turn out to be spurious or are found to be tampered with. To go into details here, would be out of place.
- 6 — To mitigate these evils the appointment by the State to each District as may be found necessary of one or more Hazis, men of approved qualifications, unexceptionable

unexceptionable character, and
status in society would be of
immense boon to the people
at large.

I would in no case make
the office hereditary.

Wm. D. Guss

Presiding Magistrate

No. 23

District Munsif Court
Beywadah
Mistna Dist.
26th February 1880.

89 From.

Moulavi Mahamed Abdul Allam
Sahab

District Munsif, Beywadah

To.

R. Davidson Esq.
Chief Secretary to the Govt.,
Fort. St. George.
Madras

Sir.

In obedience to G. O. 12th February
1880. No. 280, I have the honor to offer my
humble remarks in the shape of a memorandum
on the Kazi Bill No. III of 1880.

I have the honor to be
Sir,

Yours most obedient and humble
servant.



District Munsif.

1880 R. D. Davidson
20 FEB 80
Moulavi Mahamed Abdul Allam
Residing at Beywadah
Chief Secretary to
Government
Fort St. George

Dated 26th February 1880
Received 26th February 1880

No. 58

Submitting his remarks
on the Kazi Bill
as requested in
G. O. Dated 12th February
1880. No. 280 / Judicial

No. 22

Small Court
Dyall's Office
June 28th Monday
1880.

Shew.

Mir. Hussein bin Salih Bakhor
Deputy Collector and
General duties
Small Court

To,

R. David son Aguirre
Chief Secretary to
Government
Fort St. George

Sir,

I have the honor to acknowledge
the receipt of the order of Court
No. 280 dated 12th Instant
and to state that I have given
the subject matter my minute
attention and beg to submit
my humble opinion thereon.

I have the honor to be
Sir

Your most obedient servant

Hussain Bakhor

Deputy Collector

10.10.555899-3-80

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Richard D. DePaul
 1111 - 11th - S. - Philadelphia
 Pa.
 2 MAR 80

The Secretary
to
Board of Regents

10713 1022

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4

made by the State, is a
course much felt, as advocated
by our learned Syed. Ahmad
especially in the Presidency of
Port Saint George.

3 — The draft bill in my
humble opinion does not require
the much commented upon
and is I think very well
fitted to remove the inconve-
nience which has been so
long felt — but the only question
arising in my mind is
what would be the duties
which would devolve on
Kazis in virtue of their
appointments by Government
according to the proposed
Act —

4 — I think it would be
well if it is made incumbent
on them to attend to the following

Duties —

1. Celebrating marriages
and presiding at divorces.
2. Performing various
rites and ceremonies
besides giving advice
in Spiritual matters.
It is also stated that by Sec: 2 of
the draft bill the Local Govt.
is empowered to suspend or
dismiss any Kazi from which
it is to be inferred that they
are paid Kazis. If such be
the case it would be expedient
to mention in the Act that
they are bound to attend to the
performance of the works
enumerated above.
- 5 — The appointment of well
versed and qualified persons
to the post of Kazi by the
State will certainly be far
more respected by Mohomedans
at large than resorting to

mere nominal Rajis, who
at present themselves assume
such functions with their
superficial knowledge of
Mohomedan Law and are
a source of evil rather than
of good to the community.

In conclusion I have to
suggest that an additional
clause be added to the effect
that Rajis should keep records
of all that they may do ⁱⁿ their
official capacity and must
also get all marriages and
divorces over which they may
preside registered in the
nearest Tahsildar or Sub Magistrate
offices in order to avoid the
malpractice of allowing any
Raji to exercise a tyrannical
power in the discharge of
the duties appertaining to them;
for it may perhaps be impossible to

to procure respectable & educated
men to hold such responsible
offices in the provinces and those
of low standard, who may be
available on the spot and who
may be selected to the post, may
do all sorts of mischief without
any restriction and with no
one to control or over them, and
the consequence will be that
many divorces and re-marriages
will unnecessarily take place.
It is also advisable that the
proceedings of all the Rajis in
all such ^{Sub} Stations be duly reported
to the principle Khajis, who may
be located at the central Stations
such as Madras and other
principal Towns, and be subject
to their revision where it is
necessary. It may be naturally
expected that the Khajis at

the principal Stations would
be men of more learning
better qualifications and attain-
ments than those at the minor
Stations -

7 - Thus on the whole I consider
that the appointment by the
Government of one or more
Magis to each District according
to the requirements thereof, will
of course prove very advantageous
and will certainly be a boon
conferred by the State on
the Mohomedan community
at large.

M. M. M. M. M.

Deputy Collector of
North Arcot

13 P

Malabar Collector's Office
Calicut 1st March 1880.

N 200

From

G. M. Watter, Esquire
Ag. Collector of Malabar

To

A. Davidson Esquire
Chief Secretary to Government
Madras.

Sir,

With reference to G. O. dated
12th February 1880. N 280. Judicial Depart-
ment, calling for remarks on the
Bill for the appointment of persons
to the office of Kazi I have the
honor to state that the provisions of
the Bill are considered very desirable
and are highly approved by the most
respectable Mahomedans of Malabar.

There appear to be three kinds of
Kazis:-

1. Mut. ul-uz Kazi.
2. Mustaghilla - -
3. Mug-ayyad - -

The first has unlimited powers over
life and property.

The

The second has similar powers but only over a restricted area.

The third possesses limited powers in certain classes of cases in which they are empowered to exercise them.

3. Of course the 1st and 2^d class of Nazis have no existence in British India, and the Bill accordingly deals solely with the 3^d class.

4. The presence of this third class is essential at marriages and divorces. They also determine the periods of fasts and feasts by watching the full and new moons, and prepare and exercise control over pits and ceremonies in the mosques. They also fix the amount of dowry in certain cases and it is said in particular, that orphans should be betrothed only by Nazis appointed by the State.

5. The hereditary class of Nazis who have succeeded to office by hereditary right are mostly ignorant persons, and the Bill enables Government to appoint fit and properly qualified persons

130
persons after consulting the principal mahomedans.

6. The sanction of Government to future appointments will materially increase the status and influence of the Nazis, and by securing the best men available will tend to strengthen the executive in Districts where Mahomedans prevail.

I have the honor to be

Sir

Your most obedt. Servant

Forster

Ag. Collector.

W. J.

Dated 2nd March 1880.

From,

THE COLLECTOR OF
BELLARY.

To,

The Chief Secretary to Govt
Madras.

SIR,

With reference to the order
of Government, dated 12th Instant,
No 280, I have the honor to report
that the principal members
of the Mahomedan Community
at this Station, approve the
appointment of Kazi's by Govern-
ment, in accordance with Section
2 of the Bill.

I have the honor to be
Sir,
Yours Most Obedt Servt
M. M. M.
To Collector

10 17 55 5 2556/80
R. D.
3 11/12 30
No 90. 11/12 55 5-56 499-3-80
The Chief Secretary
to Govt
Madras.

