

Government of Madras.

Public (190¹⁸⁹⁶) Department.

ORDINARY MS. *Press*

G.O., No. 1292

DATED 8-12-1896

inserted.

[Despatch Abstract.]

Malabar Marriage Act, 1826.

Proposals of the Registrar - General of
Births, Deaths + Marriages, for giving effect
to the ———.

BACK PAPERS.

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

FURTHER PAPERS.

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

Handwritten notes and signatures in the bottom left corner, including a date "1896" and various illegible signatures.

Government {1896} of Madras. PUBLIC.

Recd. } 1896. Enclosures
Regd. } Spare copies

G.O., No. 1292, 8th December 1896.

DECEMBER.

Malabar Marriage Act IV of 1896.

Passing orders on the proposals of the Registrar-General of Births, Deaths and Marriages for giving effect to the —.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

READ—again G.O. No. 1021, Public, dated 18th September 1896.

READ—also the following papers:—

From M.R.Ry. P. RAJARATNA MUDALIYAR Avargal, Diwan Bahadur, Registrar-General of Births, Deaths and Marriages, to the Chief Secretary to Government, dated Madras, 5th September 1896, G. No. 383.

In reply to telegram from Government, No. 485, dated 18th ultimo, I have the honour to submit the following proposals in connection with the Malabar Marriage Act IV of 1896.

2. As regards the appointment of Marriage Registrars under the Act, section 4 enables the Local Government to appoint any one as Registrar, either by name, or as holding any office for the time being. The simplest course appears to be to appoint the several Sub-Registrars in the registration districts of Calicut, Tellicherry and South Canara, and the District Registrars of those districts, and also the Registrar of Madras, as *ex-officio* Registrars of Marriages, for the local areas comprised within their respective sub-districts and districts. This would obviate the necessity for appointing separate Registrars of Marriages, every time a Sub-Registrar takes leave, or is transferred from one station to another. It seems unnecessary to give Sub-Registrars power to register marriages taking place out of their sub-districts, as, under the last sentence of section 5 of the Act, the parties to the sambhandam have the option of registering it in the sub-district in which it is intended to form it. I accordingly submit, for publication in the *Fort St. George Gazette*, a draft notification for appointing all the Sub-Registrars and District Registrars referred to above as *ex-officio* Registrars of Marriages, under the Malabar Marriage Act.

3. As regards the fees payable under section 14 of the Act, the Honourable C. Sankaran Nair, whom I consulted, thinks that they should be as moderate as possible, at least until the marriages under the Act become popular with the middle and poorer classes. Under the Parsis' Marriage Act (XV of 1865), a fee of Rs. 2 is fixed for registering the certificate of each marriage, and a similar fee for granting an extract from such registers. But these marriages are certified to by the priests who officiate at the ceremony, and the certificates are forwarded by them to the Registrars of Marriages, for entry in the register maintained for the purpose. Under the Brahmo Marriage Act, III of 1872, the provisions of which have been adopted to a large extent in the Malabar Marriage Act, the scale of fees has been fixed as follows:—

	RS.	A.	P.
(1) For receiving and registering each notice of marriage ..	1	0	0
(2) For recording objections to proposed marriage ..	5	0	0
(3) For registration of a marriage ..	3	0	0
(4) For each certified extract from Marriage Register book ..	1	0	0

The same scale may, with some additions, be adopted under the Malabar Marriage Act, as shown below:—

	RS.	A.	P.
(1) For receiving and filing each notice of intention to register a marriage, section 5; or notice of withdrawal of such notice, section 7, clause 2 ..	1	0	0
(2) For receiving and filing each objection under section 8, clause 1 ..	5	0	0
(3) For entering each certificate of marriage in the Marriage Certificate book, section 12 ..	3	0	0
(4) For furnishing an extract from the Marriage Certificate book for each marriage, section 14 ..	1	0	0
(5) For allowing a search to be made in the Marriage Certificate book, section 14—			
(a) for the first year ..	1	0	0
(b) for every subsequent year (subject to a maximum of Rs. 5) ..	0	4	0
(6) For the service of a copy of notice under section 7, clause 1; of a notice of withdrawal under section 7, clause 2; or of a notice of objection under section 8, clause 2—			
(a) on a single person in a village ..	0	8	0
(b) on every other person in the same village ..	0	4	0

4. The first four items in the table follow the scale prescribed under the Brahmo Marriage Act. The fee for objections ought certainly to be high so as to act as a deterrent against frivolous protests. The fifth item follows the Indian Christian Marriage Act, and the last item is in accordance with the scale of process fees in force in District Munsifs' and Revenue Courts. It is not clear whether, under the last clause of section 14, it is intended that any fee should be levied for allowing searches in the Marriage Certificate book. In the case of the Marriage Notice book, it is laid down in section 6 that such book shall be open to inspection, at all reasonable times, without fee. The expression "without fee" does not find place in section 14, which merely lays down that the Marriage Certificate book shall, at all reasonable times, be open for inspection. The same wording is to be found in section 63 of the Christian Marriage Act XV of 1872, but, nevertheless, a separate fee (which is one-half of that mentioned above) is prescribed for allowing searches to be made in the register. The reason for the distinction apparently seems to be, that before a marriage is duly registered, all persons interested should be given every facility for inspecting the Notice book and finding for themselves who the parties to the intended sambhandam are, whether there are objections to the sambhandam, &c. After the marriage is registered, however, there can be no hardship in demanding a fee from every person who may be desirous of inspecting such register.

5. I venture to think that the fees proposed above are sufficiently moderate and may be sanctioned as a tentative measure. To provide, however, for cases in which the parties to the sambhandam may be too poor to pay the full amount of the fees, I would suggest that Marriage Registrars be given discretionary power to remit any portion, not exceeding three-fourths of the fees, in cases where they may be satisfied that the circumstances of the parties are such as to justify the grant of the concession. A similar power is reserved under the Christian Marriage Act—*vide* remark in the table of fees prescribed under it.

6. As regards the fee for the attendance of the Marriage Registrar at the private residences of the parties or of the guardian of a party who is a minor for the purpose of the declaration, or the Marriage Certificate book, being signed in their presence (section 13 of the Act), the Honourable C. Sankaran Nair is inclined to think that not more than Rs. 5 should be charged for each attendance. One important point that should be taken into consideration in determining the rate is the great aversion which Hindu women, even though they may not observe gosha, generally entertain to appearing in public offices. The aversion will be much greater in the case of young girls who have been just married or are about to be married. It will be a long time before such prejudices can be expected to die out, but so long as they exist it will be

14. The Act does not provide for the appointment of the Inspector-General of Registration as Controlling officer over the Marriage Registrars appointed under it nor for the establishment of a General Registry office for the custody of the registers as in the case of marriages under Acts III and V of 1872 and XV of 1865 as amended by Act VI of 1886. The registers may, for the present, be maintained in the offices of the several Marriage Registrars and the Inspector-General of Registration may be instructed by a departmental order to submit an annual report on the general working of the Act.

[illegible]

REGISTER OF FEES.

Serial number.	Date of receipt.	From whom received.	On what account received.	Amount of fees.	Remarks.
				RS. A. P.	

From G. W. DANCE, Esq., Acting Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 27th October 1896, No. 2101-Pub.

In reply to G.O., No. 1021, Public, dated 18th September 1896, I have the honour to state that I have taken counsel with some of the leading Nair officials in the district. I beg to offer the following remarks:—

(a) If the Act is to be a success it must be worked with great tact and discretion and by men of high and leading. I am therefore not in favour of appointing adigaries to be Registrars. It is also necessary that the Registrars should be persons to whom no objections can be taken for any reason. They should, therefore, be selected from among the Nair and Brahmin District and Sub-Registrars. This will necessitate one Registrar being sometimes put in charge of two divisions. But marriages under the Act are likely to be very few for some time to come so that I do not anticipate any difficulty on that score.

(b) The proposal to serve notices through the Sub-Magistrates does not commend itself to me. They may well be served by process servers to be entertained by the Registrars and paid out of the fees levied for the issue of notices.

(c) I think that at least 50 per cent. of the fees collected for attendance should be paid to the Registrars. This will ensure their willing co-operation and be a fair remuneration for work which will be mostly done out of office hours.

(d) The Inspector-General's proposal to authorize Registrars to reduce the fees in the case of the poorer applicants for registration has my strong support.

(e) I do not think the fee for attendance at a private house should in any case exceed Rs. 5.

ORDER—No. 1292, Public, dated 8th December 1896.

In his letter, No. 383, dated 5th September 1896, the Registrar-General of Births, Deaths and Marriages submitted his recommendations in regard to the action to be taken by Government under the Malabar Marriage Act IV of 1896. He suggested that the District Registrars of Calicut, Tellicherry, South Canara, and all Sub-Registrars under them, as well as the Registrar of Madras, should be appointed Marriage Registrars. He submitted forms of registers for approval and a list of fees to be charged. The Registrar-General's proposals were forwarded (in G.O., No. 1021, Public, dated 10th September 1896) to the Collector of Malabar for report generally and also with special reference to a suggestion that a selected number of amson adigaries might be appointed Marriage Registrars; the Collector was requested to express an opinion in regard to the channel through which, under section 25 of the Act, notices, &c., should be served. The Honourable Mr. Sankaran Nair was at the same time consulted on these points.

