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THE
MARRIAGE REGISTRATION MANUAL, ASSAM.

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THE
MARRIAGE REGISTRATION MANUAL
ASSAM.

PART I.

SECTION I.

BENGAL ACT I OF 1876.*

(*The Bengal Muhammadan Marriages and Divorces Registration Act, 1876.*)

(19th January 1876)

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

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

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

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

“ Muhammadan Registrar ” means any person who is duly authorised under this Act to register marriages and divorces. “ Muhammadan Registrar.”

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

* Except Section I, the whole Act has been extended to the following districts of Assam :—Sylhet, Cachar, Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, and Lakhimpur (*vide* Local Administration Notification No. 3465J., dated the 8th June 1916.)

District.

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

"Purdah-nisheen.

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

Lieutenant-Governor may grant licenses to register.

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

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

NOTE.—For "Lieutenant-Governor" read "Inspector General of Registration" (*vide* Assam Administration Notification No. 3465J., dated the 8th June 1916).

Muhammadan Registrars to use seals.

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

Government to provide seal and books.

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

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

Muhammadan Registrar to keep registers.

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

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

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

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

Entries to be numbered.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall

* Act VIII of 1871 was repealed and re-enacted by the Indian Registration Act, 1877 (III of 1877), which has been repealed and re-enacted by the Indian Registration Act, 1908 (XVI of 1908).

commence and terminate with the year, a fresh series being commenced at the beginning of each year.

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

Applications
by whom to
be made.

If the application be for the registration of a marriage:—

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

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

By the man who has effected the divorce;

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

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

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

Duties of
Muhamma-
dan Regis-
trar on appli-
cation.

- (a) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;
- (b) satisfy himself as to the identity of the person appearing before him and alleging that the marriage or divorce has been effected;
- (c) in the case of any person appearing as representative of the man or woman (whether he appears as guardian or vakil), satisfy himself of the right of such person to appear.

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

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

Muhamma-
dan Regis-
trar may
receive
gratuity.

Entries by
whom to be
signed.

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

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

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

- (1) by the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively : provided that, if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil ;
- (2) by two witnesses who were present at the marriage ceremony ;
- (3) in cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her ;
- (4) by the Muhammadan Registrar ;

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

- (1) by the man who has effected the divorce ;
- (2) by the witness who identifies the man who has effected the divorce ;
- (3) if the man be of the Shia sect, by two witnesses to the divorce being effected ;
- (4) by the Muhammadan Registrar ;

if the entry be of a divorce of the kind known as a Khula in a register in the Form (C) contained in the schedule to this Act—

- (1) by the parties to the Khula, provided that, if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil ;
- (2) by the person who identifies the man ;
- (3) by the person who identifies the woman ;
- (4) if the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her ;

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

(6) by the Muhammadan Registrar.

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

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

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

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Muhammadan Registrar or of the Registrar of the District, and the copies of the entries in such index, which are filed in the office of the Registrar of the District under the provisions of section 22 of this Act, shall be at all times open to inspection by any person applying to inspect the same ; and copies of entries in any of the registers and of the certified copies of such entries, which are filed in the office of the Registrar of the District under section 22 of this Act, shall be given to all persons applying for such copies. Index may be inspected and copies of entries in registers taken.

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

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

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

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

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

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

SCHEDULE.

(See sections 6 and 11.)

FORM (A), BOOK I.

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

1. Consecutive No.
2. Name of the bridegroom and that of his father, with their respective residences.
3. Name of the bride and that of her father, with their respective residences.
4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.
- *5. Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.
- *6. Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.
- †7. Name of the bride's wakil, and of his father, and their residences, with specification of the relationship in which the wakil stands to the bride.
- †8. Names of the witnesses to the due authorization of the bride's wakil, with names of their fathers and residences and specification of the relationship in which they stand to the bride.
9. Date on which the marriage was contracted, to be given according to the English style and according to the era current in the district.
10. Amount of dower.
11. How much of the dower is Mu'ajjal (prompt) and how much Mu'ajjol (deferred).
12. Whether any portion of the dower was paid at the moment. If so, how much?

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

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

13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.
14. Special conditions, if any.
15. Names of village or town, police jurisdiction, and district in which the marriage took place.
16. Name of the person in whose house the marriage ceremony took place, and that of his father.
17. Date of registration, to be given according to the English style.

FORM (B), BOOK II.

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

1. Consecutive No.
2. Names of the husband and of his father, and their residences.
3. Names of the wife and of her father, and their residences.
4. Date of divorce—according to the English style and according to the era current in the district.
5. Description of divorce.
6. Manner in which the divorce was effected.
7. Names of the village or town, police jurisdiction, and district in which the divorce took place.
8. Name of the party in whose house the divorce took place, and of his father.
9. Names of witnesses to the divorce, if any, the names of their fathers, and their respective residences.
10. Name of party identifying the husband before the Muhammadan Registrar and that of his father, and their residences.
11. Date of registration, to be given according to the English style.

FORM (C), BOOK III.

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

1. Consecutive No.
2. Name of the husband and that of his father, and their residences.

MARRIAGE REGISTRATION MANUAL.

Divorce, signed by three Muhammadan gentlemen of respectability and position :—

Application for a Muhammadan Registrarship under the Bengal Act I of 1876 (an Act to provide for the voluntary registration of Muhammadan Marriages and Divorces at thana district of

Name and usual signature of candidate, date of application, and address in full.	Age.	Profession or present employment of candidate with present salary or pension.	Father's name and profession.	Present family residence of candidate.	Distance of residence from the Muhammadan Registry office and sadr station.	Whether candidate has a masonry house for office.	If previously employed under Government, details of past service; if ever dismissed from any post, particulars of the fact.	Names and addresses of persons recommending the candidate	Whether candidate is acquainted with Arabic, Persian, Urdu, Bengali, Assamese or English.	Whether candidate is acquainted with Muhammadan Law, and holds any certificate from any Government or private Madrasa (stating its name).	Remarks of the District Registrar.	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Who may
be nominat-
ed.

4. Candidates selected for the post of Muhammadan Registrars should possess a sufficient acquaintance with the Arabic language and Muhammadan law of marriage and divorce, and be of good moral character. In the selection of Muhammadan Registrars preference shall ordinarily be given to *ex-Kazis* and Government pensioners, being Muhammadans who reside, or are willing to reside, at a convenient place within the limits of the jurisdiction proposed. A Sub-Registrar may be nominated as Muhammadan Registrar, provided he be a Muhammadan, and is otherwise qualified.

Jurisdic-
tion.

5. The limits within which a Muhammadan Registrar shall be licensed to act shall coincide with the limits of a sub-district under the Indian Registration Act, or with the jurisdiction of one or more police stations or parts thereof, as the Inspector General of Registration may, from time to time, direct. The headquarters shall be at some convenient place within those limits.

6. Should the nomination of the District Registrar be disapproved by the Permanent Committee, the District Registrar may *Cancel* the second sentence of rule 6 on page 13.

(No. 1, dated the 2nd May 1924.)

~~in any district to which they may be appointed or in the office of the Inspector General of Registration.~~

7. (a) Every candidate selected for appointment as a ^{Liability to} Muhammadan Registrar shall at first be appointed on probation and shall not be confirmed until he has passed the prescribed examination.

(b) The said examination shall be held annually in each division in June at a convenient centre under the superintendence of a District Registrar or a Gazetted Officer of Government to be nominated by the District Registrar.

The centre shall be selected by the Inspector General of Registration in consultation with the District Registrars.

(c) The examination will consist of two papers, one in Muhammadan Law, especially the law of marriage and divorce, the other comprising questions on the Act, 1876 [Act I (B.C.) of 1876], and the Kazis Act, 1880 (Act XII of 1880), and rules framed thereunder by Government.

(d) Probationers being passed students of the Arabic Departments of a Madrasa will be required to present themselves for examination in the second only of these papers.

(e) The papers will be set by one of the members of the Permanent Committee or by a person appointed by the Permanent Committee, who shall also examine the papers and mark them and submit the results to the Permanent Committee for approval. The Committee will decide which of the candidates shall be considered to have passed.

(f) Every probationer will be allowed to appear twice, provided that no probationer will be compelled to appear within less than six months from the date of his appointment. Any candidate who fails to pass within three years from the date of his appointment shall be removed from his office.

Form
license.

8. Licenses to qualified persons who have been approved of as Muhammadan Registrars will be granted in the following form :—

License under section 3 of the Bengal Act I of 1876.

To

of

Shillong, the

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By virtue of the authority conferred upon the Inspector General of Registration, Assam, by section 3 of the Bengal Muhammadan Marriages and Divorces Registration Act, 1876 (Bengal Act I of 1876), extended to certain districts in the province of Assam as restricted and modified by the Judicial Department Notification No. 3465J., dated the 8th June 1916, you are hereby authorised to register, in the manner prescribed by the above Act, all Muhammadan marriages and divorces which shall be effected within in the district of , on application being made to you for such registration.

(2) It will be your duty carefully to observe the provisions of the abovementioned Act, and such rules as may from time to time be prescribed by the Chief Commissioner of Assam, in pursuance of the power conferred upon him by the above Act.

(3) This license shall continue in force until it is revoked or suspended by the said Inspector General of Registration, Assam.

Inspector General of Registration, Assam.

Resignation.

9. When a Muhammadan Registrar desires to give up his license, or is about to leave the place of the district in which he has exercised the functions of Muhammadan Registrar, he shall report the circumstances through the District Registrar to the Inspector General of Registration for orders.

Change of
Officers.

10. When a Muhammadan Registrar makes over charge of his office to a successor, a certificate shall be jointly given of the date on which the office is made over and of the safety and correctness of the records; and this certificate shall be forwarded by the District Registrar to the Inspector General of Registration.

Leave.

11. Muhammadan Registrars shall not be entitled to leave as of right under the rules in force for Government servants. The Inspector General may, however, grant leave in cases of urgency and license a substitute.

Muhammadan Registrars are required to submit their applications for leave to the District Registrars six weeks before the date on which they intend to avail themselves of it.

12. When forwarding the applications of a Muhammadan Registrar for leave, or when reporting the absence of a Muhammadan Registrar from duty, a District Registrar should nominate a suitable person to act as substitute from the list of candidates

For rule 12 at pages 14 and 15 *substitute* the following :—

12. When forwarding the application of a Muhammadan Registrar for leave, or when reporting the absence of a Muhammadan Registrar from duty, a District Registrar should nominate a suitable person to act as substitute from the list of candidates which will be maintained in his office for the purpose. This list will not be restricted to candidates passing from Assam Madrassas alone. The District Registrar's nomination shall be considered by the Inspector General of Registration. A temporary license will then be issued by him to the selected candidate. A Muhammadan Registrar shall not be placed in charge of the office of another Muhammadan Registrar unless he has been licensed to hold charge of the latter office.

Add the following as rule 12-A at page 15 :—

12A. Neither entry of name in the list, mentioned in Rule 12, nor temporary appointment to the office of a Muhammadan Registrar will be held to establish a claim to permanent appointment. When a permanent vacancy occurs, a notice calling for applications to be filed within one month should be posted at the District and Subdivisional Sub-Registry offices. The District Registrar will make his nomination from the applications filed, and the nomination will be scrutinised by the Permanent Committee under Rule 3.

(No. 2, dated the 20th December 1924).

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for Muhammadan Registrarship registered in his office. The District Registrar's nomination shall be considered by the Inspector General of Registration together with the claims of any other candidate whose name has been registered in his office under rule 6. A temporary license will then be issued by him to the selected candidate. A Muhammadan Registrar shall not be placed in charge of the office of another Muhammadan Registrar unless he has been licensed to hold charge of the latter office.

13. It is not intended that service as a Muhammadan Registrar shall count as Government service, so as to give rise to any claim for pension or gratuity, or to leave allowances of any kind. Not entitled to pension.

14. (1) The general control and supervision of the working of the Act shall be exercised by the Inspector General of Registration aided by District Registrars and Special Sub-Registrars. General control.

(2) Muhammadan Extra Assistant Commissioners and Sub-Deputy Collectors may be specially deputed by the District Registrar to inspect Muhammadan Marriage Registry offices at any time, and Subdivisional Officers are authorised to visit and inspect all such offices within their subdivisions.

(3) The officers mentioned in clause (2) of this rule should not themselves pass any orders on the occasion of their inspections, but should report to the District Registrars for orders on any points on which the orders appear to them to be necessary.

15. A Muhammadan Registrar will, on first appointment, be supplied with the registers, etc., mentioned below, free of charge:— Books and stationery.

1. Register A (Book I).
2. Copies of ditto for parties.
3. Ditto ditto for the Registrar.
4. Ditto ditto for issue.
5. Register B (Book II).
6. Copies of ditto for parties.
7. Ditto ditto for the Registrar.
8. Ditto ditto for issue.
9. Register C (Book III).
10. Copies of ditto for parties.
11. Ditto ditto for the Registrar.
12. Ditto ditto for issue.
13. Book of refusals.
14. Book of appeals.
15. Index Book.
16. Ditto sheets.
17. Form of applications.
18. Catalogue.
19. Act and rules in Urdu or Bengali, or Assamese.
20. Indent for forms.
21. Receipt Book.

He will also be supplied with a seal, and will use no ink for making entries in the registers and indexes other than that supplied from the Government Stores. All books, registers, etc., which may subsequently be supplied, shall be paid for by the Muhammadan Registrar at the time of supply; but in any case when the District Registrar thinks it necessary, he may defer the realization of the charge for a term not exceeding three months. In case of failure to pay at the prescribed period, the District Registrar should report the case for orders to the Inspector General of Registration.