Noted, 1st March 80.
No 90. 11/12 55 5-56 499-3-80
No 90. 11/12 55 5-56 499-3-80
No 90. 11/12 55 5-56 499-3-80

Noted, 1st March 80.
No 90. 11/12 55 5-56 499-3-80
No 90. 11/12 55 5-56 499-3-80
No 90. 11/12 55 5-56 499-3-80

Judicial DEPARTMENT 45

No. 519, 635, 658, 690, 691, 13
2724 27

From the Advocate Genl, dated 18th February 1880
 " " Board of Revenue " 24th " 2
 " Mr. Mahomed Waf " 26th " 222169
 " the Collector of Tinnevely " 25th " 222104
 " District Munsif of Berzabad " 26th " 2
 " Dy. Collector of North Arcot " 28th " 222
 " Collector of Malabar " 18th Feb 1880

FOR ORDERS.

Handwritten: I have still to
 The draft Bill
 and a copy of the
 Law of 1864
 which is now
 before the Government

Hazis were
 appointed by Government
 until 1864, when the
 passing of India Act
 of 1864 took away that
 power and allowed the
 Mahomedan community
 to choose their own Hazis.
 Under the Mahomedan
 Law it is only the State
 that can appoint a Hazis.
 The duties of a Hazis
 are partly religious and
 partly

Handwritten: 13
 reply to

1880
 R. D. Department
 REVENUE DEPARTMENT
 3 MAR 83
 Bellary Collector's Office
 Dated 20 March 1880 No. 127
 To, 20th March 1880
 The Chief Secretary
 to Government
 Madras
 ENCLOSURE
 Received 20 March 1880
 Reporting that the
 Mahomedan Community
 approve the appoint-
 ment of Hazis
 by Government

partly secular. Though
 the most important of
 his ^{judicial} functions have been
 taken away, ~~and~~ such
 duties as the registration
 of marriages ^{are} still remain.
 It was therefore suggested
 to the Government of
 India ^(by the Govt.) that the power
 of appointing Magis-
 trates might be restricted to
 this Government. Hence
 the present Bill which
 was published in the
 Gazette in English and
 Vernaculars on the
 marginally noted
 dates -

See Confidential paper
 24th Mar. 79 No 1220

English — 10th Feb 1880.
 Tamil — }
 Telugu — } 24th Feb 1880.
 Malayalam — }
 Hindustani — }

The draft Bill
 sent by this Government
 gave Government power
 to nominate Magis-
 trates all

47
 all cases, the present Bill
 empowers Government to
 appoint only ^{such men} ~~as may have been~~
~~as may have been~~ nominated
 by the Community.
 It is submitted
 that the reports received
 from the referees may
 be sent to the Govt.
 of India with the remark
 that the views of this
 Government are already
 before India - there.

H. 280

A/S 3/3.

Journal of the
Kazis Bill

Judicial Deptt.
25

FOR ORDERS.

Proceedings of the Madras Government.

Read the following papers:-

- From the Adv: General of 18th Feb/80
- " Board of Revenue of 24th " No 2169
- " Collector of Tinnevely of 25th " 104
- " Mr. Mahomed Husuf I.P. of 26th " 26
- " Dist Munsiff Beywada of 28th " No 22
- " Dy Collector of N. Arcot of 28th " No 22
- " Collection of Oricals & land of 1st Mar 1880
- " Bellary of 12th " No 72
- " Order of March 1880 No 335

Ordered that the fore-
going papers be trans-
mitted to the Govt of
India

M/ind 555-556/80

The Hon. the Secretary General
Board of Revenue &
Collector of Tinnevely &
Collector of Bellary &
Dist Munsiff Beywada
Dy Collector N. Arcot
Collector Bellary

Desd 1873
100
100

Depts with Projo
1573.

N^o 556.

To
The Secretary to the
Govt of India
Legal and Revenue Deptt
With reference to
Your letter, dated 14th Feb^r 1880,
I am directed
to transmit the
marginally noted
Receipts of this
Govt for the Consider-
ation of the Govt
of India, & to

is favorably reported by all
the above officers the Govt
has agreed.

X
English - 10th Feb^r 1880

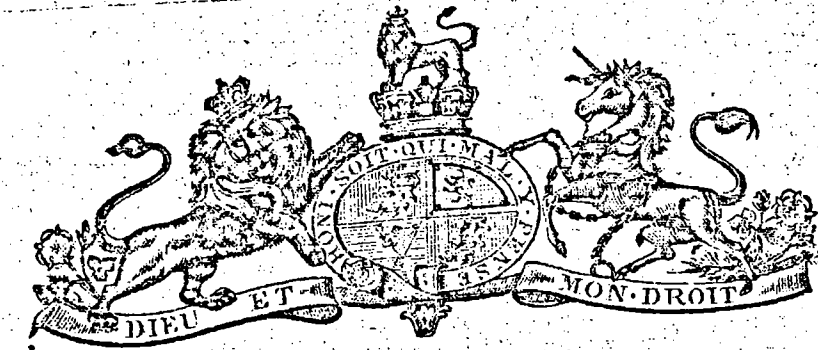
Tamil
Telugu
Malayalam
Hindustani } - 24th Feb^r 1880

Canarese - 9th March 1880.
but the Govt letter will
be issued tomorrow evening

A/K 873

state that His Highness
the Governor in Council
is of opinion that
the draft bill will
answer the purpose
for which ^{legislation} it was
suggested by this
Govt and that the
all opinions are
favorable to the bill
the proposed enactment.
The bill is
published in English
and the Vernacular
languages of the
Presidency on the
marginally noted
dated.

1880.
20. 1/1880



BILL OF THE GOVERNMENT OF INDIA.

ఆదేశ సంబంధము.

A BILL FOR THE APPOINTMENT OF PERSONS TO THE OFFICE OF KAZI, 1880.
కాజీపుద్యోగస్థులను నిర్ణయించడముకొరకు గూఁడయ్యో సంవత్సరముందు పుట్టిన బిల్లు.

(హిందూ, మహమ్మదీయ, అసఫీసద్ద, పుద్యోగములతోటియేమి కాజీ ఉత్తరకొజాయత్ వారియొక్కనున్న కాజీలయొక్కనున్న పుద్యోగములతోటియేమి యిలాకాగల చట్టము కొట్టి వెయ్యడము కొరకును లా అసీసద్ద పుద్యోగములు తీసివెయ్యడముకొరకును పుట్టిన ఆర్డర్ అ యిన) గూఁడయ్యో సంవత్సరపు ౧౧వ శాసనముయొక్క పీఠికవల్ల (యితరవిషయములలో) కాజీ ఉత్తరకొజాయత్ వారియొక్కనున్న పహారు, పట్నము, లేక పరగణా వీటితాలూకు కాజీల యొక్కనున్న పుద్యోగనిర్ణయము గవర్నమెంటువారు చెయ్యడము అయి క్తమని ప్రకటించబడి సదరుపుద్యోగస్థులను గవర్నమెంటువారు నిర్ణయించడమునుసరించిన విధులు అదేశాసనమువల్ల రద్దుచెయ్యబడి పుండేటందువల్లనున్న వివాహములు, యితరక్రియలు, ప్రస్తుతములు యివి జరిగేటప్పుడు బ్రిటిష్ ఇండియాయొక్క కొన్ని భాగములయందు మహమ్మదీయులవాడుకను అనుసరించి సర్కారువారివల్ల నిర్ణయించబడే కాజీలు హాజరుకావలసినపుండేటందువల్లనున్న అందునిమిత్తము కాజీపుద్యోగస్థులను నిర్ణయించడమునకు గవర్నమెంటువారికి మళ్లీ అధికారముకలగచెయ్యడము యుక్తముగావున్నందున యిందువల్ల విధించేదేమనగా:—

౧. ఈ శాసనమును “గూఁడయ్యో సంవత్సరపు కాజీ సంక్షామము.” అని చెప్పవచ్చును;

ఇది తక్షణము అచటలలోకి రావలసినది.