2. While there is a consensus of opinion as to the inadvisability of appointing adigaries as Registrars, the Collector and the Honourable Mr. Sankaran Nair are not entirely in accord as to the proposal of the Registrar-General on that point. The

Collector is of opinion that as the Act is not likely to be much used at first a few specially selected men should be appointed from among the Brahmin and the Nair District and Sub-Registrars. This, however, is open to the objection that difficulties would arise in the matter of fresh appointments on every occasion on which a District or Sub-Registrar might take leave or be transferred, and further, that under such an arrangement there would be fewer Registrars and consequently greater obstacles in the way of parties desirous of effecting registration. The Honourable Mr. Sankaran Nair, Registrar-General in its entirety. He suggests that if, after a trial of this plan, it is found that there are any localities where people find it inconvenient to register, owing to any difficulties due to the appointment of Sub-Registrars, either suitable adigaries or representatives of respectable tarwads might be appointed in addition, proper arrangements being made for the custody of records prepared by such officers.

3. After a careful consideration of the views placed before him, His Excellency the Governor in Council resolves to accept the recommendation of the Registrar-General and to direct the publication of the following notification in the Fort St. George and Malabar and South Canara District Gazettes:—

Notification.

"Under the provisions of section 4 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council hereby appoints:—

(a) The District Registrars of Calicut, Tellicherry, South Canara and Madras, under the Indian Registration Act III of 1877, to be Registrars of Marriages for the local areas comprised within their several districts;

(b) All Sub-Registrars for the time being of the several sub-districts in the districts of Calicut, Tellicherry and South Canara, under the Indian Registration Act III of 1877, to be Registrars of Marriages for the local areas comprised within their several sub-districts."

4. As regards the fees to be levied under section 14 of the Act, the Government approves of the rates proposed by the Registrar-General subject to certain reductions suggested by the Collector of Malabar and the Honourable Mr. Sankaran Nair. The rates will be subject to increase hereafter should experience render this course advisable. The following notification will accordingly be published in the Fort St. George and Malabar and South Canara District Gazettes:—

Notification.

"Under the provisions of section 14 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council prescribes the following fees to be charged by Registrars under the Act:—

	RS. A. P.
(1) For receiving and filing each notice of intention to register a marriage, section 5; or notice of withdrawal of such notice, section 7, clause 2	0 8 0
(2) For receiving and filing each objection under section 8	5 0 0
(3) For entering each certificate of marriage in the Marriage Certificate book, section 12	2 0 0
(4) For furnishing an extract from the Marriage Certificate book for each marriage, section 14	1 0 0
(5) For allowing a search to be made in the Marriage Certificate book, section 14—	
(a) For the first year	1 0 0
(b) For every subsequent year subject to a maximum of Rs. 5	0 4 0
(6) For the service of a copy of notice under section 7, clause 1; of a notice of withdrawal under section 7, clause 2; or of a notice of objection under section 8, clause 2—	
(a) On a single person in a village	0 8 0
(b) On every other person in the same village	0 4 0

5. The fee for attendance by a Registrar of Marriages at a private residence under section 13 of the Act will be fixed at Rs. 3 if the residence be within a radius of one mile from the Registrar's office and at Rs. 5 if it is beyond that limit. The Registrar will be authorized to retain the whole of such fees, no carriage hire should

be demanded in addition. The other fees levied by Registrars will be credited to the State. To meet cases in which the parties are absolutely unable to pay the fees fixed under the Act, the Registrars will be given discretionary power to remit any portion up to three-quarters of the ordinary charges. In cases in which fees are remitted the reasons for doing so should be placed on record.

6. The forms of registers submitted by the Registrar-General and referred to in paragraph 10 of his letter are approved. The Registrar-General should take the necessary steps to print them and to distribute the requisite books and forms to the Registrars who have been appointed under the Act.

7. The Government is averse from the suggestion of the Registrar-General that the several notices prescribed under the Act should be served through the Magistracy. The Collector suggests that process-servers might be entertained by the Registrars and paid out of the fees levied for the issue of notices. It seems doubtful whether the fees will provide sufficient funds to meet the cost of entertaining permanent men at first, but the Registrars will, no doubt, be able to obtain the services of temporary men who will serve notices for such portion of the fees as the Registrar-General may determine.

8. Under section 25 of the Act, His Excellency in Council is pleased to direct that the Registrars and Sub-Registrars under the Registration Act concerned shall be the officers through whom copies of the notices referred to in that section shall be served. The following notification will accordingly be published:—

Notification.

"Under the provisions of section 25 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council hereby directs that the District Registrars of Calicut, Tellicherry, South Canara and Madras, and all Sub-Registrars for the time being of the several sub-districts in the districts of Calicut, Tellicherry and South Canara, under the Indian Registration Act III of 1877, shall be the officers through whom copies of notices under sub-sections (1) and (2) of section 7 and copies of objections under sub-section (2) of section 8 of Act IV of 1896 shall be served."

9. The Government agrees with the remarks in paragraph 12 of the Registrar-General's letter and considers it improbable that, at any rate for some time to come, the Registrars will require any clerical assistance in their duties under Act IV of 1896.

10. The officers who have been appointed Registrars of Marriages by this order will be instructed by the Registrar-General in regard to the maintenance in their offices of the registers required to be kept, as well as all matters connected with the collection and disposal of fees. The Registrar-General will submit a report at the end of the current official year on the work done by the Registrars up to that time, and will, thereafter, submit an annual report on the general working of the Act. The points which will specially call for notice are—

(1) The desirability of appointing adigaries or representatives of respectable tarwads as additional Registrars, on the lines suggested by the Honourable Mr. Sankaran Nair;

(2) The working of the system of temporary process servers for the service of notices; and

(3) The necessity for granting clerical assistance in connection with marriage registration.

(True Extract.)

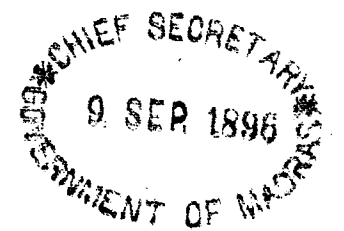
A. T. ARUNDEL,
Ag. Chief Secretary.

To the Registrar-General of Births, Deaths and Marriages.
" Collector of Malabar.
" " of South Canara.
" Hon'ble Mr. C. Sankaran Nair.
" Superintendent, Government Press.
Gazette.

Ed. C. M. Thambuswamy.

Public.
Judicial (1896) Department.

CURRENT No.



From

*The Registrar-General of
Births, Deaths and Marriages,
Madras.*

4 No. 383.

5th September
Dated *26th August 1896.*

Received 9th

Registered 10

Enclosures *Three*

Spare copies —

SUBJECT.

*Malabar Marriage Act.
IV of 1896 —
Submitting proposals
in connection with the ———,
and a draft notification, for
publication in the Fort St.
George Gazette, regarding the
appointment of Marriage
Registrars under the Act*

BACK PAPERS.

G.O.	No.	Department.	Date.
2582	773	Pub.	1896 7 76

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copy of letter from the Registrar-General of Births, Deaths and Marriages, Madras, dated 5th September 1896, No. 383.

In reply to telegram from Government, No. 485, dated 13th ultimo, I have the honour to submit the following proposals in connection with the Malabar Marriage Act IV of 1896.

1. As regards the appointment of Marriage Registrars under the Act, section 4 enables the ^{Local} Government to appoint any one as Registrar, either by name, or as holding any office for the time being. The simplest course appears to be to appoint the several Sub-Registrars in the registration districts of Calicut, Tellicherry and South Canara, and the District Registrars of those Districts, and also the Registrar of Madras, as ex-officio Registrars of Marriages, for the local areas comprised within their respective sub-districts and districts.

This would obviate the necessity for appointing separate Registrars of Marriages every time a Sub-Registrar takes leave, or is transferred from one station to another. It seems unnecessary to give Sub-Registrars power to register marriages taking place out of their sub-districts, as, under the last sentence of section 5 of the act, the parties to the marriage have the option of registering it in the sub-district in which it is intended to form it. I accordingly submit, for publication in the Fort St. ^{Gorge} Gazette, a draft notification for appointing all the Sub-Registrars and District Registrars referred to above, as ex-officio Registrars of Marriages under the Malabar Marriage Act.

