

Public (189th) Department.

ORDINARY PRINTED.

G.O., No. 1022

Dated 11-8-98

INDEXED.

2nd Report

1897-1898

[Despatch Abstract.]

Malabar Marriage Act. IV of 1896

Reviewing report on the
work done under the — during the
year 1897-98.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cuo 1758/98 (next similar)							

Government {1898} of Madras. PUBLIC.

Recd.

Enclosures

Regd.

1898.

Spare copies

G.O., No. 1022, 11th August 1898.

AUGUST.

Malabar Marriage Act, IV of 1896.

Reviewing report on the work done under the — during the year 1897-98.

1083/97.

Public (1898) Department.

CURRENT No.

4

No. 1022, PUBLIC, 11TH AUGUST 1898.

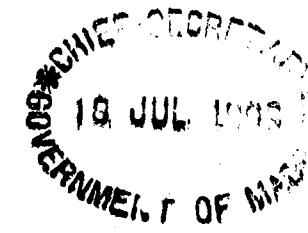
2. His Excellency the Governor in Council considers that adigaries and other representative members of the Tarwads should not be appointed as marriage registrars until there is a greater demand for registration. The Government agrees with the Registrar-General that the appointment of process-servers and the grant of clerical assistance to marriage registrars may lie over until necessity arises for such appointments.

3. With regard to the proposed amendments of the Act, His Excellency the Governor in Council, after a careful consideration of the arguments adduced, is of opinion that sufficient reason does not exist to justify further legislation on the subject at present. Government will be in a better position to judge how far the alleged defects need to be remedied, when further experience in the working of the Act has been gained.

(True Extract.)

G. STOKES,
Chief Secretary.

Order



From

*The Registrar-General of Births,
Deaths & Marriages,
Madras*

G.No. 479

To the Registrar-General of Births, Deaths and Marriages.
" the Collector of Malabar.
" South Canara.
" M.R.Ry. C. Sankaran Nayar Avargal.
" V. Chappan Menon "
" the Legislative Department.

Dated 15th July 1898

Received } 18 "
Registered }

Enclosures —

Spare copies —

SUBJECT.

*Submitting report on the
work done under the Malabar
Marriage Act II of 1896, during
the year 1897-98*

BACK PAPERS.

G.O.	No.	Department.	Date.
	107	Pub.	19.1.98
	1083	"	18.2.97 out 10.5
	1292	"	8.12.96
	Arch	47-26	17.7.98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.]
25
1,000 - 22-11-97.

c 28/7 c 2/8/98
D 30/7 R 1/7

Public DEPARTMENT

C. No. 2273 of 1898.

SUBJECT.

3. HIS EXCELLENCY THE GOVERNOR.
1. THE HON'BLE SIR HENRY BLISS, K.C.I.E.
Arundel, J.C.S.
2. THE HON'BLE MR. GROSE, C.I.E.

Work done under the Malabar Marriage Act of 1896 during the year 1897-98.

FOR ORDERS.

The Registrar General of Births, Deaths and Marriages submits the annual report for 1897-98, on the general working of the Malabar Marriage Act, in accordance with para. 10 of G.O. No. 1292, Public, dated 8th December 1896 (flag).

2. Notices of intention to register Sambandhams dropped from 36 (in the last two months of 1896-97) to 24 in the year 1897-98. The decrease is attributed to the Act having found favour ~~with~~ only with a small section of the educated classes of the community affected by it. The Registrar-General anticipates still fewer notices of intention to register sambandhams in the future. He is of opinion that the mass of the population of the West Coast ~~view~~ view the Act as an innovation which will eventually undermine their peculiar social customs. The prejudice against the Act he says is stronger in North Malabar than in South Malabar, women being the chief opponents of the Act. He hopes that the prejudices will

This will undoubtedly be the tendency of the Act
HRS

wear away, and that the advantages afforded by the new law will in time be appreciated by a larger number of Marumathattayam families.

3. Nairs, [chiefly Govt. servants and vakils] form the majority of persons who gave notice of intention to register ~~the~~ Sambandhams during the year. The Registrar-General thinks that the registry of 51 Sambandhams between the introduction of the Act in January 1897, and 31st March 1898, may be considered satisfactory.

4. No objections were received in any of the cases registered and no suit has been filed for cancellation of registration.

5. He reports that all Registrars except the Malapuram Registrar are against appointing Adigaries and other representatives members of the Tarwads as Marriage Registrars. Mr. Sankaran Nair having suggested that one or two adigaries might be appointed Marriage Registrars as a tentative measure, the Registrar General has directed the Registrars to make re-selections for this duty. The Registrar General considers that the question of appointing process servers and granting clerical assistance to Marriage Registrars may lie over until necessity arises for such appointments.

6. Attention is again drawn to the inconvenience caused by the restrictive provisions of sec. 5 of the Act in respect to jurisdiction. Govt. remarked in para. 2 of G.O. No. 1083 Public, dated 18th August 1897 (flag), in reviewing the

Should say better not, at least until there is a greater demand for reg.
H.S.