ప్రారంభము.

ఇది ఆలోచనసభలోని ఫోర్ట్ సెయింట్ జార్జ్ గవర్నర్ గారివల్ల పరిపాలించబడే రాజ్యములకుమాత్రము మొదటవ్యాపిస్తున్నది. అయితే యితర ప్రదేశ గవర్నమెంటువారు యెవరైనా, తమ పరిపాలనకులోబడ్డ రాజ్యము

లయావత్తుకుగాని అందుల యేదైనా భాగమునకుగాని ఆఫీషియల్ గెజట్లో ప్రకటనవల్ల అప్పుడప్పుడు దీన్ని వ్యాపింపచెయ్యవచ్చును.

౨. ఏదైనా ప్రదేశమునకు వొకరు, లేక యొక్కవరుండి కాజీలను నిర్ణయించవలసి

అయితే ప్రదేశమునకు కాజీలను నిర్ణయించడమునకు సర్కారు తమకుయుక్తమని తోచేయెడల

ఈ పుణ్యేశముతో ప్రస్తుతపు బిల్లు సిద్ధపరచబడ్డది. క్రమముగా నిర్ణయించబడ్డ కాజీలు లేనందున ముఖ్యముగా యిబ్బందికిలిగే మద్రాసుకుమాత్రమే యిది మొదటవ్యాపిస్తున్నది, అయితే యిందులో చొక్కాజువున్నది, అక్షాజులో, యేదయినా యితరప్రదేశ గవరన్మెంటువారిపల్లె పరిపాలించబడ్డ రాజ్యములయందువున్న మహమ్మదీయులు అధివ్యాపింపచెయ్యబడవలసినదని యిక్కడ కుంజురేయెడల ఆరాజ్యములకు అందుల నిబంధనలను వ్యాపింపచెయ్యడమునకు సదుపాయము గవరన్మెంటువారికి అధికారముకలగచెయ్యబడివున్నది, ఈ బిల్లుపల్లె కాజీలకు న్యాయశాస్త్రీనత్వమైన హక్కులుగాని పనులుగాని కలగవు. మహమ్మదీయుల అపేక్షలను తీర్చగలవలకు గవరన్మెంటువారు కాజీలను నిర్ణయించి వారిస్థితియేమి పనులయేమి యేమిగావుండినానో వాటిని యిప్పుడువుండేప్రకారమే వుంచేసిమిగ్రము అందులో పూరికైబంధన కలగచేసివున్నది. ఈ విషయమై బహుశాకలిగే అపార్థమును ఆపగలంకలకై, యిబిల్లులోవుండేదియేదిన్ని కాజీకి యేదైనా న్యాయవిచారణసంబంధమైన, లేక యితరవిధమైన అధికారములు కలగచెయ్యడము లేదనిగాని యెందులో అతడు హాజరుకావడము యిప్పుట్లో జరుగుకాదో అట్టి యేదైనా వివాహములయందు, లేక యితరప్రస్తుతములయందు ఆవశ్యకముగా అతడు హాజరయ్యేలాగున చెయ్యడములేదనిగాని మినహాయింపుగా చొక్కాజుచేర్చివున్నది.

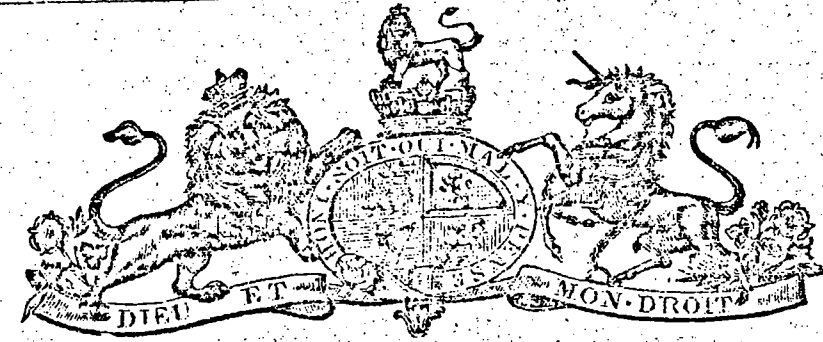
సైయిష్ హామిద్.

కలకత్తా,

గూరొయ్యో సంవత్సరం జనవరి నెల గుడ్ ఫ్రైడే.

(A true Translation.)

GUSTAV OPPERT, Ph.D.,
Telugu Translator to Government.



BILL OF THE GOVERNMENT OF INDIA.

No. III OF 1880.

1880 ലെ 3 -ാം നമ്പർ ബിൽ.

A BILL FOR THE APPOINTMENT OF PERSONS TO THE OFFICE OF KAZI.
 ഈ ബില്ലിന്റെ പേര്: കസിമാനമാർക്കു നിയമിക്കുന്നതിനുള്ള ഒരു ബിൽ.

[illegible]

I. ൦൦൦ ആകുന്ന "1880 ലെ കാജിയുടെ ആകൃതി" എന്ന പേര്

മൃഗകുടുംബം.

പറയാം.

ഇത ഉടനെ നടപ്പായിവരികയും ചെയ്യും.

நாடு, நம்ம.

ആരംഭം: ഇത ആദ്യം പ്രാപിക്കുന്ന മതിരാശി ആലോചനസഭയിൽ ഗവൺമെന്റ് കമ്മ്യൂണിഷൻ
 സെക്ഷൻ രൂപീകൃതമാകും. എന്നാൽ മറ്റുവല്ല തദ്ദേശ സ്വയംഭരണ സ്ഥാപനങ്ങളും സർക്കാർസെറ്റിൽ പരസ്പരം ആ ഗവൺമെന്റ്

സ്ഥലപ്പുറം.

ശഗവെണ്ടും സക്കാശസരറിൽ പാശ്യൂലം ആ ഗവെണ്ടു

നടീന്റെ വിചാരിപ്പുന്നു കീഴിലുള്ള രാജ്യങ്ങൾക്കു ഒട്ടക്കോ വല്ല ഭാഗത്തേക്കോ ഇതു അതതു സമയം പ്രാപിക്കാം.