2. As regards the fees payable under section 14 of the Act, the Honourable C. Ramaswami Nair, whom I consulted, has suggested that they should be as moderate as possible, at least, until the marriages under the Act become popular with the middle and poorer classes. Under the Tannis' Marriage Act (XV of 1865), a fee of Rs. 1 is fixed for registering the certificate of each marriage, and a similar fee for issuing an

an extract from such registers. But these marriages are certified to by the priests who officiate at the ceremony, and the certificates are forwarded by them to the Registrars of Marriages, for entry in the register maintained for the purpose. Under the Brahmo Marriage Act, III of 1877, the provisions of which have been adopted, to a large extent, in the Malabar Marriage Act, the scale of fees has been fixed as follows:-

- (1) For receiving and registering each notice of Marriage Rs. 1-0-0
- (2) For recording objections to proposed marriage " 3-0-0
- (3) For registration of a marriage " 1-0-0
- (4) For each certified extract from Marriage Register Book " 1-0-0

The same scale may, with some additions, be adopted under the Malabar Marriage Act, as shown below:-

- (1) For receiving and filing each notice of intention to register a marriage, section 3, or notice of withdrawal of such notice, section 7 clause 1 Rs. 1-0-0
- (2) For receiving and filing each objection under section 8, clause 1 " 3-0-0
- (3) For entering each certificate of marriage in the Marriage Certificate Book, section 12 " 1-0-0
- (4) For furnishing an extract from the Marriage Certificate Book, for each marriage, section 14 " 1-0-0
- (5) For allowing a search to be made in the Marriage Certificate Book, section 14.-
 - (a) For the first year " 1-0-0
 - (b) For every subsequent year " 0-10-0
 subject to a maximum of Rs. 5.
- (6) For the service of a copy of notice under section 7, clause 1, of a notice of withdrawal under section 7, clause 2, or of a notice of objection under section 8, clause 1.-
 - (a) on a single person in a village " 0-8-0
 - (b) on every other person in the same village " 0-10-0

The first four items in the table, follow the scale prescribed under the Brahmo Marriage Act. The fee for objections ought certainly to be high, so as to act as a deterrent against frivolous protests. The fifth item follows the Indian Christian Marriage Act, and the last item is in accordance with the scale of process fees in force in

District

District Magistrate himself and Revenue Courts. It is not clear whether, under the last clause of section 14, it is intended that any fee should be levied for allowing searches in the Marriage Certificate Book. In the case of the Marriage Notice Book, it is laid down in section 6 that such book shall be open to inspection, at all reasonable times, without fee. The expression "without fee" does not find place in section 14, which merely lays down that the Marriage Certificate Book shall, at all reasonable times be open for inspection. The same wording is to be found in section 63 of the Christian Marriage Act XV of 1872, but, nevertheless, a separate fee (which is one half of that mentioned above) is prescribed for allowing searches to be made in the register. The reason for the distinction apparently seems to be, that before a marriage is duly registered, all persons interested should be given every facility for inspecting the notice book, and finding out for themselves who the parties to the intended Sambandham are, whether there are objections to the Sambandham &c. After the marriage is registered, however, there can be no hardship in demanding a fee from every person who may be desirous of inspecting such register.

5. I venture to think that the fees proposed above are sufficiently moderate and may be sanctioned as a tentative measure. To provide, however, for cases in which the parties to the Sambandham may be too poor to pay the full amount of the fees, I would suggest that Marriage Registrars be given discretionary power to remit any portion, not exceeding three-fourths of the fees, in cases where they may be satisfied that the circumstances of the parties are such as to justify the grant of the concession. A similar power is reserved under the Christian Marriage Act - vide remark in the table of fees prescribed under it.

6. As regards the fee for the attendance of the Marriage Registrar, at the private residences of the parties or of the

guardian of a party who is a minor, for the purpose of the declaration on the marriage certificate book being signed in their presence, (section 13 of the Act), the Honourable B. Ramaswami Nair is inclined to think that not more than five rupees should be charged for each attendance. One important point that should be taken into consideration in determining the rate is the great aversion which Hindu women, even though they may not observe *posha*, generally entertain to appearing in public offices. The aversion will be much greater in the case of young girls who have been just married, or are about to be married. It will be a long time before such prejudices can be expected to die out, but so long as they exist, it will be necessary to afford all reasonable facilities to the parties to the marriage for securing the attendance of the marriage registrars at their private residences, without seriously interfering with the latter's legitimate duties, as Registrars of Assurances. I beg accordingly to recommend that the fee be fixed at Rs. 3, for each attendance, at residences situated within one mile of the marriage registrars' office, and at Rs. 7 for attendances beyond this limit. Besides the fee, carriage allowance at the rate of four annas a mile will be levied, unless the parties make their own arrangements for supplying carriage to the registrar. The Honourable Ramaswami Nair agrees with me that though the brides or brides-elect may be averse from appearing in public offices they will not object to attending at the residence of some relation or friend not far from such offices to sign the declaration and marriage certificate. With a view, therefore, to consult their feelings and their conveniences, as far as possible and at the same time to guard against the marriage registrars being called away too frequently from their station to distant villages I have proposed a lower scale of fee for attendances not exceeding a mile from the station and a higher scale for distances beyond a mile. It is not possible to adopt the *Amsham*, nor even the *Desam*, as the Hindu

as the ~~limit~~ their distances vary so much in the West Coast districts.

7. It is not intended that any portion of the fee for attendance should be remitted. After some experience has been gained of the working of the Act, the fee might be raised to Rs.5 for attendance at residences within a mile of the Marriage Registrar's station, and Rs.10 for attendance beyond that limit.

8. There is no provision in the Act for the disposal of the fees which may be collected under its provisions. But as all Marriage Registrars will be Government officials, the fees should be credited to Government.

9. As directed by Government, I am arranging with the Superintendent of Government Press for the printing of the Marriage Notice Books and Marriage Certificate Books. The notices and the certificates will be printed in the vernacular (Malayalam or Canarese as the case may be), leaving blank spaces for the entry of names &c. as occasion arises, and will bear serial numbers. The translations of the forms have been revised and ~~proof~~ proofs will be sent to the Malayalam and Canarese Translators for approval. I hope to have the registers &c. issued in time to begin work from first October next.

10. In addition to the above registers, prescribed by the Act it will be necessary to maintain a register for entering the receipt and issue of notices prescribed in sections 5, 7 and 8, and the several steps taken in connection therewith, and another register for entering the fees collected by the Marriage Registrars. Forms for the proposed registers are enclosed for the approval of Government.

11. Forms of Notices and of declarations A and B, will also be printed in the vernaculars, and supplied to Marriage Registrars for issue to parties free of charge.

12. As regards the channel through which the several notices prescribed by the Act are to be served, I have the honour to

suggest

Register of fees.

Serial Number	Date + receipt	From whom received	On what account received	Amount of fees	Remarks
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Register of Notices received, issued &c.

Name and address of person giving notice of betrothal (Section 5).	Date of receipt of notice	Date of communication of notice to the parties to the betrothal	Date of communication of notice to the Registrar	Date of receipt of notice of objection	Name and address of persons objecting (Section 8)	Date of communication of such notice to the parties in	Remarks
1	2	3	4	5	6	7	8
							9
							10
							11
							12
							13
							14

Public (1896) Department.



CURRENT No. 3001

From

The Registrar of Marriages

No. 2104

Dated 27th October 1896

Received 28th October 1896

Registered 2nd Nov 96

Enclosures

Spare copies

SUBJECT.

Submitting certain proposals in connection with the Marriage Act IV of 1896.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

NOTES.



23 Sept 96
Madras

My dear Sir,

I have to acknowledge receipt of your letter of the 18th with the enclosures and I have to submit the following remarks.

With reference to the fees prescribed, they must be ~~moderate~~ moderate as possible to enable the poorer classes to avail themselves of the provisions of the Act.

I would suggest therefore a reduction in the fee for receiving and filing a notice of marriage from one (1) Rupee to eight annas and for entering each certificate of marriage from Rs (3) to Rs (2).

The Registrar General adopted these rates from the Brahmo marriage Act rules. But under that Act marriages have to be solemnized before the Registrar while under this Act they have only to be recorded. If, after a year or two, experience justifies an increase of fees they may then be increased.

With reference to the objections advanced in the 'Note', I do not consider they are of much force.

Against the suggestions made by the Registrar General.

You cannot appoint sub Registrars by the Registrar General as it would lead to the great inconvenience of the Registrar General - that would arise when a sub Registrar takes leave or is transferred from one station to another.

They have therefore to be appointed by the Registrar General. Further, it must not be forgotten that even if Adicaries are appointed, the sub Registrar's office must be the Registrar's office.

I have strong objections to the appointment of Adicaries to the exclusion of sub Registrars. The former are generally influenced by local prejudices and are more open to temptation. The marriage Registrar has the power, by simply receiving an objection, to delay a statement from an individual who will be easily forthcoming to delay unduly. For a statement at least under the (1) & (3) - the Registrar's office.

I fully recognize the great inconvenience that would arise in some cases (1) on account of the distance of the sub Registrar's office, (2) on account of the repugnance usually felt

by females to attend any public office, especially when the official is of a different caste.

I have considered carefully the difficulties and I think that the safer course is for the present to appoint sub Registrars and Registrars as marriage Registrars, then to ascertain the localities, if any, where people find it inconvenient to register their marriages on account of any difficulties due to the appointment of sub Registrars and in such localities appoint either Adicaries or others (for a suggestion was made before our committee that the representatives of old & respectable families may be appointed) also as Registrars who may in the interests of the people of that particular locality be usefully appointed.

In that case arrangements will of course have to be made for the safe custody of the records. They must be transmitted to the sub Registrar's office.