3
the work done under the Act during 1896-97, that no amendment of the Act in this respect was advisable until further experience had been gained. Please also see the notes at J. The Registrar-General reports that owing to this difficulty of jurisdiction a notice of intention to register, received by the Registrar of Tellicherry from ^{a person} ~~the~~ (Sub Registrar) ^{of} Cannanore had to be struck off as the latter was unable to go to Tellicherry to complete registration. In this connection please see the papers recorded in G.O. No. 101, Public, dated 19th January 1898 (flag F). Mr. Sankaran Nair's opinions regarding amendment are flagged F. Please also see the notes at G & H, and the order at J. It was decided in G.O. No. 101, Public, dated 19th January 1898 (flag J) that the proposals regarding the amendment of the Act should be recorded until the Registrar-General's annual report for 1897-98 was received.

7. Mr. Sankaran Nair's suggestions are:-

(1) that registration before the Registrar within whose jurisdiction the parties may be residing at the ~~time~~ ^{time} the sambandham ~~proposed~~ ^{proposed} to be registered, should be ~~accepted~~ ^{permitted}. This involves an amendment of sec. 5 of the Act.

(2) that registered ~~as marriages~~ ^{Sambandhams} should be registered as marriages, but he adds that he considers this amendment

unable

and ~~may~~ assert his position as the guardian. He would include within the definition of "Children" Children born to a deceased wife, provided due notice of their legitimacy (in such form as the Legislature may prescribe) is given to the Registering Officer; or, he would ~~add~~ special notice for this purpose.

26.7.98.

[illegible]

a-

I don't see any harm in this.
 But is it necessary to move? I
 doubt - see the C.S.'s note below
 BS

7

[illegible]

11 May 78.

1/1/77

8-27-78

Orders are requested
whether steps should be
taken to mitigate legislation
on the basis suggested above.

Since the place where the Land Ordinance was passed is in ~~the~~ the great inquiry of course that where the principles and foundations of the nation stand it is obviously the proper place for registration with reference to the provisions of Sec. 7 & 8. For this it is proposed to substitute as an alternative the place where the parties to the Land Ordinance are residing when they want to register. This I think objectionable. It will prevent objections being put in by those entitled to object and make registration a hot and cross affair. The only reason why it is proposed to make the amendment is because a Sub Register.

W^d not travel 11 miles to assist
in Laramie Land. If the Act needs
his bolstering up it is better left
alone.

The law which forms
 certain relations to marriage is
 that of the country in which the
 parties are domiciled. If both
 parties are subjects of Great Britain
 the law of England governs their
 relations. If one of them is a foreigner
 the law of the country of which he is
 a subject governs his relations to
 his wife. If both are foreigners
 the law of the country of which they
 are both subjects governs their
 relations. It is the duty of the
 British Government to protect its
 subjects in their property and
 to see that they are not
 oppressed in their relations to
 their wives. It is not the duty
 of the British Government to
 interfere with the laws of other
 countries in relation to marriage.
 It is the duty of the British
 Government to see that its
 subjects are not oppressed in
 their relations to their wives.
 It is not the duty of the British
 Government to interfere with the
 laws of other countries in relation
 to marriage.

O [$\frac{G}{24}$]

5.0-16 5-98.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No. *WJ*

Again G.O., dated

189 , No.

Current No. *1273* of 189 *8*, dated *15/7*, from *the Regt. Genl. of B. A. xhm. C.*

" " " 189 , "

" " " 189 , "

*CS.*ORDER. *Nº 1022, 8th August 1898*

A.

The Report of the Registrar General of Births, Deaths and Marriages on the work done under the Malabar Marriage Act IV of 1896, during the year 1897-98, shews that although the legislation has not so far been fully appreciated, yet this is only what ~~should~~ be expected ~~with an enactment which must necessarily tend to undermine the peculiar social customs of the population of the West Coast.~~

2. His Excellency the Governor in Council considers that Adigaries and other representative members of the Tarwards should not be appointed as Marriage Registrars until there is a greater demand for registration. ~~Govt. is in accord with the Registrar-General in his opinion~~ *the Govt. is after* that the appointment of process servers, and the grant of clerical assistance to marriage registrars may be lie over until necessity arises

for

r such appointments.

With regard to the proposed amendments of the Act His Excellency the Governor in Council, after a careful consideration of the arguments adduced ~~in favour of altering the enactment~~ ^{to suppress the same}, is of opinion that sufficient reason does not exist to justify further legislation on the subject at present. Govt. will be in a better position to judge how far the alleged defects need to be remedied, when further experience in the working of the Act has been gained.

(from order)

AK
9/8/25

May 1925

To the Registrar-General of B.D. & M. 30
Collector of Malabar,
South Canara.
R. Sankaran Nayar Avargal.
Chappan Menon
The Legislative Department.

dec 1925

FROM ORDERS.

C.S.

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READ AGAIN G.O. No.
152

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

PAGERS NOT FILED UP, BEING MEANT FOR DEBATCH
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