2. വല്ല പ്രദേശത്തും പാക്കന ദുസ്ഥാനങ്ങളുടെ വല്ല വലിയ എണ്ണം അപ്രദേശ

பெரிய பூங்காக்களைக் காட்டி
களை நிரம்பியதால் மயங்கி
போனவர்கள் எவ்வளவு.

അ വകുപ്പുപ്രകാരം നിശ്ചയിക്കപ്പെടുന്ന വല്ല ക്ഷാമിയെയും തദ്ദേശത്തുണ്ടു തരംഗക്കു
ശൃംഖലയെ അറിയിക്കാൻ തക്കതായതുകൊണ്ടു ന്യായമായൊരു നിശ്ചയവും ചെയ്യും.

நத்தினை அமைதான் கையி
ன் நூலாய்கொண்டேனை
நல்லகலம்மே;

விவரமாகக் கிடைக்காத காரணத்தினால்
 சிலகாலமாகத் தாமதமாகியிருக்கிறது
 காரணத்தினால் காலம் காலமாக
 காலமாகத்தான், காலமாகத்தான்.

3. ഇതിൽ അടങ്ങിയ യാതൊന്നും ഇല്ലാത്തതും നല്ലതായി കണ്ടെടുത്ത വല്ല കഷ്ടിതം ന്യായധികാര സംബന്ധമായോ മറ്റോ ഉള്ള വല്ല അധികാരങ്ങളും നല്ലതായിട്ടാകട്ടെ, വല്ല വിവാദവും കഴിഞ്ഞുപോയ വല്ല കഷ്ടത അടിച്ചാൽതന്നെ നടത്തേണ്ടതായ ചില കാര്യങ്ങളിൽ ഉണ്ടായിരിക്കേണ്ടതെന്ന ആവശ്യപ്പെട്ട ന്യായോദ്ദേശം ഉൾക്കൊള്ളുന്ന വിധത്തിൽ ആകട്ടെ.

၀၀၀ အဓိပ္ပာယ်ရသော ကဏန်းများကို ဆက်သောကဏန်း။

മോചിതശാസ്ത്രപ്രകാരം കാഴ്ച മൂലമായിട്ടു ഒരു ത്രാസാധികാര ഉദ്യോഗസ്ഥനായിരുന്നു. ആയാളുടെ പ്രധാന അധികാരങ്ങളും പ്രവൃത്തികളും വൈദായ 20 - 25 പുസ്തകത്തിൽ എഴുതാനും വിസ്തരിച്ചിട്ടുണ്ട്. ആയാളെ നിത്യമായിത്തന്നെ സർവ്വദാ സഹായിക്കുന്നു. നമുക്കു ലഭ്യമായ യെയാ മഹിഷ്ട്രദിനെയൊപോലെ ആയിരുന്നു എന്നു പറയാം. മോചിതശാസ്ത്രപ്രകാരം ആയാൾക്കുള്ള പ്രവൃത്തികൾക്കു പുറമെ, ത്രിദിക്ഷരാജ്യഭാരം തുടങ്ങിയവയെ സംരക്ഷിക്കുന്നതിൽ കാഴ്ച എതാനും ലോകീകമായും എതാനും വൈദികമായും ഉള്ള മറ്റു മലപ്രവൃത്തികളും നടത്തിവന്നിരുന്നതായി കാണപ്പെടുന്നു. ഈ പ്രവൃത്തികളിൽ മൂലമായിരുന്നതുകൊണ്ട് കൈമാറ്റാധാരങ്ങൾ എഴുതി ഉണ്ടാക്കുക, സാക്ഷ്യപ്പെടുത്തുക, റിപ്പോർട്ട് ചെയ്യുക, വിവാഹങ്ങൾ കഴിപ്പിക്കുക, മറ്റു അടിയന്തരങ്ങളും ക്രിയകളും കഴിപ്പിക്കുക, ഇവകളായിരുന്നു എന്നു കാണപ്പെടുന്നു. ഈ പ്രവൃത്തികളിൽ വല്ലതും കാഴ്ചയുടെ സ്ഥാനത്തിലേക്കു മേന്മയായിരുന്നു എന്നു കാണപ്പെടുന്നില്ല. ആയാൾ ഈ പ്രവൃത്തികൾ പതിവായി നടത്തിപ്പോന്നതുകാണുകയാൽ അവ നടത്തുവാൻ മറ്റുവല്ലവരെക്കാളും അധികമായ ഒരു അധ്വൈയത്തോടെ നടന്നുതന്നിട്ടുള്ളതും, ഒരു സർവ്വശാസ്ത്രാധിപനായിരുന്നതുകൊണ്ടും ഉദ്യോഗസ്ഥരിൽ യാതൊരു ശാസ്ത്രപരിജ്ഞാനം ഉള്ളവനായി അറിയപ്പെട്ടിരുന്നതുകൊണ്ടും ആയിരുന്നു എന്നു ഞങ്ങൾ പ്രസ്താവിക്കുക.

2. നാട്ടുരാജാക്കന്മാരുടെ കാലത്തു ൦.൧൦ രാജ്യത്തിൽ ചാങ്കിയുടെ സ്ഥിതി വേലകാലം

* 1993 ലെ 30 -ാം നമ്പർ
നവംബർ 1993 ലെ 30 -ാം നമ്പർ, നവം
ബർ, ഡിസംബർ, ജനുവരി, ഫെബ്രുവരി
2000 ലെ 30 -ാം നമ്പർ.

1795 ജൂൺ 19 - 80 നമ്പർ ബുക്കിൽ കൊടുക്കുകയും, ചോദ്യങ്ങൾ ഉൾക്കൊള്ളിക്കുക.

1909 മാർച്ച് 48 - 50 നമ്പർ ബ
 ഹാൻഡ് ബുക്ക്. ക്രൈസ്തവ
 ക്ലബ്ബ് വെർഗ്ഗിസ്കാർട്ടിനിയം.

1968 ഏപ്രിൽ 3 - 20 നമ്പർ ഭരണി
നാഷണൽ റെഗുലേഷൻ, ഭരണി
...

1827 ജൂൺ 26-ാം നമ്പർ ഓഗസ്റ്റ് 1827 നമ്പർ
നവംബർ 1827 നമ്പർ, ഓഗസ്റ്റ് 1827 നമ്പർ
ജൂൺ 1827 നമ്പർ

പ്രവൃത്തികളിൽ അപ്പെഹറയുന്നവ എപ്പോഴോ എടുത്തോ അടങ്ങിയിരുന്നു. എന്നെപ്പോഴെങ്കിലും ചെന്നാൽ :—

- (1) മുൻതൽ കൈമാറാത്തതും മറ്റു ആധാരങ്ങളും എഴുതുകയും സാക്ഷ്യപ്പെടുത്തുകയും;
- (2) വിവാഹങ്ങൾ കഴിപ്പിക്കുകയും വിവാഹമോചനങ്ങളിൽ നാമനായിരിക്കുകയും;
- (3) പലവിധ അടിയന്തരങ്ങളും ക്രിയകളും കഴിപ്പിക്കുക;
- (4) കണ്ടുകെട്ടിയ മുൻതൽ ലേഖനങ്ങളും ധനങ്ങളും മറ്റും കൊടുക്കുകയും.