Yours sincerely

C. Sankaranarayanan

P.S. The enclosures are returned

20. Sept 96
 Madras
 CHIEF SECRETARY
 1. OCT. 1896
 GOVERNMENT OF MADRAS

My dear Sir,

With reference to your letter of the 25th, I have to inform you that I did not say anything about the service of notice as I have not formed any clear opinion on the point. There seems to be a feeling among many persons that Police constables ought not to be exhausted with the service of notice.

Yours sincerely
 Sankaran Nair

Note

In connection with the question of the appointment of Marriage Registrars under the Marumakkattayam Marriage Act IV of 1890 the following points are respectfully submitted for consideration:--

The proposal to appoint all District and Sub-Registrars indiscriminately as Marriage Registrars under the Act, so far as it relates to Malabar where caste prejudice, superstition, strict observance of rules of pollution etc. are rampant, appears to be objectionable on the following grounds:--

(1) The Sub-Registry Offices are usually far apart so that the parties to a marriage might have to make long journeys for the purpose of getting the marriage ^{registered} ~~required~~.

(2) As a rule a Nair lady will strongly object to attend before an official not belonging to the Nair or some superior caste to get her marriage registered and it would therefore seem to be undesirable to appoint as Marriage Registrars all District and Sub-Registrars, some of whom happen to belong to lower (lower according to the notion of Nairs) classes, such as Thiars, Native Christians etc. It may be noted here that only ^{Indian} Christians are appointed marriage Registrars under the Christian Marriage Act.

(3) Even if the District or Sub-Registrar be a high class Hindu (that is, a Nair or a person of some higher caste) no Nair lady, however high her social position, will ever willingly consent to go to a District or Sub-Registrar's office which is very much ever crowded by men of all classes during the ordinary hours of business. The very idea of a couple going a long way off for the purpose of getting their samskaram registered must be repugnant to

the

the ordinary Malabar mind and this would be all the more so if the business, in which one of the parties ~~are~~ concerned is a young woman, has to be transacted in a distant and strange place, before a strange official and in the midst of a number of strangers of all castes and creeds. The natural bashfulness of a native woman especially on such an occasion is a factor which has also to be taken into account.

(4) Further, the Sub-Registrar's office is considered a regular Court by the common people and the aversion that a native lady has to attending a "Court" is nowhere perhaps more keenly felt than in Malabar. Moreover in a land, where people are so superstitious as to consult the calendar for auspicious days for dealing with money and signing documents etc., the feelings may be better imagined than described of persons who may have to perform the solemn functions connected with the registration of marriages under caste pollution which is inevitable in a public office. If, however, it is asked whether those who are not inclined to go to a District or Sub-Registrar's office cannot pay the necessary fee and get the Registrar to their houses the reply is that one in a hundred will not be able to defray the extra charge.

For comparison cannot, it is submitted, be well instituted between the registration of a document and that of a marriage. In the former case only males are required to be present at the Registrar's office the females being mostly represented by persons holding general or special powers of attorney in their behalf, whereas in the latter, young ladies are obliged to personally attend before the registering officer.

If in the above circumstances, all District and Sub Registrars of Malabar are appointed as Marriage Registrars under the Act it is feared that many people, who would otherwise gladly avail themselves of the beneficial

provisions of the enactment, would rather not do so than subject themselves to the unpleasantness and indelicacy which would be the result of the proposed appointments. The necessity for affording every facility to persons desirous of taking advantage of the introduction of a new reform which, though salutary in reality, entails a departure from the long established customs of the community in question, is too patent to require any demonstration.

To obviate the difficulties above pointed out and to facilitate the working of the Act it is respectfully submitted that, instead of District and Sub-Registrars, a selected number of Adhigaries (Village Munsiffs, Magistrates and Revenue Officers) of the Mair or of a higher class be appointed as Marriage Registrars. The maximum area of their jurisdiction as such Registrars may be limited to a radius of four or five miles so that one Adhigari may have, where desirable as by reason of the caste of a neighbouring Adhigari, more than one amson (village) under him for the purposes of the Act. The Tashildar of a Taluk will be able to make the best selections from among the most respectable of the Adhigaris under his control.

If the question be raised whether it would be safe to entrust the important work of registering marriages and maintaining the necessary registers the answer is that Adhigaris though not paid, belong, as a rule, to the most respectable class of landholders, that they exercise both civil and criminal jurisdictions in petty matters, that they settle small disputes between villagers by arbitration and that they are responsible for collecting, keeping the accounts of and transmitting to the Taluk Treasury, large sums of revenue. By virtue of the exercise of these several functions the Adhigari is a really responsible officer and a person held in high esteem by the villagers.

24
villagers.

Some of the ~~the~~ advantages of appointing these seemingly petty but really respectable class of officials as Marriage Registrars are given below.

(1) The Adhigari, in most cases, lives nearer the villagers than a Sub-Registrar and is as such within easy reach of parties intending to marry.

(2) The adhigari is usually a familiar figure in his own as well as in the neighbouring amsons so that a young lady, who wants to marry, would not have that aversion to present herself before him which she would have for going to a Sub-Registrar's "Court" (Office).

(3) In the case of the middle classes who wish to call the Registrar to their houses for registering marriage, the cost of moving him ^{will} ~~would~~ be much less if he is an adhigari of the same or adjacent amson and not a Sub-Registrar whose residence may be ten or fifteen miles away.

In view of the facts above set forth it is respectfully submitted that the Collector of Malabar, and if necessary the Collector of South Canara also, may be requested to report whether it is advisable, and if so, practicable, to appoint a selected number of Adhigaris or village officers as Registrars under the Act.

As for Madras, a Malayalee (preferably a Fair) Muzil or Official who is a permanent resident of the town appears, it is submitted, more suitable than anybody else.

R.N.
25/9/6

25

Pub. No. 551.

D. O. Co. to be amended
25th Sept 1896

To

The Honourable Mr C.
Sankaran Nair

My dear Sir,

In ^{thanking you for} acknowledging
receipt of your letter of the
23rd instant offering remarks
on the proposals of the Reg.
Genl of B D & Co for giving
effect to the Malabar
Marriage Act, I ^{have} ~~am~~ ^{desired}
to invite your ~~at~~ atten-
tion to the last para of
Mr Price's D.O. of the 19th,
and ^{to} request the favour of
being furnished with
your opinion on the
suggestion to utilize the
agency of the magistracy
for the services of summoning
noties &c under the Act.

JDB
25/9/6

MS 25.9.96

Subd 2000

(1896) Department.

D. O. No. 551

E

From

The Honorable C. Sankaran Nair.

D. O.

No.

Dated 23rd Sept. 1896.

Received 24th ———

Registered 25th ———

Enclosures 4

Spare copies.

SUBJECT.

Submitting certain remarks
in connection with the
Marriage Act.

Reply sent re serving of summons.

Left
20th for
up
15th 1897

Left a
d/c arriving
for reply on
this point
22nd 1896

NOTE FOR THE C.S.

Regr. Genl.
The Registrar.

submits his recommendations for
appts. of Marriage Regs.
under Act IV of 96. In these
connection please peruse
the attached note by a
Malayalee clerk in the office.
What he submits is worthy
of consideration. I would
add that registration under
the Act is purely voluntary
and should be encouraged
as much as possible. Unless
the customs and wishes
of the classes affected are
considered the Act may
become a dead letter.

It should be noted that in
most cases the office of
adligari is hereditary and
∴ under S 4 the holders of
certain specified adligari-
ships could be appointed
without name. Another
point is that adligaris
have no fixed hours for
public business and so ed:
more conveniently attend
at the houses of parties. As
adligaris are very poor,

paid officials (5% to a month)
it would tend to make advantage
being taken of the Act if they
were allowed to retain a certain
proportion of the ordinary fees as
well as the special fee for private
attendance. Non-official Regs.
under the Xrian Act retain
all fees.

S.D.B.
11.9.96.

NOTE FOR THE Chief Secretary

A DO. to the Hon Mr. Sankaran Nair and an order to the Collector of Malabar were despatched from orders on the 19th ultimo, with ref to the suggestions of the Rep Com of the DO & the and a note by a Malayalee clerk of the office. Please the G.O. N° 1021 Pub-2 of 15th Sept 26 flagged

The Hon Mr. Sankaran Nair replied in D.O. 551 of the 23rd ultimo when it was pointed out that he had not touched on the suggestion to utilize the agency of the magistracy for the service of summonses, notices etc, under the Act. To this he has replied in D.O. N° 562 of the 25th Sept

The Collector has not yet replied. An urgent reminder was sent on the 20th instant and the file is awaiting his answer.

Arwaiti-Collins
replied 9/10/26
28/10/26

H.C.
vide infra

Mr. Sankaran Nair called to enquire whether order had been passed. Let him know when they are

Act 28.10.26

CS
26/10

[G.]
[25 A.]
1,000-21-5-26.

Public DEPARTMENT.

C. No. 2621.

D.O's. Nos. 551 & 562. } of 1896.

Full circle

FOR ORDERS.

*ad.
see
1896-11*

In forwarding the Malabar Marriage Act, 1896 on 21th June last to this Dept., the Under Secretary, Leg. Dept., pointed out that it would be necessary to issue early orders

(a) appointing Registrars under Sec. 4 of the Act.