When the first supply is exhausted, a Muhammadan Registrar will obtain on indent from the Government Stores, at cost price, Register Books A, B and C, Index Books, Index sheets, Forms and Registers of application, catalogues, Receipt books and a seal, which is not to cost more than Rs. 2. He will supply himself with forms 2, 3, 4, 6, 7, 8, 10, 11 and 12 on good stout paper and keep up himself Books of Refusals and Books of Appeals on country paper.

But Muhammadan Registrars and Kazis whose monthly incomes are not more than Rs. 15 are exempted from paying for registers, forms or stationery, including ink, obtained on indent from Government Stores.

Custody of
seals.

16. The seal shall always remain in the personal custody of the Muhammadan Registrar and shall be made over with the records to the officer appointed in his place whenever a Muhammadan Registrar ceases, either temporarily or permanently, to exercise his functions.

Table of
fees.

17. A printed table of fees in the vernacular of the district shall be suspended in some conspicuous place in every Muhammadan Registrar's office.

Disposal
of fees.

18. The fees received by a Muhammadan Registrar under sections 9 and 16 of the Act, and rules 21 and 21 may be retained by him as his lawful remuneration, provided that he duly pays for the registers and other articles supplied to him under rule 14. All fees received by a District Registrar shall be credited to Government in the same way as fees realized under the Indian Registration Act.

A receipt shall be granted to the payee from the printed book prescribed for the purpose by the Muhammadan Registrar or District Registrar as the case may be, in which shall be entered in detail all sums received on account of fees, gratuity and allowance. The receipt shall be sealed with the seal of the Muhammadan Registrar or District Registrar granting it and shall be signed and dated by that officer.

19. A Muhammadan Registrar shall not be debarred from holding any other salaried appointment provided that it does not interfere with the proper discharge of his duties as Muhammadan Registrar.

20. When the attendance of a Muhammadan Registrar is required at the celebration of a marriage or other ceremony, the party requiring his attendance shall make an application to the Muhammadan Registrar, specifying the place and time of the marriage or other ceremony, and that officer may attend. Attendance at marriages.

21. It shall be lawful for Muhammadan Registrars to travel on circuit within their jurisdiction for the purpose of attending at celebration of marriages or other ceremonies.

22. Muhammadan Registrars are at liberty to make their own terms as regards the extra fees or gratuities to be given them for attending marriages or divorces. They are, however, prohibited from demanding the fees beyond the following scale for attending at a marriage or other ceremony :— Fees.

Rupees 3 plus travelling allowance at the rate of three annas a mile.

23. When the Muhammadan Registrar is present at the celebration of a marriage, he shall make an entry of the fact in the Register of Marriages (A), and a copy of such entry shall be included in the copies to be made under sections 12, 15 and 22 of the Act.

24. If all the persons who, by section 11 of the Act, are required to sign the entry of the marriage or divorce in the proper register, are not present, registration shall be deferred until they are all present; provided that no marriage or divorce for registration of which application has been made within one month, as required by section 9, shall be registered after the expiration of six months from the date on which the marriage or divorce was effected. Procedure on application to register in absence of any of the parties.

25. The Muhammadan Registrar shall satisfy himself whether or not a marriage was effected by the persons by whom it is represented to have been effected in the following manner :— Procedure before registration.

(1) by examining the parties to the marriage, or, if either or both of them are minors, their lawful guardians. If the woman be a *purdah-nisheen*, her duly authorised vakil shall be examined instead of the woman;

(2) by examining the two witnesses who were present at the marriage.

26 The Muhammadan Registrar shall satisfy himself whether or not a divorce, other than the kind known as *khula*, was effected by the man by whom it is represented to have been effected by examining that man; and if he be of the *Shia* sect, by examining also the two witnesses to the divorce.

27. The Muhammadan Registrar shall satisfy himself that a divorce of the kind known as *khula* was effected by the persons by whom it was represented to have been effected in the following manner :—

- (1) by examining the parties to the *khula*, provided that if the woman be a *purdah-nisheen*, her duly constituted *vakil* shall be examined instead of the woman;
- (2) if the man be of the *Shia* sect, by also examining the two witnesses to the divorce.

Identity of person appearing as witnesses.

28. The Muhammadan Registrar shall satisfy himself of the identity of persons appearing before him as witnesses of marriage or divorce, unless they are otherwise personally known to him by examining at least one witness to the identity of each person so appearing.

Right of the person appearing as representative

29. In the case of any person appearing as the representative of the man or woman (whether he appears as guardian or *vakil*), the Muhammadan Registrar shall satisfy himself of the right of such person to appear, by examining such person. If a *vakil* so appear, the Muhammadan Registrar shall further examine witnesses to the fact of the *vakil* having been duly authorised to appear.

Entry of marriage or divorce in register to be signed.

30. When the entry of the marriage or divorce has been made in the proper register, it shall be read over by the Muhammadan Registrar to the persons who, by section 11 of the Act, are required to sign such entry. If they admit its correctness, the entry shall then be signed by them.

Procedure when person cannot sign his name.

31. When a person who cannot write signs his name by means of a mark, his name shall be recorded at length, and the writer also shall sign his name in attestation that the mark was affixed in his presence.

Correction of error.

32. If a Muhammadan Registrar discovers any error in the form or substance of any entry of a marriage or divorce made by him, he may within one month from the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error by entry in the margin without any alteration of the original entry, and shall sign the original

entry and add thereto the date of such correction and he shall also make the like marginal entry in the copies thereof.

And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case a copy has been already sent to the Registrar, the Muhammadan Registrar shall make and send another copy thereof, containing both the original erroneous entry and the marginal correction therein made.

33. No erasures shall be made with a knife in any registers, book or record, but mistake shall be corrected, when necessary, with the pen, and shall be invariably attested by the registering officer. Corrections are not to be obliterated or blotted out, so as to be illegible, but a line is to be drawn through erroneous words with the pen, so that they may remain legible. How cor-
rections to
be made.

34. The circumstances under which registration of a marriage or divorce should be refused are as follows:— Refusal to
register.

- (1) If the marriage or divorce was not effected within the jurisdiction of the Muhammadan Registrar to whom application for registration is made.
- (2) If the application is not made by the persons specified in section 8 of the Act.
- (3) If application has been made after the expiry of one month from the date on which the marriage or divorce was effected.
- (4) If all the persons required by section 11 of the Act to sign the entry in the proper register fail to appear within the time limited for such appearance by the Muhammadan Registrar under rule 23.
- (5) If the Muhammadan Registrar fail to satisfy himself that the marriage or divorce was effected by the person or persons by whom it is represented to have been effected.
- (6) If the Muhammadan Registrar fail to satisfy himself as to the identity of the persons appearing before him and alleging that the marriage has been effected.
- (7) In the case of any person appearing as the representative of the man or woman (whether he appears as guardian or as vakil) if the Muhammadan Registrar is not satisfied as to the right of such person to appear.
- (8) If one of the parties applying for registration of marriage, or if the man applying for the divorce, appear to be of unsound mind.

Refusal
deferred.

35. In cases (2) and (3) referred to in rule 33 the order of refusal shall ordinarily be deferred till one month has elapsed from the date on which the marriage or divorce was effected; but if the parties declare their inability to comply with the requirements of the law, or for any other reason wish that registration should at once be refused, this may be done.

Reason for
refusal to re-
gister to be
recorded.

36. The reasons for refusal to register to be recorded under section 20 of the Act shall be concisely and clearly stated in each particular case. When registration is refused under clauses 5, 6 or 7 of rule 33, the Muhammadan Registrar shall record the grounds of his decision.

In what
cases fees
may be re-
funded.

37. Fees paid under section 9 of the Act shall not be refunded unless registration is refused for one of the reasons numbered (1), (2), (3) and (8) in rule 33. Fees and travelling allowances paid for the attendance of Muhammadan Registrars at the celebration of marriages shall be refunded only in cases where the Muhammadan Registrar does not attend. Fees paid for searches in the registers and indexes, or for copies of entries, shall be refunded only when the searches are not made or the copies not given.

Manner of
refund.

38. The refund of fees paid to a Muhammadan Registrar shall be made by him at once on application, and shall take and file a receipt for the amount of such repayment from the person to whom it is made.

Certificate
of closure of
volume.

39. When a register book is closed, a certificate to that effect shall be appended at the close of the written portion, and a certificate showing the number of pages written upon shall be entered on the first page.

Language
to be used.

40. The registers and indexes shall be kept in Bengali or Assamese, copies under sections 12, 15 and 22 of the Act should be prepared in the language in which the registers are kept.

41. The "year" referred to in section 7 of the Act shall be a year of the Christian era, commencing on the 1st January and ending on the 31st December.

Indexes.

42. The index to marriages and divorces shall be prepared from Registers A, B and C, and shall contain the following particulars:—

1. Name of party.
2. Father's name.
3. Residence.*
4. Place of registration.

* Residence includes village or town, police station and district.

5. Date of registration.
6. Serial No. for the year.
7. Book.
8. Volume.
9. Page.

43. Names shall be indexed according to their first letter, and shall be arranged in the order of the Bengali alphabet. A mere title or designation of race shall not be taken as the index word.

Thus, Shaikh Ramzan will be indexed Ramzan, Shaikh; Mir Aulad Ali, Aulad Ali, Mir.

44. A catalogue, in the form given below, shall be kept up and permanently preserved in every Muhammadan Registrar's office, and on the occasion of every transfer of records, the officer receiving charge of the records shall compare them with the catalogue and certify therein that he has found them correct. Whenever any of the records are transferred to the district office, the fact shall be noted in the column of remarks, together with the date of transfer :—

Form of Catalogue.

Serial No.	District or sub-district to which the books relate.	Year.	Title of books.	Volume.	Number of entries in each.	Number of pages written on.	Remarks.
1	2	3	4	5	6	7	8

45. The following records shall be preserved in perpetuity :—

- (a) All register books A, B and C and their indexes.
- (b) The Catalogue.
- (c) Register of refusals.
- (d) Register of appeals.
- (e) Reports of the destruction of records and lists of papers destroyed.
- (f) Fee-book.

46. The following records may be destroyed after the expiration of 12 years :—

- (a) Inspection reports.
- (b) Annual reports.
- (c) Counterfoils of receipts granted under rule 17.

47. The following records may be destroyed after the expiration of three full years from the period to which they relate :—

- (a) Applications for registration or for attendance of the celebration of marriages under rule 18.
- (b) Applications for search or copies of extracts.
- (c) All correspondence, whether in the vernacular or in English, which is of an ordinary routine character and which the District Registrar considers may be destroyed.
- (d) Indents for forms and stationery.
- (e) Applications for the post of Muhammadan Registrar.
- (f) All other records not specified in the above rules.

48. Monthly returns submitted to the Registrar of the district under section 22 of the Act which are copies of entries in the registers and index books may be destroyed as soon as the completed volume of register or index to which such returns relate is received in the Sadr office.

49. No records or papers whatever shall be destroyed without the previous sanction of the Inspector General.

Search and
copies. 50. Applications for search in the records, or for copies of extracts therefrom, shall be made in writing ; no stamps shall be required on such applications. Applications made to the District Registrar shall be entered in the register kept by him for that purpose. Applications made to the Muhammadan Registrar shall be filed by him, the date of application and the date on which a search was made, or a copy delivered, being noted on the back of the application. If the register from which an extract is required has been transferred to the District Registrar or other person under section 23 of the Act, the application, together with the prescribed fee, shall be forwarded by the Muhammadan Registrar to such District Registrar or other person at the expense of the applicant.

51. A call for information from any court shall, if it necessitates search in the registers, be accompanied by the necessary fee for search. Officers of Government shall be permitted to inspect the registers without fee ; but if the production of a

register in any court is required, it shall be produced by the Muhammadan Registrar or other officer whom the District Registrar may depute for the purpose, who will be entitled to claim payment of his expenses like any other witness.

52. Besides the fees leviable under section 16 of the Act a fee of eight annas may be charged for extracts and copies of orders and records not otherwise provided for in the law.

SECTION III.

EXECUTIVE ORDERS.

Inspections

1. The Registrar is required to inspect annually all offices in the Sadr subdivision, but in the case of offices situated in subdivisions other than the Sadr, one inspection by the Registrar every two years will be sufficient. Subdivisional Officers are required to inspect annually the offices situated within their charges.

(*Eastern Bengal and Assam Government, General Department, letter No. 1540 G., dated the 24th April 1907.*)

Thumb impression.

2. The impression of the executant's left thumb should be taken in column 1 of the register. If the impression is not good or is spoilt, it should be cancelled, but allowed to stand. A second, third or as many impressions as may be necessary should be taken in the room or rooms below (column 1) until a proper print has been obtained, the word "ditto" being entered in columns 2 to 5. No new serial number should be given to the renewed impressions, which will count as one impression. The Registering Officer will put his initials below the last impression, that is, the one he considers to be good.

(*Inspector General's Circular No. 1, dated the 1st May 1906.*)

Postage on correspondence sent by the Muhammadan Marriage Registrars.

3. The Muhammadan Marriage Registrars are required to send their official correspondence to the District Registrar service bearing in covers franked by them. The postage will be paid out of the contract contingent grant of the District Registrar.

(*Inspector General's Circular No. 8, dated the 29th July 1907.*)

Endorsement on Kabins.