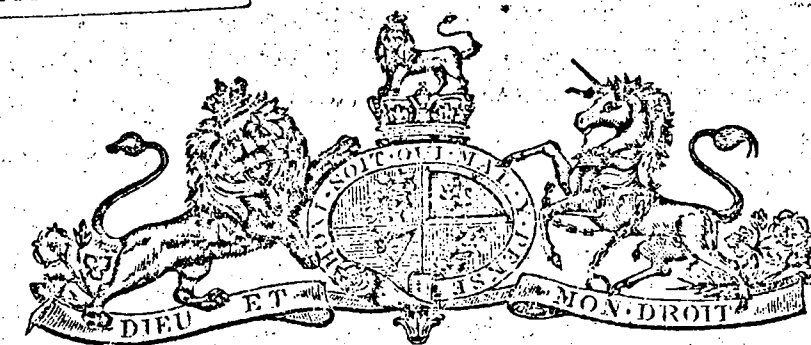
3. അനന്തരമായി ഉണ്ടായ സിബന്ധനക്ഷിത മേപ്പറഞ്ഞ പ്രവൃത്തികളിൽ ആദ്യത്തെയും അവസാനത്തെയും അതിനായി പ്രത്യേകം നിയമിക്കപ്പെട്ട ഉദ്യോഗസ്ഥന്മാരിൽ ചെന്നു - പിന്നെ ശുദ്ധമെ അടിയന്തരങ്ങളായ രണ്ടാമത്തെയും മൂന്നാമത്തെയും അല്ലാതെ കാജി ചെയ്യേണ്ടുന്ന പ്രവൃത്തികൾ യാതൊന്നും ഇല്ലാതായി - റം അവസ്ഥകളാൽ റം ഉദ്യോഗസ്ഥന്മാരെ ഗവണ്മെണ്ടു നിശ്ചയിക്കേണ്ടുന്ന ആവശ്യമില്ലെന്നു കാണപ്പെട്ടു - അതിനാൽ, ഗവണ്മെണ്ടു കാജികളെ നിശ്ചയിക്കേണ്ടതിനെ പറ്റിയും കാജികൾ ചെയ്യേണ്ടുന്ന പ്രവൃത്തികളെപറ്റിയും ഉണ്ടായിരുന്ന എല്ലാ റെഗുലേഷനുകളും 1864 ൽ ആ കൊല്ലത്തെ 11-ാം നമ്പർ ആക്ടിനാൽ ട്വലപ്പെടുത്തി - എന്നാൽ റം ഉദ്യോഗസ്ഥന്മാരുടെ വൈദികവേലകൾക്കു തടസ്സം വിചാരിച്ചിട്ടില്ലെന്നുള്ളതു പ്രകടപ്പെടുത്തുവാൻവേണ്ടി ആ ആക്റ്റിൽ താഴെപറയുന്ന ഒരു ഖണ്ഡം ചേർത്തു - “റം ആക്റ്റിൽ അടങ്ങിയയാതൊന്നും ഒരു കാജി - അൽ - ഷെന്റൽ ആകട്ടെ മറ്റു കാജിയാകട്ടെ മഹമ്മദശാസ്ത്രത്താൽ നിയമിച്ച വല്ല പ്രവൃത്തികളോ അടിയന്തരങ്ങളോ ആവശ്യപ്പെട്ടാൽ കഴിക്കുന്നതിലെക്കു തടസ്സമുളതായി പ്രാബ്ധാനിക്കേണ്ടതും അല്ല ” (1864 ലെ 11-ാം നമ്പർ ആക്ട് 2-ാം വകുപ്പ് നോക്കുക.)

4. കാജിയുടെ പ്രവൃത്തികളിൽ ചിലത് 1864ലെ 11-ാം നമ്പർ ആക്ട് നിയമിച്ചതിൽ പിന്നെയും ഇപ്പോൾ ജീവിച്ചിരിക്കാത്ത മുൻകാലക്കാലത്തെ ഇടയിൽ കാജി ഇപ്പോഴും ബഹു സാരമുള്ള ഒരു ഉദ്യോഗസ്ഥനെത്രെ - കാജിയുടെ ന്യായാധികാര ഉദ്യോഗത്തിലെ ഒരു ആളും ഒരു അന്ത്യത്തിൽ വിചാരിച്ചതുള്ള ഒരു അനുബന്ധം ആയിരുന്നുവോയെന്ന് ഇപ്പോൾ അത പ്രധാനമായും ഏകദേശം ഉള്ള പ്രവൃത്തിയായി തീർന്നിരിക്കുന്നു - എല്ലാത്തരത്തിലും ഇപ്പോഴും ചിലവടങ്ങളിൽ ചില അടിയന്തരങ്ങളും ക്രിയകൾക്കും കാജിമാരെ ചർച്ചയിലേക്കു ഇപ്പോൾ മുൻകാലം വിചാരിച്ച വരുന്നതായി കാണപ്പെടുന്നു.

5. എന്നാൽ, 1864 ലെ 11-ാം നമ്പർ ആക്ട് നിയമിച്ച സമയം ഉണ്ടാകുമെന്നു വിചാരിക്കാത്തവക ഒരു വൈയക്തം ആ ആക്ട് ഉരുവിപ്പിച്ചിരിക്കുന്നു. ട്രബേ പ്രസ്താവിച്ച പ്രകാരം ക്ഷീയെ മലമുദശാസൂപ്പടിക്കു സങ്കാരകൻ നിശ്ചയിച്ചിരുന്നത - സങ്കാരപ്പതിനെ ക്ഷീയെ നിശ്ചയിച്ചുകൂടാ എന്ന ബൊമ്പായിലെയും മതിരാശിയിലെയും ഫൈനോട്ടുകൾ ആപ്രായപ്പെട്ടിരിക്കുന്നു - എന്നാൽ, 1864 ലെ 11-ാം നമ്പർ ആക്ടിന്റെ പീഠിക ആവക ആപ്രായപ്പെട്ടിരിക്കുന്നു - എന്നാൽ, 1864 ലെ 11-ാം നമ്പർ ആക്ടിന്റെ പീഠിക ആവക ഉദ്യോഗങ്ങൾ ഗവൺമെന്റിൽനിന്ന നിശ്ചയിക്കുന്നത യുക്തമല്ലെന്ന പാഞ്ഞിരിക്കുകൊണ്ടു നിശ്ചയിപ്പാനുള്ള അധികാരം ആ ആക്ടിനാൽ സങ്കാരിലക്ക ഇല്ലാതെപോയിരിക്കയാൽ ക്ഷീ ഉദ്യോഗത്തിലക്ക ഇപ്പോൾ ആളെ നിശ്ചയിക്കുന്നത സാധ്യമായിരിക്കയില്ലെന്നു തോന്നുന്നു.