(b) directing the supply to such officers of Marriage notice Books (Sec. 6) and Marriage certificate Books (Sec. 12)

(c) prescribing the Fees payable under Sec. (11) and

(d) regulating the channel through which notices issued under the Acts should be served,

and lastly that it would be necessary to consider what rules, if any, should be framed under Sec. 15. The Registrar General of Births, Deaths and Marriages was asked to make recommendations on these points. His reply is at Page A.

FOR ORDERS.

H. E. THE GOVERNOR.

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE, C.I.E.

Registrars, and therefore the greater would be the distances to be travelled to effect registration. It appears desirable moreover to afford every facility for registration.

The Hon. Mr. Sankara Nair, after careful consideration of the caste difficulty, and the objections raised in the "note", (which he considers of "not much force" as against the suggestions made by the Registrar-General") agrees with the proposal of the Registrar-General that all Sub and District Registrars in Tellicherry, Calicut and South Canara Registration Districts as well as the Registrar of Madras should be appointed Registrars under the Act. He holds the view that the larger the no: of Registrars, the large will be the no: of cases of registration, and suggests that if, after a trial of this plan, it is found that there are any localities where people find it inconvenient to register "owing to any difficulties due to the appointment of Sub-Registrars either suitable Adhikaries or representatives of respectable Farwads may be appointed in addition, arrangements being made for the custody of records drawn up by such officers.

It is submitted, therefore, that as the Hon. Mr. Sankara Nair agrees with the proposal of the Registrar-General and the Collector is not altogether adverse to it, it seems unnecessary to refer this point again

The ~~great~~ difficulty arising from objection of parties to appear before a Sub Reg. of low or a different caste might be got over by allowing parties who objected on any ground to appear before the Sub-reg. of their own locality to appear either before the D. Reg. or with his permission before any other Sub Registrar. An entry is to be made in the books of the local Sub-reg. that it is done in compliance of the D. Reg. or Sub-reg. who registered the marriage.

Sec. 5 of the Act gives ample latitude.

Mr. H. 96

Not the case but if the Registrar is not satisfied with this.

to the Registrar-General, whose notification may it is submitted be published without further delay, subject to the Hon. Mr. Sankara Nair's sanction. It is suggested by the Registrar-General that the Inspector-General of Police (in the absence of a provision in the Act for the appointment of an Inspector-General of these Registrars) should be instructed to report annually on the working of the arrangement (para. 11 of his letter). It is submitted that the proposal may be approved, and the Inspector-General's attention drawn to the scheme of the Hon. Mr. Sankara Nair.

2. As to rates of fees please see Registrar-General's letter, at Flag A. The Hon. Mr. Sankara Nair proposes to reduce the fee for giving notice of marriage from Rs. 1 to annas and for entering a certificate of marriage from Rs. 3 to Rs. 2 pointing out that rates may be raised, if necessary, after further experience.

The Collector of Malabar thinks the fee for private attendance should not exceed Rs. 3 and that 50% of the amount levied by this means should be go to the Registrars, as remuneration, as the work will probably be done mostly out of office hours. (In this connection please see paras. 6 and 7 of the Registrar-General's letter) (Flag A) Mr. Dance's views would be met by keeping the charge for attendance within a radius of 1 mile at

The lower rates are
Rs. 1

Rs. 3 and reducing the charge for attendance outside that limit to Rs. 5. This rule would issue under Sec. 13. *14*

Submitted that the amendments may be accepted; the rates may be raised, if necessary after further experience.

3. The proposal made at para. 5 of the Registrar-General's letter is strongly supported by Mr. Dance. The Registrar General there suggests that in cases of poverty, Registrars may be given discretionary power to remit up to $\frac{1}{2}$ of the fees laid down. Submitted that the proposal may be approved.

4. The Registrar-General has made arrangements for the printing of Notice and Certificate Books. (para. 9 of his letter) He points out (para. 10) that other registrars will be required and sends up forms for approval. These precede his Letter (Flag A); submitted that they may be approved and the Registrar-General directed to arrange for printing them.

5. Both the Hon. Mr. Sankara Nair and the Collector of Malabar are opposed to the Registrar-General's proposal that notices should be served by the Police but the former makes no suggestion as to how notices should be served. Mr. Dance suggests that process-servers may be entertained by the Registrars and paid out of the fees levied for the issue of notices. It seems doubtful whether the fees for issue of notice would provide sufficient funds to meet the expense of

entertaining permanent men at first,
but perhaps men might be not so long,
temporarily, accept a proportion of the
fees so levied for such summons as are
on the chance of being taken on per-
manently at some future date.

C.F.H.
5/20/86

74
500-30-7-08

C.S.

Please see the second page.
As I was not sure about
the exact point raised in
this note where I had
then specifically stated.

C.F.H.

5/24/86

NOTE FOR THE CHIEF SECRETARY.

The North members of foot have
agreed to the C.S. recommendations
in regard to the action to be taken
by foot under the Marriage
Marriage Act. They in return
drafted the following points are
brought to the C.S. notice:-

Under § 7(1) Every Registrar,
on receiving a notice, shall
"serve or cause to be served at
the expense of the party giving
such notice a copy" of the notice
to the foot may prescribe the fee
payable for the duties to be
discharged by the Registrar, and
under § 25 copies of the notices
referred to above "shall be served
through such officer or court as
the court may direct in this
behalf, and the law in force for
the time being for the service
of summons on a defendant
in a civil suit shall apply
to such service".

If any fee is to be fixed
under § 7(1), it is submitted that
it should be irrespective of the
actual

34

NOTE FOR THE CHIEF SECRETARY.

The points ^{for consideration} raised in the
attached note are -
- Whether it is
proposed to levy fees of such
a nature as to interfere with
the proposed by the Registrar
General in pursuance of his
letter flagged. The only
authority in the Act for the
levy of fees is § 14 and they
(the fees) are to be solely in
consideration of duties dis-
charged by the Registrar.

§ 65 says that the notice shall be served through "such officer or court" as the Local foot may direct, and § 7(1) says that the notice shall be served "at the expense" of the party giving it. Shall it therefore be correct to permit the Marriage Registrar himself to cause the notice to be served? Does not the expression "at the expense of the party" or "obligator" ⁱⁿ under §§ 7(1) & 8(2) mean at the usual rate charged

Submitted that the Service
of notice is clearly one of
the duties to be discharged by
the Registrar, & ∴ fees may
be fixed under
Sec 14. (see sec 7.)

13/2/56.

In the first place Sec 7(1) directs the Registrar "to serve the cause to be served" the address he receives.
Secondly, there seems to be no objection to the fact, namely, that the Registrars of Companies when it has now been decided to appoint Registrars of Companies and the "Officers of the Companies" should be served, under Sec 25.

HA

In § 25 (under § 25) it is most
 improbable that by the expression,
 "and given a credit of the legislative
 contemplated the employment of the
 -person, person - persons at four or
 two acres per job or intended to
 invest the proceeds of a fund
 an individual with the authority
 of the following provisions
 on a defendant in a criminal.
 It is clear from the fact that the
 cannot be used to prosecute
 with any authority in the matter,
 for the indictment in § 25 that
 the action shall be moved through
some other or court presumably
 to the requisite legal effect
 may be attached to the indictment
 when therefore submitted to
 the expression with the of
 the person in § 7 applies to the
unchanges made by such
officer or court as is referred
 to in § 25.

713
12 11 96

I & L asked above
 are accepted as correct.
 The Chairman the answer to
 the point.

A. L. H.

13/10/50

11 МА 73 11. 96

H. M. and wife.

B. This seems quite right
but I should like to see
the ^{complete} map before we

as well as the Registrar
of Madras.

The Collection was also requested. To Express an opinion.

While there is a consensus of opinion as to the wisdom of appointing adjutants as Registers, the Collector & the Hon. Mr. Sankaran are not entering in accord to the Department proposal of Genl. on that point.

Read again 1021. 18.9.96.

quote 2684, print 2926
2 incl 2 the order.

Do not even quote D/Os. PUBLIC Department

C. 3631 print

ORDER

In his letter No. No. 383, d/ 5th Septr. last, the Registrar General of Births, Deaths and Marriages submitted his recommendations in regard to the action to be taken by Govt. under ^{the} Malabar Marriage Act, IV of 1896. He suggested that the Dt. Registrars of Calicut, Tellicherry, S. Canara, and Madras and all Sub-Registrars under them, should be appointed Marriage Registrars. He submitted forms of registers for approval and a list of fees to be charged. By ^{The Registrar General's} G.O. No. 1021, d/ ^{propose to} 13-9-96, the letter referred to above was ^(in P.O. No. 1021 of 13-9-96) forwarded to the Collector of Malabar for report, with special reference to a suggestion that ~~had been made that a select~~ number of amson adhigharies ~~belonging to~~ ^{Managers} the high castes might be appointed Registrars; and also in regard to the channel through which, under sec. 25 of the Act, notices etc. should be served. The Hon: Mr. Sankara Mayar was at the same time consulted on ^{the} this point.