4. As a safeguard against the fraudulent alteration of *Kabins*, the Muhammadan Marriage Registrars should seal with the seal of their office all *Kabins* produced before them in connection with the registration of marriage ceremonies, and they should before returning such *Kabins* record the following endorsement thereon:—

"Marriage registered in Volume
being No. for 191 .

Book I

Muhammadan Registrar of

Date "

(*Inspector General's Circular No. 4, dated the 18th December 1909.*)

5. Directly a vacancy takes place in the office of a Muhammadan Marriage Registrar and Kazi, an officer of Government should be deputed to take possession of the seals and records of the office pending the appointment of a successor.

Custody of seals and records of a Muhammadan Marriage Registrar when a vacancy takes place.

(Inspector General's Circular No. 3, dated the 11th October 1909.)

6. The Inspector General of Registration should send an annual report on the working of the Act to the Government by the 15th July of each year. The body of the report should contain a table in the following form showing the principal features of the working of Act I (B.C.) of 1876 during the preceding two years:—

Annual report, etc.

Year.	Number of districts in which Act I (B.C.) of 1876 was in force.	Number of offices open at the close of the year.	Number of marriages registered.	Number of talak divorces registered.	Number of khula divorces registered.	Total number of ceremonies registered.
1	2	3	4	5	6	7
191 — 191						
191 — 191						

The text should go on to indicate the total number of offices opened and closed during the year under review, the total number of ceremonies registered, the average number of registrations in each office and the total and average income of Kazi Registrars. Attention should be directed to any notable fluctuations and a brief indication should be given in a few general remarks of the estimation in which the provisions of the Acts are held in the different divisions of the province in which they are in force. The report should not exceed 1 pages.

As an annexure, a table should be appended showing by districts and divisions the operations under Act, I (B.C.) of 1876,

during the year under review and that immediately preceding. The form which this should take is shown below:—

Annexure.

Names of districts.	Number of offices on 31st March.	Number of marriages registered.	Number of talak divorces registered.	Number of khula divorces registered.	Total of ceremonies registered.	Total receipts on account of fees and gratuities.
1	2	3	4	5	6	7
Total ...						

The District Registrar should send in the materials for the compilation of the report, by the 15th May of each year, to the office of the Inspector General of Registration.

(*Eastern Bengal and Assam Government letter No. 8429J., dated the 21st July 1906.*)

Grant of receipt to parties for fees paid by them. 7. The Muhammadan Marriage Registrars should grant receipts in the form given below for all sums on account of fees, gratuities, or travelling allowance paid to them by parties registering ceremonies at their offices. The receipt should be signed, sealed and dated by the Muhammadan Registrar before delivery.

They will be supplied in bound books, each containing 100 receipts, numbered serially and so arranged that the counterfoils can be filled in by using carbon paper. The form of receipt will be supplied on indent by the Press and Forms Manager, Bengal, Calcutta, on the same terms as those on which other forms are supplied to Muhammadan Registrars.

OFFICE OF THE MUHAMMADAN REGISTRAR AND
KAZI OF

No.

The following amounts have been received from
on account of.—

Rs. a. p.

Entry No.	in Book	A	...
"	"	B	...
"	"	C	...
Travelling allowance			...
Fee for search			...
"	"	copy	...
Gratuity			...
Fee for commission			...

Muhammadian Registrar and Kazi of

Dated the 19 .



Seal.

(Inspector General of Registration's Circular No. 7, dated the 15th August 1910.)

8. All applications for registration of ceremonies should be entered in the Fee-Book in the order in which they are made. If for any reason registration is deferred (clause 23 of the rules), columns 8 to 14 of the Fee-Book should be left blank until registration is either completed or refused. Inspecting officers are requested to see that no ceremonies are registered unless the date of application is within one month of the ceremony; and, in cases where registration is deferred, that no ceremony is registered more than six months after its occurrence.

(Inspector General of Registration's Circular No. 1, dated the 16th November 1912.)

9. The following table of fees is prescribed under Act I (B. C.) of 1876, being an Act to provide for the voluntary registration of Muhammadan marriages and divorces, and under the revised rules framed under that Act:—

Table of fees.

Fees.
Rs. a. p.

I.—For the registration of a marriage or divorce or *khula* under section 9 ... 1 0 0

IV. B.—Nothing in section 9 shall be held to prohibit a Muhammadan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee when such gratuity is voluntarily offered.

II.—Muhammadan Registrars are at liberty to make their own terms regarding the extra fees to be given them for marriages. They are, however, prohibited from demanding fees beyond the following scale:—

	Fees	
	Rs.	a. p.
(I) For attending a marriage under rule 18 at a place and time fixed by the parties.	3	0 0
<i>N. B.</i> —In addition to this sum, travelling allowance may be demanded at the rate of 3 annas a mile both ways.		
III.—For search or permission to search in any index or register under section 16.	0	4 0
IV.—For a certified copy under section 16 of any entry in a register other than the first copy referred to in section 12.	1	0 0
V.—For extracts and copies of orders and records not otherwise provided for in the law	0	8 0

Maintenance
of diary by
Muhammad-
an Marriage
Registrars.

10. The Muhammadan Marriage Registrars should keep up the diary regularly, and produce it before inspecting officers at the time of inspection of their offices. It is, however, not necessary to submit copies thereof to the Inspector General or the District Registrar.

(*Inspector General of Registration's Circular No. 1M., dated the 8th February 1907.*)

Exemption of
copies of, or
extracts from,
registers of
divorces
from stamp
duty.

11. Copies of, or extracts from, Registers of Divorces, maintained under Act I (B.C.) of 1876 are exempted from stamp duty. (*Government of India's letter No. 2806Exc., dated the 8th May 1907.*)

Permanent
Committee
and its
duties.

12. For the supervision of Muhammadan Marriage Registrars and Kazis there will be a Permanent Committee, consisting of 6 (six) members, of which the Inspector General of Registration shall be the *ex-officio* President. The following rules are prescribed for the guidance of the Committee:—

Rules.

(I) The Committee shall consist of six members. The Inspector General of Registration for the time being shall be President, and the Persian and Arabic Professor of the Cotton College a member, *ex-officio*. The remaining four members shall be appointed by the Local Administration by notification in the official gazette. They shall hold office for a term of three years, and shall be eligible for reappointment on the expiry of the term. Members shall be liable to removal for habitual failure to attend the meetings of the Committee.

(II) The jurisdiction of the Committee shall extend to all districts of this province in which the Bengal Act I of 1876, or Act XII of 1880, is or may hereinafter be, in force.

(III) The Committee shall meet as often as may be found necessary for the transaction of business at such place as may, on

each occasion, be convenient. The President shall ordinarily fix the time and place of such meetings and shall be bound to call a meeting within one month on the requisition of any three members. Three members shall form a quorum for the transaction of business.

(IV) The Committee shall deal with the following matters :—

- (1) The consideration of all nominations to the post of Muhammadan Registrar or Kazi.
- (2) Recommendations for the suspension, dismissal and removal of Muhammadan Registrars and Kazis.
- (3) The examination of Muhammadan Registrars and Kazis.
- (4) The Inspection of the offices of Muhammadan Registrars.

(Assam Administration Notification No. 3194G., dated the 19th November 1912.)

13. *Kabin-namas*, containing gift of jewellery, if executed between Muhammadans, should be exempted from stamp duty. Exemption
of *Kabin-*
namas from
stamp duty.
*(Inspector General of Registration's Circular memorandum No. 1,
dated the 26th February 1897.)*

PART II.

SECTION I.

ACT NO. XII OF 1880.

*Passed by the Governor General of India in Council.**(Received the assent of the Governor General on the 9th July 1880).**An Act for the appointment of persons to the office of Kazi.*

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

Short title. 1. This Act may be called "The Kazis Act, 1880,"

Commence-
ment. and it shall come into force at once*.

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

NOTE A.—The Act was extended to the district of Sylhet under Assam Administration Notification No. 47J., dated the 12th August 1881, and to the district of Cachar under Notification No. 83J., dated the 6th December 1882.

The Act was also extended to the following districts:—Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, and Lakhimpur (*vide* Eastern Bengal and Assam Government Notification No. 12466J., dated the 27th November 1906).

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

Power to appoint Kazis for any local area.

If any question arises whether any person has been rightly appointed Kazis under this section, the decision thereof by the Local Government shall be conclusive.

The Local Government may, if it thinks fit, suspend or remove any Kazi appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the office, or who refuses or becomes in the opinion of the Local Government unfit, or personally incapable, to discharge the duties of the office.

3. Any Kazi appointed under this Act may appoint one or more persons as his Naib or Naibs to act in his place in all or any of the matters appertaining to his office throughout the whole or in any portion of the local area for which he is appointed and may suspend or remove any Naib so appointed.

Naib Kazis.

When any Kazi is suspended or removed under section two, his Naib or Naibs (if any) shall be deemed to be suspended or removed as the case may be.

4. Nothing herein contained and no appointment made hereunder, shall be deemed:—

Not h i n g in Act to confer judicial or administrative powers; or

(a) to confer any judicial or administrative powers on any Kazi or Naib Kazi appointed hereunder; or

(b) to render the presence of a Kazi or Naib Kazi necessary at the celebration of any marriage or the performance of any rite or ceremony; or

to render the presence of Kazi necessary; or

(c) to prevent any person discharging any of the functions of a Kazi.

to prevent any one acting as Kazi.

SECTION II.

RULES UNDER THE KAZI'S ACT XII OF 1880.*

The Chief Commissioner is pleased to prescribe the following rules for the supervision of Kazis appointed under Act XII of 1880 in the province of Assam :—

Nomination for Kaziship. 1. As soon as the Act has been extended to any district under section 1, or part of a district under section 2, the District Registrar shall nominate a sufficient number of persons to be appointed Kazis under section 2. He shall specify the limits within which each of the persons so nominated shall exercise the functions of Kazi.

2. The District Registrar's nomination shall be submitted to the Permanent Committee and shall be accompanied by the original application of each nominee in the form appended and also by a certificate of good moral character, signed by at least three Muhammadan gentlemen of known respectability and position, and countersigned by the District Magistrate or District Judge.

*Application for appointment of Kazi under Act XII of 1880
(an Act for the Appointment of persons to the office of Kazi)
at thana district of*

1	2	3	4	5	6	7	8	9
Name and usual signature of candidate, date of application and address in full.	Age.	Profession or present employment of applicant.	Father's name and profession.	Present family residence of candidate.	Whether the applicant is acquainted with Arabic, Persian, Urdu, Bengali, or English.	Whether the applicant is acquainted with Muhammadan law or holds a certificate from a Madrasah.	Remarks of District Officer.	Remarks of the Committee.

Selection of Kazis. 3. In the selection of Kazis absolute preference shall be given to Muhammadan Registrars licensed under Act I (B.C.)

* Notification No. 47J., dated the 11th August 1884.

of 1876, if found duly qualified and if exercising jurisdiction as Muhammadan Registrars within the limits specified by the District Registrar, under rule 1 as the jurisdiction of a Kazi. In the absence of any Muhammadan Registrar, any duly qualified candidate may be nominated.

4. The limits within which a Kazi shall be appointed to act shall coincide as far as possible with the limits of jurisdiction of Muhammadan Registrars, a police thana or outpost being taken as the unit of jurisdiction according to local circumstances, as the Chief Commissioner may from time to time direct.

Jurisdiction.

5. The Committee shall consider the District Registrar's nomination with the other applications and shall forward their nominations to the Government with their remarks and recommendations.

Nomination to be sent to the Government.

6. A *sanad* (license) shall be granted to every person appointed as Kazi in the following form :—

Sanad (license) and its form.

Sanad (license) under section 2, Act XII of 1880.

To

of

Shillong, the

19 .

By virtue of the authority conferred upon the Chief Commissioner of Assam, by Act XII of 1880 (an Act for the appointment of persons as Kazis), you are hereby appointed Kazi of thana for the celebration of marriages and the performance of other rites and ceremonies, when application is made to you to perform any such functions.

2. It will be your duty carefully to observe the provisions of the abovementioned Act.

3. This *sanad* (license) shall continue in force until it is revoked or suspended by the said Chief Commissioner of Assam.

By order, etc.,

Secretary to the Chief Commissioner of Assam.

7. When a Kazi desires to give up his license, or is about to leave permanently the local area for which he has been appointed Kazi he shall report the fact, tender his resignation, and forward his license for cancellation and return to Government.

Resignation of a Kazi.

8. Every Kazi shall provide himself at his own expense with a seal bearing the following superscription in the Persian character :—

Kazi's seal.

“The seal of the Kazi of thana”

This seal shall remain in the personal custody of the Kazi

and shall be delivered up with his license upon the death, removal, or resignation of the Kazi.

Appointment
of Naib
Kazis.

9. Every Kazi shall be empowered, on cause being shown to the satisfaction of the District Registrar, to appoint any number of Naib Kazis within the local area for which he holds a license. He shall submit the names of the said Naibs for the consideration and approval of the District Registrar, and, when approved by the District Registrar, the Kazi shall give each of his Naibs a letter of appointment bearing his signature and seal, and countersigned by the District Registrar.

Suspension
or removal of
Naib-Kazis
from office.

10. When a Kazi suspends or removes any of his Naib Kazis he shall record a proceeding in his diary (*roznamchah*) specifying the offence for which he suspends or removes the Naib Kazi, after allowing the Naib every opportunity of submitting an explanation and of making due submission. A copy of the proceeding shall be sent to the District Registrar. When a Kazi removes his Naib Kazis, he shall recall and revoke the letter of appointment granted to the said Naib.