6. ൧൦൦ അവസ്ഥയാൽ മൂസലാങ്കന്റേതെന്നു ബുദ്ധിമുട്ടു അവരിൽ ചിലർ, പ്രത്യേകം മതിരാശി സംസ്ഥാനത്തിലെ മസലാങ്കർ, പലപ്പൊഴും ഗവൺമെന്റിലെ ട്രഷ്ടിയായി പെട്ടു തീർന്നു. കാജികളെ നിശ്ചയിക്കുന്ന പണി ഗവൺമെന്റു ഒരിക്കൽക്കൂടി ഏല്പേണമെന്ന ആവശ്യപ്പെടുന്നതായ നിവൃത്തി നൽകൽ മൂസലാൻ ജനങ്ങളുടെ ആ ബുദ്ധിമുട്ടുകളെ ഈ മാധി തീർത്തുകൊടുക്കൽമാത്രമായിരിക്കണമെന്ന വിചാരിച്ചിരിക്കുന്നു.

എം അഷിഖയോടു കൂടി എം ബിന്ത് തയ്യാറാക്കിയിരിക്കുന്നു. ക്രമപ്രകാരം നിശ്ചയിക്കപ്പെട്ട കാലികളില്ലാതെ അധികം തരക്കേടടു തോന്നിയ മതിരാശിയിലെക്കുമാത്രമെ ഇതുകൊടുക്കുകയുണ്ടാകുമെന്നാണ് അഭിപ്രായം.



BILL OF THE GOVERNMENT OF INDIA.

No. III of 1880.

سنہ ۱۸۸۰ عیسویہ کا شمارہ تین

A BILL FOR THE APPOINTMENT OF PERSONS TO THE OFFICE OF KAZI.

بعض اشخاص کو عہدہ قاضی پر مامور کرنے کی آئین مجوزہ کا مسودہ

چونکہ سنہ ۱۸۶۴ عیسویہ کی ایگبارھوین آئین کی تہدید کے روئے (جو آئین اس قانون کو جو ہندو مسلمان لا آفیسروں یعنی عہدہ داران قضا وافتا اور خدمات قاضی القضاات اور قاضی سے علاقہ رکھتا ہی منسوخ کرنے اور مذکور خدمات کو موقوف کردینے کے درباب ہی (منجملہ دیگر ابواب کے) یہم قرار دیا گیا کہ قاضی القضاات کی یا کسی بلدہ یا شہر یا پرگنے کے قاضیوں کی تقرری منجانب گورنمنٹ کی جانا امر لازمی نہیں ہی اور یہ قوانین جو از روئے آئین مذکور منسوخ کئے گئے۔ اور چونکہ برٹش انڈیا کے بعض حصص میں زمرہ اہل اسلام کے دستور کے مطابق نکاح باندھنے کے وقت اور چند دوسرے رسوم اور ریت میں گورنمنٹ سے مقرر کئے گئے قاضیوں کا حاضر رہنا ضرور ہی لہذا قرین مصلحت ہی کہ بعض اشخاص کو عہدہ قاضی پر مامور کرنے کے درباب گورنمنٹ کو پھر قدرت دی جاوے اسلئے بطریق ذیل قرار یاب ہوا۔

۱۔ یہ آئین سنہ ۱۸۸۰ عیسویہ کی قضاات کی آئین کہلاوینگے۔

اور اسکا عمل فی الفور جاری ہوگا۔

پہلے پہل اسکا عمل فقط ان ممالک محروسہ میں جاری ہوگا جو جناب گورنر فورٹ سینٹ جارج معہ کونسل کی ماتحت ہیں لیکن کسی دوسری موضعی گورنمنٹ کو بھی اختیار ہی کہ وقتاً فوقتاً از روئے اشتہار گریٹ سرکاری اپنی ماتحت کے تمام ممالک میں یا انکے کسی قطعے میں اسکا عمل کو جاری کرے۔

۲۔ جبکہ موضعی گورنمنٹ کو یہ معلوم ہو کہ کسی موضع کے مسلمان باشندگوں کے ایک بڑے مجمع کا یہم مدعا ہی کہ ایسے موضع کے لئے ایک قاضی یا زائد قاضیان مقرر کئے جاویں تو موضعی گورنمنٹ کو اختیار ہی کہ اپنے تئیں مناسب معلوم ہونے کی صورت میں مذکور موضع میں سکونت رکھنے والے مشاہیر اہل اسلام سے مشورت کرنے کے بعد کسی لائق شخص یا زائد اشخاص کو منتخب کرے اور اسکو یا انہیں ایسے موضع کی خدمت قضا پر مامور کرے۔ موضعی گورنمنٹ کو اختیار ہی کہ اپنے تئیں مناسب معلوم ہونے کی صورت میں اس قاضی کو جو دفعہ ہذا کے روئے مقرر کیا گیا ہو خدمت سے معطل یا معزول کرے۔

1880 ലെ 3 - 20 നമ്പർ ബിൽ.

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ആദ്യം പ്രാവിഷ്കര്യമുള്ള എങ്കിലും മറ്റുവല്ല സ്ഥലത്തെയും തദ്ദേശവാസികളിന്റെ കീഴായ രാജ്യങ്ങളിലെ മുസല്മാന്മാർ മേലിൽ ആവശ്യപ്പെടുന്നപക്ഷം ഇത അവിടങ്ങളിലെ പ്രാവിഷ്കര്യം ആവക തദ്ദേശ ഗവണ്മെന്റിനെ അധികാരപ്പെടുത്തുന്ന ഒരു ഖണ്ഡം കൂടി ഇതിൽ ഉണ്ടു. ഇത കാഴ്ചക്കു ത്രായാനുസൃതമായ അവകാശങ്ങളാകട്ടെ പ്രവൃത്തികളാകട്ടെ നല്കുന്നില്ല. മുസല്മാന്മാരുടെ ആവശ്യങ്ങൾ തീർപ്പനായിട്ട ഗവണ്മെന്റിനാൽ കാഴ്ചക്കു നിയ്ക്കുന്നതിനായിട്ടാത്രം ഇതിൽ ചട്ടം ചെയ്തിരിക്കുന്നു. കാഴ്ചക്കുടന്നതിനെയും പ്രവൃത്തികളും എ.തുടങ്ങുന്ന ആയിരുന്നാലും അതുകൾ ഇപ്പോഴത്തെ പ്രകാരംതന്നെ ഇരിക്കും. ഞം സംഗതിയെപറ്റി അബദ്ധമായ വല്ല ധാരണയും ഉണ്ടാകാതിരിപ്പാനായി ഒരു ഖണ്ഡം മേൽക്കിട്ടുണ്ടു - അതിന്റെ താൽപര്യം ഞം ബില്ലിലുള്ള യാതൊന്നും ഒരു കാഴ്ചക്കു ത്രായാധികാര സംബന്ധമായൊ മറ്റൊരു ഉള്ള യാതൊരു അധികാരവും നല്കയാകട്ടെ ഇപ്പോൾ കാഴ്ച ആവശ്യമില്ലാത്ത വല്ല വിവാഹത്തിലൊ മറ്റു അഭിയാത രേതികളൊ കാഴ്ച വേണമെന്ന ആവശ്യപ്പെട്ടയാൾക്കു ചെയ്യുന്നില്ല എന്നാകുന്നു.