Both the gentlemen indicated above are opposed to the appointment of adhigaries as Registrars. They do not however agree as to who should be appointed. The Collector is of opinion that as the Act is not likely to be much used at first *especially selected* a few men of light and leading should be

appointed from among the Brahmin and District the Vair etc. and Sub-Registrars. This, however, would be open to the objection that it would be necessary to appoint a new Registrar every time ~~one of them~~ *difficulties would arise in every* Registrar or Sub-Registrar appointed under the Act took leave, and further, that under the arrangement there would be fewer Registrars and consequently greater obstacles in the way of parties effecting registration. The Hon. Mr. Bankara *after a full consideration of the various objections* has agreed with the proposals of the Registrar General *in regard to the appointment of Sub-Registrars and Sub-Registrars* of the localities already indicated. He suggested that if, after a trial of this plan, it is found that there are any localities where people find it inconvenient to register, owing to the any difficulties due to the appointment of Sub-Registrars, either suitable adhigaries or representatives of respectable tarwads *might be appointed* in addition, arrangements being made for the custody of records prepared by such officers. This suggestion will be communicated to the Registrar General for ~~future note~~ *reference* should it be found necessary.

3. After a careful consideration of the ~~facts~~ *views* placed before him, the Governor in Council resolves to accept the recommendations of the Registrar General and to direct the publication of the following notification in

in the Fort St. George and Malabar and S. Canara Dt. Gazettes:---

NOTIFICATION

"Under the provisions of section 4 of the Malabar Marriage Act, IV of 1896, H.E. the Governor in Council hereby appoints:-

(a) The Dt. Registrars of Calicut, Tellicherry S. Canara and Madras, under the Indian Registration Act, III of 1877, to be Marriage Registrars for the local areas comprised within their several districts;

(b) All Sub-Registrars for the time being of the several sub-districts of the districts of Calicut, Tellicherry and S. Canara, under the Indian Registration Act, III of 1877, to be Marriage Registrars for the local areas comprised within their several sub-districts."

4. As regards the fees to be levied under section 14 of the Act, the Govt. agrees with the Hon. Mr. Bankara that they should be fixed at a low rate subject to increase hereafter should experience render this advisable. The following notification will accordingly be published in the Fort St. George and Malabar and S. Canara Dt. Gazettes:--

NOTIFICATION

(1) For ~~receiving and filing~~ *each* notice of intention to register a marriage, section; or notice of withdrawal of

Approval of the rules proposed by the Reg. Genl. Subject to certain conditions proposed by the C.M. of Malabar & the Hon. Mr. Bankara. The rules will be

Under the provisions of section 14 of the Malabar Marriage Act, IV of 1896, H.E. the Govt. has prescribed the following fees to be charged by Registrars under the Act:-

such notice, section 1, clause 2, 1-0-0

(2) For receiving and filing each collection under sec. 10, 5-0-0

(3) For entering each certificate of marriage in the Marriage Certificate Book, sec. 13, 1-0-0

(4) For furnishing an extract from the Marriage Certificate Book, for each marriage, sec. 14, 1-0-0

(5) For allowing a search to be made in the Marriage Certificate Book, sec. 14, 1-0-0

(a) for the first year 1-0-0

(b) for every subsequent year 0-0-0

(6) For the service of a copy of notice under sec. 1, clause 1; of a notice of withdrawal under sec. 1, clause 2; or of a notice of objection under sec. 6, clause 2:-

(a) on a single person in a village 0-0-0

(b) on every other person in the same village 0-0-0

The fee for attendance by a Registrar at a private residence under sec. 13 of the Act will be fixed at Rs. 5 if the residence be within a radius of one mile from the Registrar's office, and Rs. 6 if beyond that limit.

The Registrar will be authorized to retain such fees, & the remaining other fees levied by Registrars will be credited to Govt.

(Note: in do here - for 10 p. 100 - 5)

No orders have been passed regarding the proposed marriage allowance - vide para 2 of G.O. letter. Fees for printing attendance are usually retained by the Registrar. vide G.O. 63. Sec. 22. 6. 63. Sub 2 that the procedure may be followed in this and the marriage allowance prohibited.

to p.c. and p.c. to Reg. Submitted that as there is a provision for their retaining the whole, the Registrar may be allowed to retain the carriage fees, disallowed for the purpose. It is not intended that any portion of the fee for attendance should be limited, in any case. This has not to be allowed any further.

Yes. The Registrar is to retain the carriage fees.

note: They are not entitled to retain the carriage fees on their own moiety - but that is the case.

To meet cases in which the parties are absolutely unable to pay the fees fixed under the Act, the Registrars will be given discretionary power to remit any portion up to three-quarters of the ordinary charges, with the exception of the moiety of the fee for private attendance which should invariably be credited to Govt.

6. The forms of Registers submitted to the Registrar General are approved. The Registrar General should take the necessary steps for printing and for distributing the requisite books and forms to the Registrars who have been appointed under the Act.

7. The Govt. is averse to the suggestion of the Registrar General that Sub-Registrars should be the channel through which the several notices prescribed under the Act are to be served. The Collector suggests that process servers might be entertained by the Registrars and paid out of the fees levied for the issue of notices. It seems doubtful whether this will provide sufficient funds to meet the cost of entertaining permanent men at first, but it seems probable that the Registrars will be able to obtain the services of temporary men who will serve the notices for a portion of the fees. This system should be tried and reported on by the Registrar General at the interval of three months.

Let the R.G. settle the amount for the present. Why should only a portion of the fee be paid to the server? The Registrar should retain the fee.

8. Under sec. 25 of the Act, H.E. Council is pleased to direct that the Registrars and Sub-Registrars under the

Registrar for Act concerned shall be the officers through whom copies of the notices referred to in that section shall be served. The following notification will accordingly be published:--

NOTIFICATION

"Under the provisions of sec. 25 of the Malabar Marriage Act, IV of 1890, H.E. the Governor in Council hereby directs that the District Registrars of Calicut, Tellicherry, and S. Canara, and all Sub-Registrars for the time being of the several sub-districts in the districts of Calicut, Tellicherry, and Canara under the Indian Registration Act III of 1887, shall be the officers through whom copies of notices under sub-sections (1) and (2) of section 7 and copies of objections under sub-sec. (2) of sec. 8 shall be served."

The Govt. agrees with the remarks in para 12 of the Registrar General's letter, and considers that it improbable that at any rate for some time to come, the Registrars will require any clerical assistance in their duties under Act IV of 1890.

The officers who have been appointed Registrars by this order will be instructed by the Registrar General in regard to the assistance in their offices of the registers etc. The Registrar General will submit

Note
Reg. dept. notices are served thro' Sub-Registrars.
- para 12 of R. 1890

in para 2nd clause

a report at the end of the current official year on the work done by the Marriage Registrars up to that time, and will, thereafter, submit an annual report on the general working of the Act.

3513
16.11.96
Sd/-
Shortland
on 16.11.96

- Shortland's report on the work done by the Marriage Registrars up to that time, and will, thereafter, submit an annual report on the general working of the Act.
- (1) the necessity for affording adequate representation of the various religious communities, as at present the representation is not adequate.
 - (2) the working of the system of keeping registers for the service of the public.
 - (3) the necessity for providing clerical assistance in connection with marriage registration.

22/11/96
17/11/96
17.11.96

NOTE FOR THE CHIEF SECRETARY.

May 14 of his letter
the Rep^t sent. Request that
he (in his capacity of
of Rep^t) shd. be directed
directed to submit a
annual report on the
of the Act. in the
of Rep^t to the R. J. ^{OB}
in an ^{OB} this is
is submitted. The Rep^t
has been referred to
Sach. Through the
17.11.56 17/11/56

1. Does the Inspector send to
Rep^t Submit an annual
Report to Govt? ^{Yes}
2. If so when? ^{15th Aug}
3. If not to whom & when?
4. When ^{15th Aug} it be sent
Sachal to him to report
on the working of the
Malabar Marriage Act?

It wd. be well
to consult him ^{15th Aug}
after the ^{15th Aug}
8p. course. He
shd. give his own
date so as not to clash with other reports
He has also to submit a report on the
Genl. & B.D.

69
-16-8-95.

DEPARTMENT.



Memorandum.

Malabar Marriage Act.

Read the following

D.O. Nos. 551 & 552

17.11.56

after consultation
with the Collector

C.S.

This Rep. seems necessary
altho' the matter is urgent
& the Act is inoperative
pending its settlement.

35B

Referred to the Registrar
General of Births, Deaths and Marriages
for very early remarks with advertence
to his No. 305, d/ 17th Sept. 1956. The
Registrar General is requested to re-
port what officers he would select for
appointment as Registrars in accordance
with the ^{Marriage} Collector's
(recommendation, of the ^{Collector's}
adviser. Adverting to clause 1 of
the Collector's letter, the Registrar-
General is requested to state whether
he considers it probable that the fees
will be sufficient to meet the cost of
the process servers.

35B
3/11/56

To

The Registrar-General of Births,
Deaths and Marriages.

Please see 1.10.56
Sopomali Shalby.