Register to
be maintain-
ed by Dis-
trict Regis-
trars.

11. The District Registrar shall keep a register of Kazis, and of the Naib Kazis appointed by the Kazis, respectively. In the event of any Naib Kazi being removed by his Kazi, as provided for in rule 10 the Kazi shall forward notice of the fact to the District Registrar, who shall make the necessary correction in the register.

Kazis to
maintain dia-
ry.

12. Every Kazi shall keep a diary (*roznamchah*) of his proceedings, the ceremonies he performs, the names of the parties, the dates on which, and the places where, he attends to perform such ceremonies. Such diary shall be liable to inspection, whenever necessary, by inspecting officers of the Registration Department, or anyone specially deputed by the District Registrar for that purpose.

PART III.

Government of India, Legislative Department.

ACT III OF 1872.

(An Act to provide a form of marriage in certain cases.)

STATEMENT OF REPEALS AND AMENDMENTS.

Repealed in Part	...	...	Act XVI of 1874
			Act XII of 1876.
Amended	...	...	Act VI of 1886, S. 29.

The following changes have been made in reprinting the Act :—

- (1) Repealed matter has been omitted, explanatory notes being inserted :
- (2) Amendments have been inserted in their proper places, with explanatory footnotes :
- (3) Some further footnotes have been added for convenience of reference ;
- (4) Section-number occurring in the text have been printed in figures instead of in words :
- (5) The number of year of Acts referred to in the text have been noted in the inner margin except where both appear in the text :
- (6) The headings to the pages have been amplified ;
- (7) A table of contents has been added.

ACT III OF 1872.

CONTENTS.

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2. Conditions upon which marriages under Act may be celebrated.
3. Appointment of Marriage Registrars.
4. One of the parties to intended marriage to give notice to Registrar.
5. Notice to be filed and copy entered in the Marriage Notice Book.
6. Objection to marriage.
7. Procedure on receipt of objection. Objector may file suit.
8. Certificate of filing of suit to be lodged with Registrar.
9. Court may fine when objection not reasonable.
10. Declaration by parties and witnesses.
11. Marriage how to be solemnized.
12. Place where marriage may be solemnized.
13. Certificate of marriage.
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15. Penalty on married person marrying again under Act.
16. Punishment of bigamy.
17. Indian Divorce Act to apply.
18. Law to apply to issue of marriages under Act.
19. Saving of marriages solemnized otherwise than under Act.
20. (Repealed.)
21. Penalty for signing declarations or certificates containing false statements.

First Schedule.—Notice of Marriage.

Second Schedule.—Declarations to be made by the bridegroom and bride.

Third Schedule.—Registrar's certificate.

Fourth Schedule.—(Repealed.)

SECTION I.

ACT III OF 1872.

*Passed by the Governor General of India in Council.**(Received the assent of the Governor General on the 22nd March 1872).**An Act to provide a form of marriage in certain cases.**(As modified up to the 1st June 1893.)*

Whereas it is expedient to provide a form of marriage for Preamble.
persons who do not profess the Christian, Jewish, Hindu, Muham-
maddan, Parsi, Buddhist, Sikh or Jaina religion, and to legalize
certain marriages the validity of which is doubtful; it is hereby
enacted as follows:—

1. This Act extends to the whole of British India (a).

Local ex-
tent.

(Commencement.) (Repealed by Act XVI of 1874.)

2. Marriages may be celebrated under this Act between Conditions
persons neither of whom professes the Christian or the Jewish, upon which
or the Hindu or the Muhammaddan, or the Parsi or the Buddhist, marriages
or the Sikh or the Jaina religion, upon the following condi- under Act
tions:— may be ce-
lebrated.

(1) neither party must, at the time of the marriage, have
a husband or wife living:

(2) the man must have completed his age of eighteen years,
and the woman her age of fourteen years, according
to the Gregorian calendar:

(3) each party must, if he or she has not completed the
age of twenty-one years, have obtained the consent of
his or her father or guardian to the marriage:

(a) Act III of 1872 has been declared in force in the Sonthal Parganas by Regulation III of 1872, section 3 as amended by Regulation III of 1886 (Bengal Code, Volume I, Edition 1889, page 597), and in British Baluchistan by Regulation I of 1890, section 3 (Baluchistan Code, Edition 1890, page 69).

It has been declared by notification under the Scheduled Districts Act, 1874, to be in force in the following Scheduled Districts, namely:—

The districts of Hazaribagh, Lohardugga and Manbhoom, and pargana Dhalbhoom and the Kolhan in the district of Singhbhoom. See *Gazette of India*, 1881, Part I, page 504; and

The North-Western Provinces Tirai, *ibid* 1876, Part I, page 505.

Court may fine when objection not reasonable. 9. Any court in which any such suit as is referred to in section 7 is filed may, if it shall appear to it that the objection was not reasonable and *bonâ fide*, inflict a fine, not exceeding one thousand rupees, on the person objecting and award it, or any part of it, to the parties to the intended marriage.

Declaration by parties and witnesses. 10. Before the marriage is solemnized, the parties and three witnesses shall, in the presence of the Registrar, sign a declaration in the form contained in the second schedule to this Act. If either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her father or guardian, except in the case of a widow, and, in every case, it shall be countersigned by the Registrar.

Marriage how to be solemnized. 11. The marriage shall be solemnized in the presence of the Registrar and of the three witnesses who signed the declaration. It may be solemnized in any form, provided that each party says to the other, in the presence and hearing of the Registrar and witnesses, "I (A), take thee, (B), to be my lawful wife (or husband)."

Place where marriage may be solemnized. 12. The marriage may be celebrated either at the office of the Registrar or at such other place, within reasonable distance of the office of the Registrar, as the parties desire: provided that the Local Government may prescribe the conditions under which such marriages may be solemnized at places other than the Registrar's office, and the additional fees to be paid thereupon.

Certificate of marriage. 13. When the marriage has been solemnized, the Registrar shall enter a certificate thereof in a book to be kept by him for that purpose and to be called the "Marriage Certificate Book" under Act III of 1872," in the form given in the third schedule to this Act, and such certificate shall be signed by the parties to the marriage and the three witnesses.

Transmission of certified copies of entries in marriage certificate book to the Registrar General of Births, Deaths and Marriages. (a) 13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council from time to time directs, a true copy certified by him, in such form as the Governor General in Council from time to time prescribes, of all entries made by him in the said marriage certificate book since the last of such intervals. (b).

(a) Section 13A was inserted by Section 29 of Act VI of 1886, a revised edition of which, as modified up to 1st June 1891, has been published by the Legislative Department

(b) As to duty of the Registrar General to make and keep indexes of the certified copies sent to his office under this section, see Act VI of 188: Section 7.

14. The Local Government shall prescribe the fees to be paid ^{Fees.} to the Registrar for the duties to be discharged by him under this Act.

The Registrar may, if he thinks fit, demand payment of any such fee before solemnization of the marriage or performance of any other duty in respect of which it is payable.

The said Marriage Certificate Book shall at all reasonable times be open for inspection, and shall be admissible as evidence of the truth of the statements therein contained. Certified extracts therefrom shall on application be given by the Registrar on the payment to him by the applicant of a fee to be fixed by the Local Government for each such extract.

Act XLV of 1860. 15. Every person who, being at the time married, procures a marriage of himself to be solemnized under this Act, shall be deemed to have committed an offence under section 494 or section 495 of the Indian Penal Code, (a) as the case may be; and the marriage so solemnized is void. ^{Penalty on married person marrying again under Act.}

16. Every person married under this Act who, during the life-time of his or her wife or husband, contracts any other marriage, shall be subject to the penalties provided in sections 494 or 495 of the Indian Penal Code (a) for the offence of marrying again during the life-time of a husband or wife, whatever may be the religion which he or she professed at the time of such second marriage. ^{Punishment of bigamy.}

Act IV of 1869. 17. The Indian Divorce Act (b), Act IV of 1869, shall apply to all marriages contracted under this Act, and any such marriage may be declared null or dissolved in the manner therein provided and for the causes therein mentioned, or on the ground that it contravenes some one or more of the conditions prescribed in clause (1), (2), (3) or (4) of section 2 of this Act. ^{Indian Divorce Act to apply.}

18. The issue of marriages solemnized under this Act shall, if they marry under this Act, be deemed to be subject to the law to which their fathers were subject as to the prohibition of marriages by reason of consanguinity and affinity and the provisos to section 2 of this Act shall apply to them. ^{Law to apply to issue of marriages otherwise under Act.}

19 Nothing in this Act contained shall affect the validity of any marriage not solemnized under its provisions; nor shall this Act be deemed directly or indirectly to affect the validity of any mode of contracting marriage; but, if the validity of any such mode shall hereafter come into question before any Court such question shall be decided as if this Act had not been passed. ^{Saving of marriages solemnized otherwise than under Act.}

(a) For Act XLV of 1860 see General Acts, Volume I.

(b) Printed General Acts, Volume II.

20. [*Registry of marriages contracted before passing of Act*].*

Penalty for
signing declara-
tions or cer-
tificates con-
taining false
statements.

21. Every person making, signing or attesting any declaration or certificate prescribed by this Act, containing a statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of the offence described in section 199 of the Indian Penal Code. (a)

Act XLV
of 1860.

FIRST SCHEDULE.

(See Section 4.)

NOTICE OF MARRIAGE.

To _____, a Registrar of Marriages under Act III of 1872 _____ for the _____ District.

I hereby give you notice that a marriage under Act III of 1872 is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say):—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.
1	2	3	4	5	6
A B	Unmarried Widower.	Landowner	Of full age.	.....	23 days.
C D	Spinster	.....	Minor	.....	.....

Witness my hand, this

day of

187

(Signed) A.B.

(a) For Act XLV of 1860 see the revised edition, as modified up to 1st August 1890, published by the Legislative Department.

* Repealed by Act XII of 1876.

SECOND SCHEDULE.

(See Section 10.)

Declaration to be made by the Bridegroom.

I, A B, hereby declare as follows :—

1. I am at the present time unmarried :
2. I do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion :
3. I have completed my age of eighteen years :
4. I am not related to C D (*the bride*) in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said C D is subject, and subject to the provisos of clause (4) of section 2 of Act III of 1872, render a marriage between us illegal.

(*And when the bridegroom has not completed his age of twenty-one years :*)

5. The consent of my father (*or guardian, as the case may be*) has been given to a marriage between myself and C D, and has not been revoked.

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment and also to fine.

(Signed) A B (*the bridegroom*).

Declaration to be made by the Bride.

I, C D, hereby declare as follows :—

1. I am at the present time unmarried :
2. I do not profess the Christian, Jewish, Hindu, Muhammadan, Parsi, Buddhist, Sikh or Jaina religion :
3. I have completed my age of fourteen years.
4. I am not related to A B (*the bridegroom*) in any degree of consanguinity or affinity which would, according to the law to which I am subject, or to which the said A B is subject, and subject to the provisos of clause (4) of section 2 of Act III of 1872, render a marriage between us illegal :

(And when the bride has not completed her age of twenty-one years, unless she is a widow :)

5. The consent of M N, my father (or guardian, as the case may be), has been given to a marriage between myself and A B and has not been revoked.

6. I am aware that, if any statement in this declaration is false, and if in making such statement I either know or believe it to be false, or do not believe it to be true, I am liable to imprisonment, and also to fine.

(Signed) C D (the bride).

Signed in our presence by the abovenamed A B and C D:

G H	}	<i>(Three witnesses.)</i>
I J		
K L		

(And when the bridegroom or bride has not completed the age of twenty-one years, except in the case of a widow).

Signed in my presence and with my consent by the abovenamed A B and C D :

M N, the father (or guardian) of the above-named A B (or C D as the case may be).

(Countersigned) E F,

*Registrar of Marriages under Act
III of 1872 for the District of*

Dated the *day of* *19* *:*

THIRD SCHEDULE.

(See section 13.)

Registrar's Certificate.

I, E F, certify that, on the of 19 appeared before me A B and C D, each of whom in my presence and in the presence of three credible witnesses, whose names are signed hereunder,

made the declarations required by Act III of 1872, and that a marriage under the said Act was solemnized between them in my presence:

(Signed) E F,

*Registrar of Marriages under Act
III of 1872 for the District of*

(Signed) A B

C D

G H

I J

K L

} (Three witnesses.)

Dated the day of

19 .

FOURTH SCHEDULE.

(Repealed by Act XII of 1876).

3. In exercise of the authority vested in him under section 12 of Act III of 1872 (an Act to provide a form of marriage in certain cases), and in supersession of all previous orders on the subject, the Chief Commissioner is pleased to prescribe the following conditions to be observed and additional fees to be paid when marriages are solemnized at places other than the office of a Registrar:—

- (i) The parties shall specify in writing the place where the marriage will take place at the time when notice of the intended marriage is given.
- (ii) If such place is situate not more than five miles from the office, the fee for solemnizing the marriage shall be Rs. 4, and if more than five miles an additional fee of four annas a mile shall be charged.
- (iii) Provided that no *ex-officio* Marriage Registrar shall be required to proceed to a place situated at a greater distance than five miles from his office for the purpose of registering a marriage if, in his opinion, compliance with an application to register a marriage at such a place would be detrimental to the due performance of his public duties.

(General Department Notification No. 11517G., dated the 20th November 1917.)

SECTION III.

INSTRUCTIONS.

Notice of
office and or-
dinary office
hours.