സത്യഭ അഹമ്മദ.

കലക്കത്ത,

1880 ജനുവരി 19 നു.

(A true Translation.)

EDMUND THOMPSON,

Malayalam Translator to Government.

کے جو محض ادائی ریت اور رسم سے متعلق ہی غرض ان وجوہات کے باعث قضاات منجانب گورنمنٹ ناہزہ کئے جانے کی ضرورت باقی نہ رہی چنانچہ سنہ ۱۸۶۴ عیسویہ میں اسی سال کی ایگیارہویں آئین کے روسے جمیع قوانین جو منجانب گورنمنٹ قضاات کے مقرر کئے جانے کے درباب اور ان سے ادا کئے جانے کے امور سے متعلق تھے منسوخ کئے گئے۔ لیکن چونکہ یہ صاف معلوم کرنا منظور تھا کہ قاضیوں کے ان کاموں میں جو از قبیل ادائی ریت اور رسم میں خلل انداز ہوا گورنمنٹ کا مقصد نہیں ہی اسلئے آئین سابق الذکر میں دفعہ مرقومہ الذیل اضافہ کئی گئی (یعنی)

”آئین ہذا کی کسی ایک ناست کی نسبت یہہ متصور نہو کہ وہ کسی قاضی القضاات یا اور کسی قاضی کو جبکہ وہ از روئے شرع محمدی قرار دئے گئے کاموں یا رسوم ادا کرنے کے بغرض طلب کیا جاوے ان کاموں یا رسم کو بجالانے سے باز رکھتی ہی“ (سنہ ۱۸۶۴ ع کی ایگیارہویں آئین کی دوسری دفعہ دیکھو)

۴ — سنہ ۱۸۶۴ عیسویہ کی ایگیارہویں آئین کے نافذ ہونے سے قضاات پر چند کام بھال کئے جانے کے باعث وہ جمہور اسلام کے نزدیک ہنوز ایک عمدہ درجہ کا عہدہ دار متصور ہی اور وہ کام کہ جسکی نسبت ابتدا میں نوعی اسطرح تصور کیا گیا تھا کہ وہ اسکے منصب عدالت کی ایک بابت ملحقہ افزودہ تھی سو اب وہی اسکی مخصوص خدمت اور خاص الخاص نوکری قرار پائی ہی بلکہ اس ملک کے بعض حصوں میں فی الحال اہل اسلام کے یہاں بعض ریت اور رسم کی ادائی کے وقت قاضی کا حاضری رہنا از قبیل لازمت تصور کیا گیا ہی۔

۵ — مگر سنہ ۱۸۶۴ عیسویہ کی ایگیارہویں آئین کے نافذ ہونے سے ایک ایسی دقت کا کہ جسکے پیش آنے کے درباب اس آئین کے منظور و پسند ہونے کے وقت خیال و گمان نہ تھا سامنے آیا۔ از روئے شرع محمدی جسطرح کہ اوپر ذکر کیا گیا قضاات کی تقرری منجانب سرکار ہوا کرتی تھی۔ اور بمبئی اور مدراس کے ایگیارہویں آئین کا یہی اظہار ہی کہ سرکار کے سوائے اور کسی کو یہ قدرت حاصل نہیں ہی کہ قضاات مقرر کرے لیکن از انجا کہ سنہ ۱۸۶۴ عیسویہ کی ایگیارہویں آئین کے روسے سرکار قاضیوں کو مقرر کرنے کی قدرت سے اپنے کو بری الذمہ کر لئی چنانچہ تمہید اس آئین کی اس معنی پر شعر ہی کہ ایسی تقرری منجانب گورنمنٹ کئی جانا قرین صوابدید ملحوظ نہیں ہی اسلئے مذکور عہدے پر قانونی طور سے کسیکو متعین کرنا امکان سے بعید نظر آتا ہی۔

۶ — بسبب ان وجوہات کے اس تکلف کے درباب جو مسلمانوں کے عائد حال ہوا کرتی ہی اس طبقے کے اراکین سے علی الخصوص قلمرو مدراس کے اہل اسلام سے چند مرتبہ گورنمنٹ کو اطلاع دی گئی لہذا یوں متصور ہی کہ تدارک مطلوبہ کا مرحمت کیا جانا یعنی اہل اسلام کی خواہش کے بموجب قضاات کا از سر نو منجانب گورنمنٹ ناہزہ کیا جانا بظاہر رفع حاجت انکے قرین انصاف ہی۔

غرض اسی مقصد کے بلحاظ مسودہ ہذا مرتب ہوا۔ پہلے پہل اسکا عمل بالخصوص مدراس میں کہ جہاں مطابق قانون مقرر کئے گئے قضاات نہیں پیش جاری ہوتا لیکن اس میں ایسا ایک فقرہ درج کیا گیا ہی کہ جسکے روسے دوسری کسی موضعی گورنمنٹ کو اسکی مانتھت کے ممالک میں آئین ہذا کے احکام کے عمل کو جاری کرنے کے درباب قدرت بخشی گئی ہی۔ بشرطیکہ ان ممالک کے اہل اسلام کی منجانب اسکے عمل کو جاری کرنے کے بارے میں آئندہ درخواست کئی جاوے۔ آئین ہذا قاضیوں کے لئے کسی عنوان کے واجبی حقوق یا خدمات مقرر نہیں کرتی ہی مگر اسکے روسے اہل اسلام کی خواہش کے بموجب مدرسہ اس معنی کا بندوبست کیا گیا ہی کہ قاضیان منجانب گورنمنٹ متعین کئے جاویں لیکن انکا درجہ اور مرتبہ اور کامان جو کچھ یوں علی حالہ بحال

۳ — معلوم کیا جائے کہ اس آئین کی کسی ایک ناست کی نسبت یہی نہ تصور کیا جاوے کہ وہ کسی قاضی کو جو از روئے آئین ہذا مقرر کیا جاوے کوئی عدالتی قدرت یا دوسرے اختیارات بخشی ہی یا نکاح باندھنے کے وقت یا ریت اور رسم میں قاضی کا حاضری رہنا لازم و ملزوم گردانتی ہی۔