17.11.56

Shell
Sankar

129

8th

No. 2, PUBLIC, DECEMBER 1896.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

Read—again G.O., No. 1021, Public, dated 18th September 1896.

Read—also the following papers—

From M.R.Ry. P. RAJARATNA MUDALIYAR Avargal, D. Bahadur,
Registrar-General of Births, Deaths and Marriages, to the Chief Secretary
to Government, dated Madras, 5th September 1896, G. No. 983.

In reply to telegram from Government, No. 485, dated 18th ult. I have the
honour to submit the following proposals in connection with the Malabar Marriage
Act IV of 1896.

2. As regards the appointment of Marriage Registrars under the Act, section 4
enables the Local Government to appoint any one as Registrar, either by name, or as
holding any office for the time being. The simplest course appears to be to appoint
the several Sub-Registrars in the registration districts of Calicut, Tellicherry and
South Canara, and the District Registrars of those districts, and also the Registrar of
Madras, as *ex-officio* Registrars of Marriages, for the local areas comprised within
their respective sub-districts and districts. This would obviate the necessity for
appointing separate Registrars of Marriages, every time a Sub-Registrar takes leave,
or is transferred from one station to another. It seems unnecessary to give Sub-
Registrars power to register marriages taking place out of their sub-districts, as,
under the last sentence of section 5 of the Act, the parties to the sambhandam have
the option of registering it in the sub-district in which it is intended to form it. I
accordingly submit, for publication in the *Fort St. George Gazette*, a draft notification
for appointing all the Sub-Registrars and District Registrars referred to above as
ex-officio Registrars of Marriages, under the Malabar Marriage Act.

3. As regards the fees payable under section 14 of the Act, the Honourable
C. Sankara Nair, whom I consulted, thinks that they should be as moderate as possi-
ble, at least until the marriages under the Act become popular with the middle and
poorer classes. Under the Parsis' Marriage Act (XV of 1865), a fee of Rs. 2 is fixed
for registering the certificate of each marriage, and a similar fee for granting an
extract from such registers. But these marriages are certified to by the priests who
officiate at the ceremony, and the certificates are forwarded by them to the Registrars
of Marriages, for entry in the register maintained for the purpose. Under the Brahmo
Marriage Act, III of 1872, the provisions of which have been adopted to a large
extent in the Malabar Marriage Act, the scale of fees has been fixed as follows:—

	RS.	A.	P.
(1) For receiving and registering each notice of marriage	1	0	0
(2) For recording objections to proposed marriage	5	0	0
(3) For registration of a marriage	3	0	0
(4) For each certified extract from Marriage Register book	1	0	0

The same scale may, with some additions, be adopted under the Malabar
Marriage Act, as shown below:—

	RS.	A.	P.
(1) For receiving and filing each notice of intention to register a marriage, section 5; or notice of withdrawal of such notice, section 7, clause 2	1	0	0
(2) For receiving and filing each objection under section 8, clause 1	5	0	0

Hon. Mr. Bliss. C. J. E.

Complete proof is submitted in accordance with the Hon. Mr. Bliss's note of the 18th ultimo on the new draft. Attention is invited to the addition that has been made to para 5 of the order in regard to carriage hire. It is based on the note in the margin at the head of page 5 of the draft.

32B
8/11/96.

On reconsideration I think it will be necessary to allow carriage for distances over (say) 3 miles. But the point may stand over until experience is gained. The above may issue.

BS
8/11/96

[Signature]

	RS.	A.	P.
(1) For entering each certificate of marriage in the Marriage Certificate book, section 12	3	0	0
(4) For furnishing an extract from the Marriage Certificate book for each marriage, section 14	1	0	0
(5) For allowing a search to be made in the Marriage Certificate book, section 14—			
(a) for the first year	1	0	0
(b) for every subsequent year (subject to a maximum of Rs. 5)	0	4	0
(6) For the service of a copy of notice under section 7, clause 1; of a notice of withdrawal under section 7, clause 2; or of a notice of objection under section 8, clause 2—			
(a) on a single person in a village	0	8	0
(b) on every other person in the same village	0	4	0

4. The first four items in the table follow the scale prescribed under the Brahmo Marriage Act. The fee for objections ought certainly to be high so as to act as a deterrent against frivolous protests. The fifth item follows the Indian Christian Marriage Act, and the last item is in accordance with the scale of process fees in force in District Munsifs' and Revenue Courts. It is not clear whether, under the last clause of section 14, it is intended that any fee should be levied for allowing searches in the Marriage Certificate book. In the case of the Marriage Notice book, it is laid down in section 6 that such book shall be open to inspection, at all reasonable times, without fee. The expression "without fee" does not find place in section 14, which merely lays down that the Marriage Certificate book shall, at all reasonable times, be open for inspection. The same wording is to be found in section 63 of the Christian Marriage Act XV of 1872, but, nevertheless, a separate fee (which is one-half of that mentioned above) is prescribed for allowing searches to be made in the register. The reason for the distinction apparently seems to be, that before a marriage is duly registered, all persons interested should be given every facility for inspecting the Notice book and finding for themselves who the parties to the intended sambandham are, whether there are objections to the sambandham, &c. After the marriage is registered, however, there can be no hardship in demanding a fee from every person who may be desirous of inspecting such register.

5. I venture to think that the fees proposed above are sufficiently moderate and may be sanctioned as a tentative measure. To provide, however, for cases in which the parties to the sambandham may be too poor to pay the full amount of the fees, I would suggest that Marriage Registrars be given discretionary power to remit any portion, not exceeding three-fourths of the fees, in cases where they may be satisfied that the circumstances of the parties are such as to justify the grant of the concession. A similar power is reserved under the Christian Marriage Act—vide remark in the table of fees prescribed under it.

6. As regards the fee for the attendance of the Marriage Registrar at the private residences of the parties or of the guardian of a party who is a minor for the purpose of the declaration, or the Marriage Certificate book, being signed in their presence (section 13 of the Act), the Honourable C. Sankara Nair is inclined to think that not more than Rs. 5 should be charged for each attendance. One important point that should be taken into consideration in determining the rate is the great aversion which Hindu women, even though they may not observe gosha, generally entertain to appearing in public offices. The aversion will be much greater in the case of young girls who have been just married or are about to be married. It will be a long time before such prejudices can be expected to die out, but so long as they exist it will be necessary to afford all reasonable facilities to the parties to the marriage for securing the attendance of the Marriage Registrars at their private residences without seriously interfering with the latter's legitimate duties as Registrars of Assurances. I beg accordingly to recommend that the fee be fixed at Rs. 3 for each attendance at residences situated within one mile of the Marriage Registrar's office and at Rs. 7 for attendances beyond this limit. Besides the fee, carriage allowance at the rate of four annas a mile will be levied unless the parties make their own arrangements for supplying carriage to the Registrar. The Honourable Sankara Nair agrees with me that though the brides or brides-elect may be averse from appearing in public offices they

7. It is not intended that any portion of the fee for attendance should be remitted. After some experience has been gained of the working of the Act the fee might be raised to Rs. 5 for attendance at residences within a mile of the Marriage Registrar's station and Rs. 10 for attendance beyond that limit.

8. There is no provision in the Act for the disposal of the fees which may be collected under its provisions. But as all Marriage Registrars will be Government officials the fees should be credited to Government.

9. As directed by Government, I am arranging with the Superintendent of Government Press for the printing of the Marriage Notice books and Marriage Certificate books. The notices and the certificates will be printed in the vernacular (Malayalam or Canarese as the case may be) leaving blank spaces for the entry of names, &c., as occasion arises, and will bear serial numbers. The translations of the forms have been revised and proofs will be sent to the Malayalam and Canarese Translators for approval. I hope to have the registers, &c., issued in time to begin work from 1st October next.

10. In addition to the above registers prescribed by the Act it will be necessary to maintain a register for entering the receipt and issue of notices prescribed in sections 5, 7 and 8, and the several steps taken in connection therewith and another register for entering the fees collected by the Marriage Registrars. Forms for the proposed registers are enclosed for the approval of Government.

11. Forms of notices and of declarations A and B will also be printed in the vernaculars and supplied to Marriage Registrars for issue to parties free of charge.

12. As regards the channel through which the several notices prescribed by the Act are to be served, I have the honour to suggest that they may be served through the Sub-Magistrates as is done in the case of notices issued by the Registration Department.

13. I have not submitted any proposals regarding the clerical assistance that may be required by the Marriage Registrars for maintaining the registers, as referred to in the preceding paragraphs. It does not seem likely that, for the next two or three years at any rate there will be many marriages registered under the Act. When some experience has been gained of its working, the Registrars will be requested to report, in detail, what separate establishment, if any, will be required.

14. The Act does not provide for the appointment of the Inspector-General of Registration as Controlling officer over the Marriage Registrars appointed under it, nor for the establishment of a General Registry office for the custody of the registers as in the case of marriages under Acts III and V of 1872 and XV of 1865 as amended by Act VI of 1886. The registers may, for the present, be maintained in the offices of the several Marriage Registrars and the Inspector-General of Registration may be instructed by a departmental order to submit an annual report on the general working of the Act.