1. Every Registrar shall give public notice of the place where he holds his office, and shall ordinarily register marriages there. All registrations at the office are to be made between the hours of 10 a.m. and 5 p.m. except on payment of the special fee mentioned in rule 2, clause 5 of the rules prescribed by the Local Government under the Act.

Hour of ce-
lebration of
marriage at a
place other
than the
Registrar's
office.

2. When a marriage is solemnized at any place other than the Registrar's office, it may be registered at any reasonable hour.

Notice of
marriage to
be posted 14
days before
registration.

3. All Registrars are required to post a notice of every intended marriage publicly and conspicuously in their office for fourteen days before registering such marriage.

Free supply
of books and
forms on first
appointment
only.

4. All Registrars shall on their first appointment be furnished with a small supply of the books and printed forms prescribed by the Act, free of charge, but in consideration of their being allowed to retain the fees they are required to supply themselves with any forms and books which they may subsequently require.

Submission
of a annual
report by the
Marriage
Registrars.

5. All Registrars under the Act shall report by the 15th of May of each year to the Registrar General of Births, Deaths, and Marriages, Assam, the number of marriages solemnized by them during the preceding official year ending the 31st March, distinguishing cases in which both parties are of full age, cases in which the bridegroom is of full age and the bride a minor, cases in which the bridegroom is a minor, and the bride of full age, and cases in which both parties are minors.

Custody and
disposal of
records, etc.,
during tem-
porary va-
cancies.

6. When a Marriage Registrar desires to resign his appointment as such, or is about to leave the local area of his jurisdiction either permanently or for any period in excess of six months, he shall report the circumstances to the Magistrate of the district and shall make over to the said Magistrate for safe custody the marriage register books and other records of his office. Provided that if a Marriage Registrar has been appointed to succeed him, he shall make over the said Register books and records to such successor. Registers and records deposited with a District Magistrate under this rule shall be kept in the district record room, unless or until another Marriage Registrar be appointed to the office in which case they shall be made over to him. The District Magistrate shall cause the report prescribed in paragraph 5

to be submitted to the Registrar General of Births, Deaths, and Marriages in respect of any registers deposited with him.

7. The certified copies of entries in register books which Marriage Registrars are required by section 13A of the Act to send to the Registrar General of Births, Deaths and Marriages, shall be forwarded quarterly within the first week of January, April, July and October, respectively, and shall contain true copies of all entries made in a Marriage Register Book. The form used shall be that prescribed in the third schedule of the Act. Should no entries be made in a marriage certificate book, or a register of marriages, as the case may be, during the preceding three months, a certificate to that effect shall be submitted to the Registrar General of Births, Deaths and Marriages at the end of each quarter so as to reach his office not later than the 15th of the month following.

Certified copies of entries to be submitted quarterly.

8. The Registrar General of Births, Deaths and Marriages shall exercise a general supervision over Marriage Registrars appointed under the Act.

General supervision of the work of the Registrars.

9. Appointments of Marriage Registrars other than *ex-officio* will be made on the recommendation of District officer to whom applications should be submitted for transmission to the Registrar General of Births, Deaths and Marriages through the Commissioner of the Division for submission to Government.—(*Eastern Bengal and Assam Government letter No. 7137G., dated the 31st December 1909.*)

Appointment of Marriage Registrars—other than *ex-officio* Registrars.

PART IV.

SECTION I.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872 (XV OF 1872).

STATEMENT OF REPEALS AND AMENDMENTS.

Section 1, Repealed in part	...	Act XVI of 1874.
Section 68,	...	„ XII of 1891.
Section 4, amended	...	„ XII of „
Section 11,	„	„ II of „
Section 72,	„	„ II of „
Sections 29, 30, 31, 34, 36, 37, 55 and 78, amended.	„	VI of 1886.
Sections 79 and 81, amended	...	„ VI of 1886.
Section 82, amended	...	„ I of 1903.
Section 86,	„	„ II of 1891.
Schedule II, amended	...	„ I of 1903.
Schedule III	...	„ XII of 1891.
Section 3, Paragraph added	...	„ VI of 1886.
Section 10, clause (3) added to proviso	„	II of 1891.
Section 69, Paragraph added	...	„ II of „
Section 74,	„	„ II of „
Section 6, substituted	...	„ II of „
Section 62,	„	„ II of „
Section 66,	„	„ II of „
Section 68,	„	„ II of „
Section 71, Clause (2) substituted...	„	II of 1891.
Section 81, substituted	...	„ XIII of 1911.
Section 86, amended	...	„ X of 1914.

The following changes have been made in reprinting the Act :—

- (1) repealed matter has been omitted, explanatory notes being inserted ;
- (2) amendments made by latter Acts have been inserted in their proper places, with explanatory foot-notes ;
- (3) some further foot-notes have been added for convenience of reference :
- (4) section numbers occurring in the text have been printed in figures instead of in words ;
- (5) the number and year of Acts referred to in the text have been noted in the inner margin, except where both appear in the text ;
- (6) the headings to the pages have been amplified.

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72. Issuing certificate after expiry of notice, or, in case of minor, within fourteen days after notice, or against authorized prohibition.

73. Persons authorized to solemnize marriage (other than Clergy of Churches of England, Scotland or Rome); issuing certificate, or marrying without publishing notice, or after expiry of certificate;

Issuing certificate for, or solemnizing marriage with minor within fourteen days after notice;

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PART IV.

SECTION I.

ACT No. XV of 1872.(1)

(18th July 1872.)

An Act to consolidate and amend the law relating to the solemnization in India of the marriages of Christians.

Whereas it is expedient to consolidate and amend the law relating to the solemnization in India of the marriages of persons professing the Christian religion; it is hereby enacted as follows:—

Preamble.

Preliminary.

1. This Act may be called the Indian Christian Marriage Act, 1872. Short title.

It extends to the whole of British India, (2) and, so far only as regards Christian subjects of Her Majesty, to the territories of Native Princes and States in alliance with Her Majesty. Extent.

[Commencement.] Repealed by the Repealing Act, 1874 (XVI of 1874).

2. The enactments specified in the fifth Schedule hereto annexed are repealed, but not so as to invalidate any marriage confirmed by, or solemnized under, any such enactment. Enactments repealed.

(1) For the Statement of Objects and Reasons, see *Gazette of India*, 1871, Part V, page 473; for proceedings in Council, see *ibid.*, 1870, Supplement, page 1077; *ibid.*, 1871, Supplement, pages 1426, 1643; *ibid.*, 1872, Supplement, pages 257, 728, 742, 805, 813 and 858. This Act is based on 14 and 15 Vict., c. 40, and 58 Geo. III, c. 84 (both Statutes relate to marriages in India and are now no longer in force), and Acts V of 1852 and V of 1866; the last two Acts were repealed by this Act.

(2) Act XV of 1872 has been declared in force in Upper Burma generally (except the Shan States) by the Burma Laws Act, 1898 (XIII of 1898), section 4 (1); and Schedule I, Burma Code, Ed. 1899; in the Hill District of Arakan by the Arakan Hill District Laws Regulation, 1874 (IX of 1874), section 3; in British Baluchistan by the Baluchistan Laws Regulation, 1890 (I of 1890) section 3, printed Baluchistan Code, Ed. 1900, and in the Sonthal Parganas by the Sonthal Parganas Settlement Regulation (III of 1872) as amended by the Sonthal Parganas Justice and Laws Regulation, 1899 (III of 1899) (Bengal Code); also by notification under section 3 of the Scheduled Districts Act, 1874 (XIV of 1874), printed General Acts, Vol. II, the following Scheduled Districts, namely:—the Districts of Hazaribagh, Lohardugga and Manbhoom, and Pargana Dhalbhoom and the Kolhan in the District of Singhbhoom (see *Gazette of India*, 1881, Part I, page 504); and the North-Western Provinces Tirai (see *ibid.*, 1876, Part I, page 505).

The District of Lohardugga, now called the Ranchi District (see *Calcutta Gazette*, 1899, Part I, page 44) included at this time the Palaman District, which was separated in 1894.

And all appointments made, licenses granted, consents given, certificates issued, and other things duly done under any such enactment shall be deemed to be respectively made, granted, given, issued and done under this Act.

VII of 1870. For clause XXIV of section 19 of the Court-fees Act, 1870. the following shall be substituted :—

“ XXIV. Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48.”

Interpre-
tation clause. 3. In this Act, unless there is something repugnant in the subject or context, —

“ Church of England ” and “ Anglican ” mean and apply to the Church of England as by law established ;

“ Church of Scotland ” means the Church of Scotland as by law established ;

“ Church of Rome ” and “ Roman Catholic ” mean and apply to the Church which regards the Pope of Rome as its spiritual head ;

“ Church ” includes any chapel or other building generally used for public Christian worship ;

“ Minor ” means a person who has not completed the age of twenty-one years, and who is not a widower or a widow ;

“ Native State ” means the territories of only Native Prince or State in alliance with Her Majesty ;

The expression “ Christians ” means persons professing the Christian religion ; and

The expression “ Native Christians ” includes the Christian descendants of Natives of India converted to Christianity. as well as such converts.

VI of 1886. (1) “ Registrar General of Births, Deaths and Marriages ” means a Registrar General of Births, Deaths, and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886.

PART I.

THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED.

Marriages
to be solemn-
ized accord-
ing to Act. 4. Every marriage between persons, one or both of whom is (2) (or are) a Christian or Christians, shall be solemnized in

(1) This paragraph was added by the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), s. 30, cl. (a), printed General Acts, Vol. III.

(2) These words were inserted by the Repealing and Amending Act, 1891 (XII of 1891), Schedule II, General Acts, Vol. IV.

accordance with the provisions of the next following section ; and any such marriage solemnized otherwise than in accordance with such provisions shall be void.

5. Marriages may be solemnized in India—

- (1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of which he is a Minister; Persons by whom marriages may be solemnized.
- (2) by any Clergyman of the Church of Scotland, provided that such marriage be solemnized according to the rules, rites, ceremonies and customs of the Church of Scotland ;
- (3) by any Minister of religion licensed under this Act to solemnize marriages ;
- (4) by, or in the presence of, a Marriage Registrar appointed under this Act ;
- (5) by any person licensed under this Act to grant certificates of marriage between Native Christians.

6.(1) The Local Government, so far as regards the territories under its administration, and the Governor General in Council, so far as regards any Native State, may, by notification in the local official Gazette or in the *Gazette of India*, as the case may be, grant licenses (a) to Ministers of Religion to solemnize marriages within such territories and State, respectively, and may, by a like notification, revoke such licenses. Grant and revocation of licenses to solemnize marriages.

7. The Local Government may appoint one or more Christians, either by name or as holding any office for the time being, to be the Marriage Registrar or Marriage Registrars for any district subject to its administration. Marriage Registrars.

Where there are more Marriage Registrars than one in any district, the Local Government shall appoint one of them to be the Senior Marriage Registrar. Senior Marriage Registrar.

When there is only one Marriage Registrar in a district, and such Registrar is absent from such district, or ill, or when his office is temporarily vacant, the Magistrate of the District shall act as, and be, Marriage Registrar thereof during such absence, illness or temporary vacancy. Magistrate when to be Marriage Registrar.

8. The Governor General in Council may, by notification in the *Gazette of India*, appoint any Christian, either by name or as holding any office for the time being, to be a Marriage Registrar Marriage Registrars in Native States.

(1) This section was substituted for the original section 6 by the Indian Christian Marriage Act (1872), Amendment Act, 1891 (II of 1891), s. 1(1), General Acts, Vol. IV.

(a) As to validation of licenses granted under former Acts, see Act II of 1891, s. 1 (2) and (3), General Acts, Vol. IV.

in respect of any district or place within the territories of any Native Prince or State in alliance with Her Majesty.

The Governor General in Council may, by like notification, revoke any such appointment.

Licensing
of persons to
grant certifi-
cates of mar-
riage between
Native Chris-
tians.

9. The Local Government or (so far as regards any Native State) the Governor General in Council may grant a license to any Christian, either by name or as holding any office for the time being, authorizing him to grant certificates of marriage between Native Christians.

Any such license may be revoked by the authority by which it was granted, and every such grant or revocation shall be notified in the official Gazette.

PART II.

TIME AND PLACE AT WHICH MARRIAGES MAY BE SOLEMNIZED.

Time for
solemnizing
marriage.

10. Every marriage under this Act shall be solemnized between the hours of six in the morning and seven in the evening :

Exceptions

Provided that nothing in this section shall apply to—

(1) a Clergyman of the Church of England solemnizing a marriage under a special license permitting him to do so at any hour other than between six in the morning and seven in the evening, under the hand and seal of the Anglican Bishop of the Diocese or his Commissary, or

(2) a Clergyman of the Church of Rome solemnizing a marriage between the hours of seven in the evening and six in the morning, when he has received a general or special license in that behalf from the Roman Catholic Bishop of the Diocese or Vicariate in which such marriage is so solemnized, or from such person as the same Bishop has authorized to grant such license, (a) [or

(3) a Clergyman of the Church of Scotland solemnizing a marriage according to the rules, rites, ceremonies and customs of the Church of Scotland].

Place for so-
lemnizing a
marriage.

11. No Clergyman of the Church of England shall solemnize a marriage in any place other than a church (b) where worship is generally held accordingly to the forms of the Church of England, (b)

unless there is no such (c) church within five miles distances by the shortest road from such place, or

(a) Added by Act II of 1891, s. 2, General Acts, Vol. IV.

(b) Added by Act II of 1891, s. 3 General Acts, Vol. IV.