اظہار مقاصد و وجوہ

مطابق شریعت اہل اسلام قضاات حکام عدالت رہا کئے۔ انکے روسے اقتدارات اور فرائض خدمت کا بیان کتاب ہدایہ کے بیسویں باب میں قدرے تفصیلوار مندرج ہی۔ انکی تقرری منجانب فرمانرواے وقت ہوا کرتی تھی اور یہہ کہا جاوے کہ وہ ہمارے ججوں اور میجسٹریٹوں کے مساوی تھے۔ معلوم ہوتا ہی کہ قضاات مطابق شریعت محمدی اپنے فرائض خدمت کی ادائی کے ماسوا اس ملک میں ریاست برطانیہ کے قائم ہونے کے ماقبل اور دوسرے کامان جو جزاً دینی اور قدرے متعلق بدین ہیں بجالا یا کرتے تھے اور ان میں سے اہم یہہ تھے کہ وہ تنقید جانداد کے قبائوں کی تکمیل و تصدیق اور رجسٹری کیا کرتے تھے اور تنقید نکاح باندھا کرتے اور دوسرے ریت و رسوم ادا کیا کرتے تھے لیکن یہہ مفہوم نہیں ہو تا ہی کہ قضاات پر بعدیت اس خدمت کے مذکور امور کا ادا کرنا لازم و ملزوم تھا۔ اور اغلب ہی کہ ان سے مزکور کاموں کا ادا کیا جانا اس بات پر بنایا یا ہو کہ وہ بطور ایک عہدہ دار سرکار کے انہیں بجالانے کی عادت رکھتے تھے اور نیز انکے سرکاری منصب کے بلحاظ یوں متصور تھا کہ وہ احکام و مسائل شرع سے واقف تھے نہ کہ وہ بوجہ قاضی ہونے کے کسی اور شخص کی بد نسبت ان کاموں کو ادا کرنے کا زیادہ استحقاق رکھتے تھے۔

۲ — اس ملک میں مغربی ریاست کی مانتھت قضاات کا یہہ طریق تھا مگر جبکہ سلطنت انڈیہ کا تقرر ہوا تو بجائے قضاات کے جج جان اور میجسٹریٹان متعین کئے گئے اور قضاات سے اختیارات عدالتی نکلے گئے لیکن اگرچہ سرکار انگریزی قضاات کے اختیارات عدالتی کے اعتراف سے بعد از ان کفارہ کش ہوئی تا ہم خدمت قضا کو مو قوف نہ کئی بعض قوانین کے روسے جو وقتاً نافذ کئے گئے قاضی القضاات اور دوسرے قاضیوں کی تقرری منجانب سرکار ہونے کے درباب ضوابط قرار پائے تھے اور از روئے قانون ان کاموں کا جواباب عدالت سے متعلق نہیں تھا ادا کیا جانا مسلم رکھا گیا تھا اور قلمرو بنگالہ کی نسبت بھی بعض افراد کامان انہیں لٹائے گئے تھے غرض مذکور ضوابط و قوانین کے مطابق وہ کامان جو قضاات بجالا یا کرتے تھے ابواب منسلکہ الذیل پر جزاً یا کلاً اشتمال رکھتے تھے (یعنی)۔

- (۱) تنقید ناموں اور دوسرے دستاویزات قانونی کی تکمیل اور تصدیق کرنا۔
- (۲) نکاح باندھنا اور طلاق کے وقت حاضر رہنا۔
- (۳) متفرق ریت اور رسوم میں حاضر رہنا۔
- (۴) مال مضبط کے نیلام کے وقت اہتمام کرنا اور ازراہ خیرات مقرر کئے گئے ہشمنوں اور وظائف کی تقسیم کرنا۔

۳ — مگر انکے مابعد مرتب و نافذ کئے گئے قوانین کے روسے منجملہ مذکور کاموں کے پہلا اور اخیر مسطور کام ان آفیسروں کے تفویض کیا گیا جو بالخصوص دربارہ انکے مقرر کئے گئے ہر نو کوئی ایسا کام باقی نہ رہا کہ جسکو قاضی بجالاوے الودوسی اور تیسری بابت

سنہ ۱۸۸۰ء مسوئہ کا شمارہ تین

رہیں - اس امر کی نسبت غالباً کسی معنی کی غلط فہمی نہ ہونے کے لئے ایک فقرہ بطور استثناء اس معنی کا داخل کیا گیا ہے کہ انہیں ایذا کی کوئی بابت بھی کسی قاضی کو کوئی عدالتی قدرت یا دوسرے اختیارات نہیں بخشی ہیں یا نہ اس نکاح یا ریت رسم میں کہ جسکو ادا کرنے کے وقت الحال وہ حاضر رہنے کی ضرورت نہیں آئندہ اسکا حاضر رہنا از قریب لازمات قرار دیتی ہیں •

(دستخط) سید احمد

مورخہ ۱۹ ویں جنوری سنہ ۱۸۸۰ء عیسویہ

Examined M. I.

(True Translation.)

C. D. BAYNES, Major,

Persian and Hindustani Translator to Government.

A BILL

FOR

The appointment of persons to the office of Kazi.

WHEREAS, by the preamble to Act No. XI of 1864 (an Act to repeal the law relating to the offices of Hindu and Muhammadan Law Officers and to the offices of Kazi-ul-Kuzat and of Kazi, and to abolish the former offices) it was (among other things) declared that it was inexpedient that the appointment of Kazi-ul-Kuzat, or of City, Town or Pargana Kazis should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India, the presence of Kazis appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kazi; It is hereby enacted as follows:—

Short title. 1. This Act may be called "The Kazi's Act, 1880;"
Commencement. and it shall come into force at once.

It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.

2. Whenever it appears to the Local Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kazis should be appointed for such local area, the Local Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kazis for such local area.

The Local Government may, if it thinks fit, suspend or dismiss any Kazi appointed under this section.

3. Nothing herein contained shall be deemed to confer any judicial or other powers on any Kazi appointed hereunder, or to render the presence of a Kazi necessary at the celebration of any marriage or the performance of any rite or ceremony.

*I am to send
area - seems a
good & convenient
one - but it
is not under
attention I think
17/2*

more particularly by the Muhammadans of the Madras Presidency. It is considered that the grant of the relief that is sought, viz., that Government should once more undertake the appointment of Kázis, is but a reasonable concession to the wants of the Muhammadan population.

With this object the present Bill has been prepared. It extends in the first instance to Madras only, where the want of duly appointed Kázis appears chiefly to have been felt, but it contains a clause empowering any other Local Government to extend its provisions to the territories administered by it, should the Muhammadans in those territories hereafter request its extension. It confers no legal rights or duties on Kázis. It simply, in order to satisfy the wants of the Muhammadan community, provides for the appointment of Kázis by Government, leaving the position and duties of the Kázis, whatever these may be, as they now are. To prevent any possible misapprehension on this point, a saving clause has been added to the effect that nothing in the Bill confers any judicial or other powers on a Kázi, or makes his presence necessary at any marriage or other ceremony at which his presence is not now necessary.

SAYYAD AHMAD.

CALCUTTA;
The 19th January, 1880.

14-4-16

13.12.41 V

GOVERNMENT OF INDIA,
LEGISLATIVE DEPARTMENT.

G.O. 555-556
9.3.1880. (C)

ANNEXURE

TO

Bill for the appointment of persons to
the office of Kazi.

(Statement of Objects and Reasons.)

Price annas.