Number.	Name and address of person giving notice of sambandham (section 5).	Date of receipt of notice.	Date of communication of the notice to			Date of receipt of notice of withdrawal of notice in column 2.	Date of communication of such notice to the parties in			Name and address of persons objecting (section 8).	Date of receipt of objection.	Date of communication of objection to party in column 2.	Remarks.
			the other party to the sambandham.	Guardian, if any.	managing members of the Tarwad.		column 4.	column 5.	column 6.				
1	2.	3	4	5	6	7.	8	9	10	11	12	13	14

REGISTER of Fees.

Serial number.	Date of receipt.	From whom received.	On what account received.	Amount of fees.	Remarks.
				Rs. A. P.	

From G. W. DANCE, Esq., Acting Collector of Malabar, to the Chief Secretary to Government, dated Calicut, 27th October 1896, No. 2104-Pub.

In reply to G.O., No. 1021, Public, dated 18th September 1896, I have the honour to state that I have taken counsel with some of the leading Nair officials in the district. I beg to offer the following remarks:—

(a) If the Act is to be a success it must be worked with great tact and discretion and by men of light and leading. I am therefore not in favour of appointing adigaries to be Registrars. It is also necessary that the Registrars should be persons to whom no objections can be taken for caste reasons. They should, therefore, be selected from among the Nair and Brahmin District and Sub-Registrars. This will necessitate one Registrar being sometimes put in charge of two divisions. But marriages under the Act are likely to be very few for some time to come so that I do not anticipate any difficulty on that score.

(b) The proposal to serve notices through the Sub-Magistrates does not commend itself to me. They may well be served by process servers to be entertained by the Registrars and paid out of the fees levied for the issue of notices.

(c) I think that at least 50 per cent. of the fees collected for attendance should be paid to the Registrars. This will ensure their willing co-operation and be a fair remuneration for work which will be mostly done out of office hours.

(d) The Inspector-General's proposal to authorize Registrars to reduce the fees in the case of the poorer applicants for registration has my strong support.

(e) I do not think the fee for attendance at a private house should in any case exceed Rs. 5.

ORDER—No. 1292 dated 8th December 1896.

In his letter, No. 383, dated 5th September last, the Registrar-General of Births, Deaths and Marriages submitted his recommendations in regard to the action to be taken by Government under the Malabar Marriage Act IV of 1896. He suggested that the District Registrars of Calicut, Tellicherry, South Canara, and all Sub-Registrars under them, as well as the Registrar of Madras, should be appointed Marriage Registrars. He submitted forms of registers for approval and a list of fees to be charged. The Registrar-General's proposals were forwarded (in G.O., No. 1021, Public, dated 10th September 1896) to the Collector of Malabar for report generally and also with special reference to a suggestion that a selected number of amson adigaries might be appointed Marriage Registrars; the Collector was requested to express an opinion in regard to the channel through which, under section 25 of the Act, notices, &c., should be served. The Honourable Mr. Sankara Nair was at the same time consulted on these points.

* 2. While there is a consensus of opinion as to the inadvisability of appointing adigaries as Registrars, the Collector and the Honourable Mr. Sankara Nair are not entirely in accord as to the proposal of the Registrar-General on that point. The

Collector is of opinion that as the Act is not likely to be much used at first a few specially selected men should be appointed from among the Brahmin and the Nair District and Sub-Registrars. This, however, is open to the objection that difficulties would arise in the matter of fresh appointments on every occasion on which a District or Sub-Registrar might take leave or be transferred and further, that under such an arrangement there would be fewer Registrars and consequently greater obstacles in the way of parties desirous of effecting registration. The Honourable Mr. Sankara Nair, after a full consideration of the questions involved, agrees with the proposal of the Registrar-General in its entirety. He suggests that if, after a trial of this plan, it is found that there are any localities where people find it inconvenient to register, owing to any difficulties due to the appointment of Sub-Registrars, either suitable adigaries or representatives of respectable tarwads might be appointed in addition, proper arrangements being made for the custody of records prepared by such officers.

3. After a careful consideration of the views placed before him, His Excellency the Governor in Council resolves to accept the recommendation of the Registrar-General and to direct the publication of the following notification in the Fort St. George and Malabar and South Canara District Gazettes:—

Notification.

"Under the provisions of section 4 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council hereby appoints:—

(a) The District Registrars of Calicut, Tellicherry, South Canara and Madras, under the Indian Registration Act III of 1877, to be Registrars of Marriages for the local areas comprised within their several districts;

(b) All Sub-Registrars for the time being of the several sub-districts in the districts of Calicut, Tellicherry and South Canara, under the Indian Registration Act III of 1877, to be Registrars of Marriages for the local areas comprised within their several sub-districts."

4. As regards the fees to be levied under section 14 of the Act, the Government approves of the rates proposed by the Registrar-General subject to certain reductions suggested by the Collector of Malabar and the Honourable Mr. Sankara Nair. The rates will be subject to increase hereafter should experience render this course advisable. The following notification will accordingly be published in the Fort St. George and Malabar and South Canara District Gazettes:—

Notification.

"Under the provisions of section 14 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council prescribes the following fees to be charged by Registrars under the Act:—

	RS. A. P.
(1) For receiving and filing each notice of intention to register a marriage, section 5; or notice of withdrawal of such notice, section 7, clause 2 ..	0 8 0
(2) For receiving and filing each objection under section 8 ..	5 0 0
(3) For entering each certificate of marriage in the Marriage Certificate book, section 12 ..	2 0 0
(4) For furnishing an extract from the Marriage Certificate book for each marriage, section 14 ..	1 0 0
(5) For allowing a search to be made in the Marriage Certificate book, section 14—	
(a) For the first year ..	1 0 0
(b) For every subsequent year subject to a maximum of Rs. 5 ..	0 4 0
(6) For the service of a copy of notice under section 7, clause 1; of a notice of withdrawal under section 7, clause 2; or of a notice of objection under section 8, clause 2—	
(a) On a single person in a village ..	0 8 0
(b) On every other person in the same village ..	0 4 0

5. The fee for attendance by a Registrar of Marriages at a private residence under section 13 of the Act will be fixed at Rs. 3 if the residence be within a radius of one mile from the Registrar's office and at Rs. 5 if it is beyond that limit. The Registrar will be authorized to retain the whole of such fees, but no carriage hire should

be demanded in addition. The other fees levied by Registrars will be credited to the State. To meet cases in which the parties are absolutely unable to pay the fees fixed under the Act, the Registrars will be given discretionary power to remit any portion up to three-quarters of the ordinary charges. In cases in which fees are remitted the reasons for doing so should be placed on record.

6. The forms of registers submitted by the Registrar-General and referred to in paragraph 10 of his letter are approved. The Registrar-General should take the necessary steps to print them and to distribute the requisite books and forms to the Registrars who have been appointed under the Act.

7. The Government is averse from the suggestion of the Registrar-General that the several notices prescribed under the Act should be served through the Magistrate. The Collector suggests that process-servers might be entertained by the Registrars and paid out of the fees levied for the issue of notices. It seems doubtful whether the fees will provide sufficient funds to meet the cost of entertaining permanent men at first, but the Registrars will, no doubt, be able to obtain the services of temporary men who will serve notices for such portion of the fees as the Registrar-General may determine.

8. Under section 25 of the Act, His Excellency in Council is pleased to direct that the Registrars and Sub-Registrars under the Registration Act concerned shall be the officers through whom copies of the notices referred to in that section shall be served. The following notification will accordingly be published:—

Notification.

"Under the provisions of section 25 of the Malabar Marriage Act IV of 1896 His Excellency the Governor in Council hereby directs that the District Registrars of Calicut, Tellicherry, South Canara and Madras, and all Sub-Registrars for the time being of the several sub-districts in the districts of Calicut, Tellicherry and South Canara, under the Indian Registration Act III of 1877, shall be the officers through whom copies of notices under sub-sections (1) and (2) of section 7 and copies of objections under sub-section (2) of section 8 of Act IV of 1896 shall be served."

9. The Government agrees with the remarks in paragraph 12 of the Registrar-General's letter and considers it improbable that, at any rate for some time to come, the Registrars will require any clerical assistance in their duties under Act IV of 1896.

10. The officers who have been appointed Registrars of Marriages by this order will be instructed by the Registrar-General in regard to the maintenance in their offices of the registers required to be kept, as well as all matters connected with the collection and disposal of fees. The Registrar-General will submit a report at the end of the current official year on the work done by the Registrars up to that time, and will, thereafter, submit an annual report on the general working of the Act. The points which will specially call for notice are—

- (1) The desirability of appointing adigaries or representatives of respectable tarwads as additional Registrars, on the lines suggested by the Honourable Mr. Sankaran Nair;
- (2) The working of the system of temporary process servers for the service of notices; and
- (3) The necessity for granting clerical assistance in connection with marriage registration.

To the Registrar-General of Births, Deaths and Marriages.
 " Collector of Malabar.
 " of South Canara.
 " Hon'ble C. Sankaran Nair.
 " Superintendent, Government Press.
 Gazette.

Ed. C. M. Thambusawmy.

AT
 7.12.96
 17/12

addition of periodicals

3213
 5/11/16