(c) 3 The word "such" was inserted by the Indian Christian Marriage Act (1872), Amendment Act, 1891 (II of 1891), s. 8.

unless he has received a special license authorizing him to do so under the hand and seal of the Anglican Bishop of the Diocese or his Commissary.

For such special license, the Registrar of the Diocese may charge such additional fee as the said Bishop from time to time authorizes. Fee for special license.

PART III.

MARRIAGES SOLEMNIZED BY MINISTERS OF RELIGION LICENSED UNDER THIS ACT.

12. Whenever a marriage is intended to be solemnized by a Minister of Religion licensed to solemnize marriage under this Act— Notice of intended Marriage.

one of the persons intending marriage shall give notice in writing, according to the form contained in the first schedule hereto annexed, or to the like effect, to the Minister of Religion whom he or she desires to solemnize the marriage, and shall state therein—

- (a) the name and surname, and the profession or condition, of each of the persons intending marriage,
- (b) the dwelling-place of each of them,
- (c) the time during which each has dwelt there, and
- (d) the church or private dwelling in which the marriage is to be solemnized;

Provided that, if either of such persons has dwelt in the place mentioned in the notice during more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

13. If the persons intending marriage desire it to be solemnized in a particular church, and if the Minister of Religion to whom such notice has been delivered be entitled to officiate therein, he shall cause the notice to be affixed in some conspicuous part of such church. Publication of such notice.

But if he is not entitled to officiate as a Minister in such church, he shall, at his option, either return the notice to the person who delivered it to him, or deliver it to some other Minister entitled to officiate therein, who shall thereupon cause the notice to be affixed as aforesaid. Return or transfer of notice.

Notice of intended marriage in private dwelling. 14. If it be intended that the marriage shall be solemnized in a private dwelling the Minister of Religion, on receiving the notice prescribed in section 12, shall forward it to the Marriage Registrar of the District, who shall affix the same to some conspicuous place in his own office.

Sending copy of notice to Marriage Registrar when one party is a minor. 15. When one of the persons intending marriage is a minor, every Minister receiving such notice shall, unless within twenty-four hours after its receipt he returns the same under the provisions of section 13, send by the post or otherwise a copy of such notice to the Marriage Registrar of the District, or, if there be more than one Registrar of such district, to the Senior Marriage Registrar.

Procedure on receipt of notice. 16. The Marriage Registrar or Senior Marriage Registrar, as the case may be, on receiving any such notice, shall affix it to some conspicuous place in his own office, and the latter shall further cause a copy of the said notice to be sent to each of the other Marriage Registrars in the same district, who shall likewise publish the same in the manner above directed.

Issue of certificate of notice given and declaration made. 17. Any Minister of Religion consenting or intending to solemnize any such marriage as aforesaid, shall, on being required so to do by or on behalf of the person by whom the notice was given, and upon one of the persons intending marriage making the declaration hereinafter required, issue under his hand a certificate of such notice having been given and of such declaration having been made :

Provided—

- Proviso.**
- (1) that no such certificate shall be issued until the expiration of four days after the date of the receipt of the notice by such Minister ;
 - (2) that no lawful impediment be shown to his satisfaction why such certificate should not issue ; and
 - (3) that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorised in that behalf.

Declaration before issue of certificate. 18. The certificate mentioned in section 17 shall not be issued until one of the persons intending marriage has appeared personally before the Minister and made a solemn declaration :—

- (a) that he or she believes that there is not any impediment of kindred or affinity or other lawful hindrance to the said marriage, and when either or both of the parties is or are a minor or minors,

- (b) that the consent or consents required by law has or have been obtained thereto, or that there is no person resident in India having authority to give such consent, as the case may be.

19. The father, if living, of any minor, or, if the father be dead, the guardian of the person of such minor, and, in case there be no such guardian, then the mother of such minor, may give consent to the minor's marriage, Consent of father, or guardian, or mother.

and such consent is hereby required for the same marriage, unless no person authorized to give such consent be resident in India.

20. Every person whose consent to a marriage is required under section 19 is hereby authorised to prohibit the issue of the certificate by any Minister, at any time before the issue of the same, by notice in writing to such Minister, subscribed by the person so authorised with his or her name and place of abode and position with respect to either of the persons intending marriage, by reason of which he or she is so authorized as aforesaid. Power to prohibit by notice issue of certificate.

21. If any such notice be received by such Minister, he shall not issue his certificate and shall not solemnize the said marriage until he has examined into the matter of the said prohibition, and is satisfied that the person prohibiting the marriage has no lawful authority for such prohibition, Procedure on receipt of notice.

or until the said notice is withdrawn by the person who gave it.

22. When either of the persons intending marriage is a minor, and the Minister is not satisfied that the consent of the person whose consent to such marriage is required by section 19, has been obtained, such Minister shall not issue such certificate until the expiration of fourteen days after the receipt by him of the notice of marriage. Issue of certificate in case of minority.

23. When any Native Christian about to be married takes a notice of marriage to a Minister of Religion, or applies for a certificate from such Minister under section 17, such Minister shall, before issuing the certificate, ascertain whether such Native Christian is cognizant of the purport and effect of the said notice or certificate, as the case may be, and, if not, shall translate or cause to be translated the notice or certificate to such Native Christian into some language which he understands. Issue of certificates to Native Christians.

24. The certificate to be issued by such Minister shall be in the form contained in the second schedule hereto annexed, or to the like effect. Form of certificate.

Certificate to be forwarded to Marriage Registrar, copied and sent to Registrar General.

34. The person solemnizing the marriage shall forthwith separate the certificate from the marriage-register book and send it, within one month from the time of the solemnization, to the Marriage Registrar of the district in which the marriage was solemnized, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar,

who shall cause such certificate to be copied into a book to be kept by him for that purpose,

and shall send all the certificates which he has received during the month, with such number and signature of initials added thereto as are hereinafter required, to the (1) Registrar General of Births, Deaths and Marriages.

Copies of certificates to be entered and numbered.

35. Such copies shall be entered in order from the beginning to the end of the said book, and shall bear both the number of the certificate as copies, and also a number to be entered by the Marriage Registrar, indicating the number of the entry of the said copy in the said book, according to the order in which he receives each certificate.

Registrar to add number of entry to certificate and send to Registrar General.

36. The Marriage Registrar shall also add such last mentioned number of the entry of the copy in the book to the certificate, with his signature or initials, and shall, at the end of every month, send the same to the (1) Registrar General of Births, Deaths and Marriages.

Registration of marriages between Native Christians under Part I or III.

37. When any marriage between Native Christians is solemnized under Part I or Part III of this Act, the person solemnizing the same shall, instead of proceeding in the manner provided by sections 28 to 36, both inclusive, register the marriage in a separate register-book, and shall keep it safely until it is filled, or, if he leave the district in which he solemnized the marriage before the said book is filled, shall make over the same to the person succeeding to his duties in the said district.

Custody and disposal of register-book.

Whoever has the control of the book at the time when it is filled shall send it to the Marriage Registrar of the District, or, if there be more Marriage Registrars than one, to the Senior Marriage Registrar, who shall send it to the (a) Registrar General of Births, Deaths and Marriages (a) to be kept by him with the records of his office.

(1) See footnote to section 30 *supra*.

(a-a) These words were substituted for the original words by Act VI of 1886, section 30, clause (b), (printed General Acts, Volume III.

PART V.

MARRIAGES SOLEMNIZED BY, OR IN THE PRESENCE OF, A MARRIAGE REGISTRAR.

38. When a marriage is intended to be solemnized by, or in the presence of, a Marriage Registrar, one of the parties to such marriage shall give notice in writing, in the form contained in the first schedule hereto annexed, or to the like effect, to any Marriage Registrar of the district within which the parties have dwelt;

or, if the parties dwell in different districts, shall give the like notice to a Marriage Registrar of each district,

and shall state therein the name and surname, and the profession or condition, of each of the parties intending marriage, the dwelling-place of each of them, the time during which each has dwelt therein, and the place at which the marriage is to be solemnized.

Provided that, if either party has dwelt in the place stated in the notice for more than one month, it may be stated therein that he or she has dwelt there one month and upwards.

39. Every Marriage Registrar shall, on receiving any such notice, cause a copy thereof to be affixed in some conspicuous place in his office.

When one of the parties intending marriage is a minor, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the notice of such marriage, send, by post or otherwise, a copy of such notice to each of the other Marriage Registrars (if any) in the same districts, who shall likewise affix the copy in some conspicuous place in his own office.

40. The Marriage Registrar shall file all such notices and keep them with the records of his office,

Notice to be filed and copy entered in marriage notice book.

and shall also forthwith enter a true copy of all such notices in a book to be furnished to him for that purpose by the Local Government, and to be called the "Marriage Notice Book";

and the Marriage Notice Book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

41. If the party by whom the notice was given requests the Marriage Registrar to issue the certificate next hereinafter given and

Certificate of notice given and oath made.

mentioned, and if one of the parties intending marriage has made oath as hereinafter required, the Marriage Registrar shall issue under his hand a certificate of such notice having been given and of such oath having been made :

Proviso.

Provided—

that no lawful impediment be shown to his satisfaction why such certificate should not issue ;

that the issue of such certificate has not been forbidden, in manner hereinafter mentioned, by any person authorised in that behalf by this Act,

that four days after the receipt of the notice have expired : and further, that where, by such oath, it appears that one of the parties intending marriage is a minor, fourteen days after the entry of such notice have expired.

Oath before
issue of
certificate.

42. The certificate mentioned in section 41 shall not be issued by any Marriage Registrar, until one of the parties intending marriage appears personally before such Marriage Registrar, and makes oath (a)

(a) that he or she believes that there is not any impediment of kindred or affinity, or other lawful hindrance, to the said marriage, and

(b) that both the parties have, or (where they have dwelt in the districts of different Marriage Registrars) that the party making such oath has, had their, his or her usual place of abode within the district of such Marriage Registrar,

and, where either or each of the parties is a minor,

(c) that the consent or consents to such marriage required by law has or have been obtained thereto, or that there is no person resident in India authorized to give such consent, as the case may be.

Petition to
High Court
to order
certificate in
less than
fourteen
days.

43. When one of the parties intending marriage is a minor and both such parties are at the time resident in any of the towns of Calcutta, Madras and Bombay, and are desirous of being married in less than fourteen days after the entry of such notice as aforesaid, they may apply by petition to a Judge of the High Court, for an order upon the Marriage Registrar to whom the notice of marriage has been given directing him to issue his certificate before the expiration of the said fourteen days required by section 41.

(a) As to meaning of "oath" see the General Clauses Act, 1897 (X of 1897), s. 3, cl (36), and s. 4, General Acts, Vol. IV.

And, on sufficient cause being shown, the said judge may, in his discretion, make an order upon such Marriage Registrar directing him to issue his certificate at any time to be mentioned in the said order before the expiration of the fourteen days so required.

Order on
petition.

And the said Marriage Registrar, on receipt of the said order, shall issue his certificate in accordance therewith.

44. The provisions of section 19 apply to every marriage under this Part, either of the parties to which is a minor ;

Consent of
father or
guardian.
Protest
against issue
of certificate.

and any person whose consent to such marriage would be required thereunder may enter a protest against the issue of the Marriage Registrar's certificate, by writing, at any time before the issue of such certificate, the word "forbidden" opposite to the entry of the notice of such intended marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her position with respect to either of the parties, by reason of which he or she is so authorized.

When such protest has been entered, no certificate shall be issued until the Marriage Registrar has examined into the matter of the protest, and is satisfied that it ought not to obstruct the issue of the certificate for the said marriage, or until the protest be withdrawn by the person who entered it.

Effect of
protest.

45. If any person whose consent is necessary to any marriage under this part is of unsound mind,

or if any such person (other than the father) without just cause withholds his consent to the marriage,

Petition
where person
whose con-
sent is neces-
sary is in-
sane, or un-
justly with-
holds consent

the parties intending marriage may apply by petition where the person whose consent is necessary is resident within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if he is not resident within any of the said towns, then to the District Judge :

And the said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way :

And, if upon examination such marriage appears proper, such Judge of the High Court or District Judge, as the case may be, shall declare the marriage to be a proper marriage.

Procedure
on petition.

Such declaration shall be as effectual as if the person whose consent was needed had consented to the marriage ;

and, if he has forbidden the issue of the Marriage Registrar's certificate, such certificate shall be issued and the like proceedings may be had under this Part in relation to the marriage as if the issue of such certificate had not been forbidden.

Petition
when Marriage Registrar
refuses certificate.

46. Whenever a Marriage Registrar refuses to issue a certificate under this Part, either of the parties intending marriage may apply by petition, where the district of such Registrar is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or if such district is not within any of the said towns, then to the District Judge.

Procedure
on petition.

The said Judge of the High Court, or District Judge, as the case may be, may examine the allegations of the petition in a summary way, and shall decide thereon.

The decision of such Judge of the High Court or District Judge, as the case may be, shall be final, and the Marriage Registrar to whom the application for the issue of a certificate was originally made shall proceed in accordance therewith.

Petition
when Marriage Registrar
refuses certificate in
Native State.

47. Whenever a Marriage Registrar resident in any Native State refuses to issue his certificate, either of the parties intending marriage may apply by petition to the Governor General in Council, who shall decide thereon.

Such decision shall be final, and the Marriage Registrar to whom the application was originally made shall proceed in accordance therewith.

Petition
when Registrar doubts
authority of person for-
bidding.

48. Whenever a Marriage Registrar, acting under the provisions of section 44, is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, where his district is within any of the towns of Calcutta, Madras and Bombay, to a Judge of the High Court, or, if such district be not within any of the said towns, then to the District Judge.

Procedure
on petition.

The said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same,

and the said Judge of the High Court or District Judge, as the case may be, shall examine into the allegations of the petition and the circumstances of the case ;

and if, upon such examination, it appears that the person forbidding the issue of such certificate is not authorized by law so to do, such Judge of the High Court or District Judge, as the case may be, shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid,

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such marriage as if the issue had not been forbidden.

Whenever a Marriage Registrar appointed under section 8 to act within any Native State is not satisfied that the person forbidding the issue of the certificate is authorized by law so to do, the said Marriage Registrar shall send a statement of all the circumstances of the case, together with all documents relating thereto, to the Governor General in Council.

Reference when Marriage Registrar in Native State doubts authority of person forbidding.

If it appears to the Governor General in Council that the person forbidding the issue of such certificate is not authorized by law so to do, the Governor General in Council shall declare that the person forbidding the issue of such certificate is not authorized as aforesaid.

Procedure on reference.

and thereupon such certificate shall be issued, and the like proceedings may be had in relation to such Marriage, as if the issue of the certificate had not been forbidden.

49. Every person entering a protest with the Marriage Registrar, under this Part, against the issue of any certificate on grounds which such Marriage Registrar, under section 44, or a Judge of the High Court or the District Judge, under section 45 or 46, declares to be frivolous and such as ought not to obstruct the issue of the certificate, shall be liable for the costs of all proceedings in relation thereto and for damages, to be recovered by suit by the person against whose marriage such protest was entered.

Liability for frivolous protest against issue of certificate.

50. The certificate to be issued by the Marriage Registrar under the provisions of section 41 shall be in the form contained in the second schedule to this Act annexed or to the like effect,

Form of certificate.

and the Local Government shall furnish to every Marriage Registrar a sufficient number of forms of certificate.

51. After the issue of the certificate of the Marriage Registrar,

Solemnization of marriage after issue of certificate.

or, where notice is required to be given under this Act to the Marriage Registrars for different districts, after the issue of the certificates of the Marriage Registrar for such districts,

marriage may, if there be no lawful impediment to the marriage of the parties described in such certificate or certificates, be solemnized between them, according to such form and ceremony as they think fit to adopt.

But every such marriage shall be solemnized in the presence of some Marriage Registrar (to whom shall be delivered such certificate or certificates as aforesaid), and of two or more credible witnesses besides the Marriage Registrar.

PART VII.

PENALTIES.

False oath
declarati o n,
notice or cer-
tificate for
procu r i n g
marriage.

(a) 66. Whoever, for the purpose of procuring a marriage or license of marriage, intentionally :—

(a) Where an oath or declaration is required by this Act, or by any rule or custom of a Church according to the rites and ceremonies of which a marriage is intended to be solemnized, such Church being the Church of England or of Scotland or of Rome, makes a false oath or declaration, or,

(b) Where a notice or certificate is required by this Act, signs a false notice or certificate,

XIV
1860.

shall be deemed to have committed the offence punishable under section 193 of the Indian Penal Code (b) with imprisonment of either description for a term which may extend to three years and, at the discretion of the Court, with fine.

Forbi d d i n g
by false per-
son a t i o n
issue of cer-
tificate by
Marriage Re-
gistrar.
XIV
1860.

67. Whoever forbids the issue, by a Marriage Registrar, of a certificate, by falsely representing himself to be a person whose consent to the marriage is required by law, knowing or believing such representation to be false, or not having reason to believe it to be true, shall be deemed guilty of the offence described in section 205 of the Indian Penal Code. (b)

Solemnizing
marriage wi-
thout due
authority.

(2) 68. Whoever, not being authorized by section 5 of this Act to solemnize marriages, solemnizes or professes to solemnize, in the absence of a Marriage Registrar of the district in which the ceremony takes place, a marriage between persons one or both of whom is or are a Christian or Christians, shall be punished with imprisonment which may extend to ten years, or (in lieu of a sentence of imprisonment for seven years or upwards) with transportation for a term of not less than seven years, and not exceeding ten years,

(a) This section was substituted for the original s. 66 by Act II of 1891, s. 5, General Acts, Volume IV

(b) General Acts, Volume I.

(2) This section was substituted for the original s. 68 by Act II of 1891, s. 6, General Acts, Volume IV.

or, if the offender is an European or American, with penal servitude according to the provisions of Act XXIV of 1855(1) (to substitute penal servitude for the punishment of transportation in respect of Europeans and American convicts * * *(2).

and shall also be liable to fine.

69. Whoever knowingly and wilfully solemnizes a marriage between persons one or both of whom is or are a Christian or Christians, at any time other than between the hours of six in the morning and seven in the evening, or in the absence of at least two credible witnesses other than the person solemnizing the marriage, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Solemnizing marriage out of proper time, or without witnesses.

This section does not apply to marriages solemnized under special licenses granted by the Anglican Bishop of the Diocese or by his Commissary, nor to marriages performed between the hours of seven in the evening and six in the morning by a Clergyman of the Church of Rome, when he has received the general or special license in that behalf mentioned in section 10.

Saving of marriages solemnized under special license.

(3) Nor does this section apply to marriages solemnized by a Clergyman of the Church of Scotland according to the rules, rites, ceremonies and customs of the Church of Scotland.

70. Any Minister of Religion licensed to solemnize marriages under this Act who without a notice in writing, or when one of the parties to the marriage is a minor, and the required consent of the parents or guardians to such marriage has not been obtained, within fourteen days after the receipt by him of notice of such marriage, knowingly and wilfully solemnizes a marriage under Part III, shall be punished with imprisonment for a term which may extend to three years, and shall also be liable to fine.

Solemnizing in, without notice or within fourteen days after notice, marriage with minor.

71. A Marriage Registrar under this Act, who commits any of the following offences :—

Issuing certificate, or marrying without publication of notice.

(1) knowingly and wilfully issues any certificate for marriage, or solemnizes any marriage, without publishing the notice of such marriage as directed by this Act;

(1) General Acts, Volume I.

(2) The words "and to amend the law relating to the removal of such convicts" were repealed by the Repealing and Amending Act, 1891 (XII of 1891), General Acts, Volume IV

(3) This paragraph was added by section 7 of the Indian Christian Marriage Act (1872), Amendment Act, 1891 (II of 1891), General Acts, Vol. IV.

or wilfully inserts any false entry in any such register-book or counterfoil certificate or authenticated extract,

shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Limitation
of prosecu-
tions under
Act.

76. The prosecution for every offence punishable under this Act shall be commenced within two years after the offence is committed.

PART VIII.

MISCELLANEOUS.

What mat-
ters need
not be proved
in respect of
marriage in
accordance
with Act.

77. Whenever any marriage has been solemnized in accordance with the provisions of sections 4 and 5, it shall not be void merely on account of any irregularity in respect of any of the following matters, namely :—

- (1) any statement made in regard to the dwelling of the persons married, or to the consent of any person whose consent to such marriage is required by law :
- (2) the notice of the marriage :
- (3) the certificate or translation thereof :
- (4) the time and place at which the marriage has been solemnized :
- (5) the registration of the marriage.

Correction
of errors.

78. Every person charged with the duty of registering any marriage, who discovers any error in the form or substance of any such entry, may, within one month next after the discovery of such error, in the presence of the persons married, or, in case of their death or absence, in the presence of two other credible witnesses, correct the error, by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of such correction, and such person shall make the like marginal entry in the certificate thereof. And every entry made under this section shall be attested by the witnesses in whose presence it was made.

And, in case such certificate has been already sent to the (a) Registrar General of Births, Deaths and Marriages, (a) such person shall make and send in like manner a separate certificate of the original erroneous entry, and of the marginal correction therein made.

(a—) These words were substituted for the original words in sections 78, 79 and 81 by Act VI of 1886, s. 30, cl. (b) (printed General Acts, Vol V).

79. Every person solemnizing a marriage under this Act, and hereby required to register the same,

Searches
and copies of
entries.

and every Marriage Registrar or (a) Registrar General of Births, Deaths and Marriage (a) having the custody for the time being of any register of marriages, or of any certificate, or duplicate or copies of certificate, under this Act,

shall, on payment of the proper fees, at all reasonable times, allow searches to be made in such register, or for such certificate, or duplicate, or copies and give a copy under his hand of any entry in the same.

80. Every certified copy, purporting to be signed by the person entrusted under this Act with the custody of any marriage register or certificate, or duplicate, required to be kept or delivered under this Act of an entry of a marriage in such register, or of any such certificate or duplicate, shall be received as evidence of the marriage purporting to be so entered or of the facts purporting to be so certified therein, without farther proof of such register or certificate or duplicate, or of any entry therein respectively, or of such copy.

Certified
copy of entry
in marriage
register, etc.,
to be evidence.

81.* The Registrar General of Births, Deaths and Marriages and the officers appointed under section 56 shall, at the end of every quarter in each year, select, from the certificates of marriages forwarded to them respectively during such quarter, the certificates of the marriages of which the Governor General in Council may desire that evidence shall be transmitted to England,

Certificates
of certain
marriages
for Secretary
of State for
India.

and shall send the same certificates, signed by them respectively, to the Secretary of State for India.

82 Fees shall be chargeable under this Act for receiving and publishing notices of marriages; issuing† [certificates for marriage] by Marriage Registrars and registering marriages by the same; entering protests against, or prohibitions of, the issue of† [certificates for marriage]† by the said Registrars;

Local Government
to prescribe
fees.

searching register-books or certificates, or duplicates or copies thereof;

giving copies of entries in the same under sections 63 and 79.

(2) The Local Government shall fix the amount of such fees respectively,

* This paragraph substitutes the original one under the provisions of Act XIII of 1911.

† The words "certificates for marriage" were substituted for the words "certificate of marriages" in section 82 by the Repealing and Amending Act, 1903 (I of 1903), section 3, General Acts, Volume V.

(a—) These words were substituted for the words "Marriage Certificates" by the Repealing and Amending Act, 1903, I of 1903, section 3, schedule II, General Acts, Volume V.

and may from time to time vary or remit them either generally or in special cases, as to it may seem fit.

Power to
make rules.

83. The Local Government may make rules (a) in regard to the disposal of the fees mentioned in section 82, the supply of register-books, and the preparation and submission of returns of marriages solemnized under this Act.

Power to
prescribe fees
and rules for
Native States.

84. The powers conferred on the Local Government by sections 82 and 83 may, so far as regards Native States, be exercised by the Governor General in Council.⁽¹⁾

Power to
declare who
shall be District Judge.

85. The Local Government may, by notification in the official gazette, declare who shall, in any place to which this Act applies, be deemed to be the District Judge.⁽²⁾

Powers to
delegate
functions under
this Act
of Governor
General in
Council.

86. The powers and functions given by this Act to the Governor General in Council may be delegated to and exercised by such officers as the Governor General in Council from time to time⁽³⁾ appoints in this behalf.

(a) For notifications fixing the amount of such fees in Assam see *Assam Gazette* 1901, Part II, page 397.

(a) For rules under section 83 for—

(1) Assam—See *Assam Gazette*, 1901, Part II, page 397.

(1) For notification issued by the Governor General in Council for all Native States except those which are situate within, or border on, the Presidencies of Fort St. George and Bombay, but including the territories of the Maharaja of Mysore and the Baluchistan Agency Territories, see the Western India Volume of British Enactments in force in Native States, edition 1900, page 16, and Northern India Volume, edition 1899, page 323, for the Baluchistan Agency territories.

For notification as to retention of fees by Marriage Registrars in Native States situate within the limits of the Madras Presidency, see Southern India (Madras and Mysore) volume, 1900, page 24.

(2) For District Judges under the Act appointed for—

(1) Ajmere-Merwara, see Ajmere-Merwara Local Rules and Orders, 1902, page 10;

(2) Assam, see *Assam Gazette*, 1901, Part II, page 397;

(3) Bengal, see Bengal Local Statutory Rules and Orders, 1903, Volume II, page 594;

(4) Bombay, see Bombay Local Rules and Orders, 1896, Volume I, page XXXII;

(5) Central Provinces, see Central Provinces Local Rules and Orders, 1896, page 17;

(6) Punjab (including the North-West Frontier Province), see Punjab List of Local Rules and Orders, edition 1901, page 51;

(7) United Provinces of Agra and Oudh, see North-Western Provinces and Oudh Local Rules and Orders, 1894, page 42.

(3) For notifications delegating powers and functions under sections 6, 8, and 9, to (1) the Agent to the Governor General in Baluchistan, see Northern India volume of British Enactments in force in Native States, 1899, page 322; (2) the Lieutenant-Governors of Bengal, the United Provinces of Agra and Oudh, the Punjab and Burma, and the Chief Commissioners of Assam and the Central Provinces, for States under those provinces, see *ibid.*, page 24; (3) the Agent, Governor General, Central India, for States under that Agency, see Central India volume, 1899, page 45; (4) the Resident in Mysore for that State, see Southern India (Madras and Mysore) volume, page 47; (5) the Resident at Hyderabad for the Hyderabad State, see Hyderabad volume, 1900, page 24; (6) the Agent, Governor General, Rajputana, for the Rajputana States, see Rajputana volume, 1899, page 29; (7) as to States under the Government of Bombay, see under the several agencies in the Western India volume, edition 1900.

And all such powers and functions may be exercised, as regards Native States (a) situate within or bordering on (a) the Presidencies of Fort St. George, Bombay and Fort William in Bengal, (b) by the Governors in Council of those Presidencies, respectively.

87. Nothing in this Act applies to any marriage performed by any Minister, Consul or Consular Agent between subjects of the State which he represents and according to the laws of such State.

88. Nothing in this Act shall be deemed to validate any marriage which the personal law applicable to either of the parties forbids him or her to enter into.

SCHEDULE I.

(See Sections 12 and 33).

Notice of Marriage.

To a Minister (or Registrar) of

I hereby give you notice that a marriage is intended to be had, within three calendar months from the date hereof, between me and the other party herein named and described (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized).	District in which the other party resides, when the parties dwell in different districts.
1	2	3	4	5	6	7	8
James Smith.	Widow.	Carpenter	Of full age.	16, Clive Street.	23 days	Free Church of Scotland Church, Calcuta.	
Martha Green.	Spinster	...	Minor	20, Hastings Street.	More than a month.		

[illegible]

(Sd.) JAMES SMITH.

(The *italics* in this schedule are to be filled up, as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.)

(a-a) These words were substituted for the original words by Act II of 1891, section 10 with effect from the passing of Act XV of 1872.

(b) These words were added by the Repealing and Amending Act, 1914 X (of 1914.)

SCHEDULE II.

(See Sections 24 and 50).

Certificate of Receipt of Notice.

I do hereby certify that, on the _____ day of _____ notice was duly entered in my Marriage Notice Book of the marriage intended between the parties therein named and described, delivered under the hand of one of the parties (that is to say) :—

Names.	Condition.	Rank or profession.	Age.	Dwelling place.	Length of residence.	Church, chapel or place of worship in which the marriage is to be solemnized.	District in which the other party resides, when the parties dwell in different districts.
1	2	3	4	5	6	7	8
James Smith.	Widower	Carpenter	Of full age.	16, Clive Street.	23 days	Free Church of Scotland Church, Calcutta.	
Martha Green.	Spinster	...	Minor	20, Hastings Street	More than a month.		

XV of 1872.

and that the declaration [or oath] (1) required by section 17 or 41 of the Indian Christian Marriage Act, 1872, has been duly made by the said (*James Smith*).

Date of notice entered.

Date of certificate given.

Witness my hand, this

The issue of this certificate has not been prohibited by any person authorised to forbid the issue thereof.

day of *seventy-two*.

(Signed)

This certificate will be void, unless the marriage is solemnized on or before the _____ day of _____

(The *italics* in the schedule are to be filled up, as the case may be, and the blank division thereof is only to be filled up when one of the parties lives in another district.)

(1) These words were added by the Repealing and Amending Act, 1903 (I of 1903), s. 3, General Acts, Volume V.

SCHEDULE III.

(See Sections 28 and 31.*)

Form of Register of Marriages.

Quarterly Returns of Marriages for

The Archdeaconry of Calcutta
Madras
BombayI, _____, Registrar of the Archdeaconry of Calcutta
Madras
Bombaydo hereby certify that the annexed are correct copies of the originals and Official Quarterly Returns of Marriage within the Archdeaconry of Calcutta
Madras
Bombay, as made and transmitted to me for the quarter commencing the _____ day of _____ ending the day of _____ in the year of our Lord

(Signature of Registrar.)

Registrar of Archdeaconry of Calcutta
Madras
Bombay

Marriages solemnized at

Allahabad
Barrackpore
Bareilly
Calcutta, etc.

When married.			Names of parties.												
Year.	Month.	Day.	Christian.	Surname.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14		

* This reference was substituted for the original reference by Act XII of 1891, Second schedule, General Acts, Volume IV.

SCHEDULE IV.

(See Sections 32 and 54).

Marriage Register Book.

Number.	When married.			Names of pties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
				Christian name.	Surname.					
1	2			3	4	5	6	7	8	9
	Day.	Month.	Year.							
				James ..	White ...	26 years	Widower	Carpenter	Agra ...	J o h n Duncan
				Martha ...	Duncan ...	17 years	Spinster	...	Agra ...	William White.

Married in the

This marriage was solemnized between us { James White
Martha Duncan }in the presence of us { John Smith
John Green }

Certificate of Marriage.

Number.	When married.			Names of parties.		Age.	Condition.	Rank or profession.	Residence at the time of marriage.	Father's name and surname.
				Christian name.	Surname.					
1	2			3	4	5	6	7	8	9
	Day.	Month.	Year.	James ...	White ...	26 years	Widower	Carpenter	Agra ...	John Duncan
				Martha ...	Duncan ...	17 years	Spinster	...	Agra ...	William White.

Married in the

This marriage was solemnized between us { James White
Martha Duncan }in the presence of us { John Smith
John Green }

SCHEDULE V.

(See section 2.)

Enactments Repealed.

Number and year.	Title.	Extent of repeal.
1	2	3
Statute 58, Geo. 3, cap. 84.	An Act to remove doubts as to the validity of cer- tain marriages had and solemnised within the British territories in India.	The whole.
Statute 14 and 15 Vic., cap. 40.	An Act for Marriages in India.	The whole.
Act No. V of 1852 ...	An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, entitled "An Act for Marriages in India."	So much as has not been repealed.
Act No. V of 1865 ...	The Indian Marriage Act, 1865.	The whole Act, except so far as it relates to the Straits Settle- ments.
Act No. XXII of 1866	An Act to extend the Indian Marriage Act, 1865, to the Hyderabad Assigned Districts and the canton- ments of Secunderabad, Trimungerry and Aurung- abad.	The whole.

SECTION II.

EXECUTIVE ORDERS.

District Judge for the purposes of this Act. 1. In exercise of the power conferred by section 85 of the Indian Christian Marriage Act, XV of 1872, the Chief Commissioner is pleased to declare that, in every place in Assam to which the said Act applies, and for which a District Judge has been appointed under the Bengal, North-Western Provinces, and Assam Civil Courts Act, XII of 1887, such Judge shall be deemed to be the District Judge for the purposes of the first mentioned Act.—(*Assam Administration Notification No. 2041J., dated 17th May 1901.*)

Prescription of certain Forms. 2. In exercise of the powers conferred by section 62 of the Indian Christian Marriage Act, XV of 1872, the Chief Commissioner is pleased to direct—

(1) that the register-book referred to in that section shall be kept in the first form prescribed in Schedule IV to the said Act and

(2) that the extracts referred to in that section shall be made in the form prescribed in Appendix I to this notification, and shall be deposited in the office of the Registrar General of Births, Deaths and Marriages on the 31st December of each year.—(*Assam Administration Notification No. 2042J., dated the 17th May 1901.*)

Table of fees. 3. In exercise of the powers conferred by sections 82 and 83 of the Indian Christian Marriage Act, XV of 1872, the Chief Commissioner is pleased to fix the following fees, and to make the following rules for the disposal of such fees, the supply of register-books and the preparation and submission of returns of marriages solemnised under the said Act.

(1) Fees shall be levied and disposed of in the manner prescribed in the following table :—

For what purpose levied.	To be levied			How fees to be disposed of.
	By Marriage Registrars.	By licensed Ministers.	Under section 37, 61, 63, or 64.	
1	2	3	4	5
(1) For receiving each notice of marriage.	Rs. a. p. 1 0 0	Rs. a. p. 1 0 0	Rs. a. p. ...	Fees levied by Marriage Registrars must be paid into the Government treasury. Fees levied by other persons may be retained by them. Marriage Registrars are authorised to permit any portion, not exceeding three-fourths of the fees in cases where they may consider the parties unable to pay.
(2) For publishing each notice of marriage.	2 0 0	2 0 0	...	
(3) For the issuing of each certificate by a Marriage Registrar.	5 0 0	...	0 4 0	

For what purpose levied.	To be levied			How fees to be disposed of.
	By Marriage Registrars.	By Licensed Ministers.	Under section 37, 61, 63 or 64.	
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
(4) For registering each marriage by a Marriage Registrar.	3 0 0	Fees levied by Marriage Registrars must be paid into the Government Treasury. Fees levied by other persons may be retained by them. Marriage Registrars are authorised to permit any portion, not exceeding three-fourths of the fees in cases where they may consider the parties unable to pay.
(5) For every protest against, prohibition of, the issue of a marriage certificate by a Marriage Registrar.	10 0 0	...	...
(6) For allowing a search to be made in the marriage register book, or for searching certificates, or copies for a period of not more than one year or (in cases under sections 37, 61, 63 or 64) two years.	1 0 0	1 0 0	0 8 0	
(7) For allowing a search to be made in the marriage-register book, or for searching certificates or copies for every additional year.	0 4 0	0 4 0	0 2 0	
(8) For giving copies or duplicates of certificate.	1 0 0	1 0 0	0 4 0	

4. (i) Registers and forms shall whenever required be supplied to Marriage Registrars by the Press and Forms Manager, Bengal, free of charge. Supply of registers and forms gratis.

(ii) One full set of registers and forms shall be supplied by the Press and Forms Manager, Bengal, free of charge to licensed ministers and to persons authorised to grant certificates of marriages between Native Christians.

5. (i) Registers and forms required by any person referred to in sub-rule (ii) of rule 4 after one full set has been furnished under that sub-rule may be supplied by the Press and Forms Supply of registers and forms on payment.

Manager, Bengal, on payment being made for the same out of the fees received by such persons under rule 3.

(ii) When the Press and Forms Manager, Bengal, receives an indent under sub-rule (1) he shall intimate to the indenting officer the cost of the registers and forms required.

(iii) The indenting officer must send the amount of such cost to the nearest civil treasury, with a chalan, in duplicate, stating the date of the Forms Manager's intimation.

(iv) One copy of such chalan shall be retained in the treasury, and the other shall be returned, duly receipted, to the remitter for transmission to the Press and Forms Manager, Bengal.

(v) On receipt of the receipted chalan, the Forms Manager shall comply with the indent.

Indents when to be submitted to the Press and Forms Manager, Bengal, direct and when through another officer. 6. (i) Indents for registers and forms required by the Registrar of the Archdeaconry, the Senior Chaplain of the Church of Scotland, the Most Reverend the Catholic Archbishop of Calcutta, or the Vicar-General of the Portuguese Missions in Bengal, shall be submitted by them direct to the Press and Forms Manager, Bengal.

(ii) Indents for registers and forms required by other officers shall be submitted by or through the Registrar General of Births, Deaths and Marriages to the Press and Forms Manager, Bengal.

Forms of indent. 7. The forms prescribed in Appendices VIIIa to VIIId shall be used for indents.

Certificate on returns of solemnisation of marriages. 8. (i) Every return submitted under sections 29, 30, or 31 of the Indian Christian Marriage Act, 1872, shall have endorsed on it a certificate of truth in the form prescribed in Appendix IV.

(ii) Such certificate must be written or printed on the face of the form on which the returns are made, and the number of entries recorded must be mentioned in the certificate.

Certificate of no occurrence. 9. If during any quarter no marriages have been recorded, a certificate of no occurrence in the forms prescribed in Appendix V shall be forwarded both by the officers who are required to furnish returns on marriages and by those who are required by sections 34, 55 and 56 of the said Act to submit certificates of marriages in original.

Separate returns for each quarter. 10. Returns of marriages for each quarter shall be kept distinct.

Time for sending returns to Registrar General. 11. The officers to whom returns of marriages are submitted and who are, by sections 29, 30 and 31 of the said Act, entrusted with the duty of forwarding a copy of such returns to the

Registrar General, shall perform that duty within two months of the end of the quarter to which the returns relate.

12. When any person, not being an *ex-officio* Marriage Registrar of the district, desires to resign the office of Marriage Registrar under the Act, or is about to leave the district in which he has been authorized to exercise the functions of a Marriage Registrar, it is particularly requested that he will report the fact to the Magistrate of the district, Deputy Commissioner or Assistant Commissioner, as the case may be, and make over to him, for safe custody, the marriage register books and all forms and other documents appertaining thereunto, unless his (the Marriage Registrar's) successor be duly authorised to register the marriages in the same district under the Act, in which case the marriage register books, forms and documents referred to should be made over to such successor, and the fact be reported to the Magistrate, Deputy Commissioner or Assistant Commissioner for information.

Procedure on
resignation
of a Marriage
Registrar.

13. No returns other than those prescribed by the Indian Christian Marriage Act are required.

Marriage Re-
turns.

14. The procedure to be observed in the submission of the original certificates of marriages, by Ministers of Religions other than those who are empowered to submit returns, and by Marriage Registrars is laid down in the Indian Christian Marriage Act and shall be observed.

15. Every Minister, of whatever denomination, who baptises European Christians, *i.e.*, all Christians of European birth or descent or of mixed European and native descent, and Armenian Christians, shall record such baptism in the register to be kept by him for the purpose.

Returns of
baptisms.

To facilitate the filling in of the quarterly returns (forms specified in Appendix II) it will be found convenient to adopt for the register the form given in Appendix VI.

16. As the Government desire to possess a record of all baptisms of European, Eurasian, and Armenian Christians solemnised by the laity and not only of those solemnised by the clergy, all Deputy Commissioners are required to report every baptism by laymen within their several jurisdictions to the Registrar General. The Deputy Commissioner will enter such baptisms in a register in the form given in Appendix VI to be kept by him for the purpose.

Baptisms by
laymen.

Exception.—When a layman solemnises a baptism in a church, and the rules of that church require that an entry of such baptism shall be made in the church register, it will suffice to make such

entry, and a report thereof need not be made by the Deputy Commissioner.

Quarterly returns of Baptism. 17. (i) A quarterly return showing all baptisms of European and Armenian Christians solemnised in whatever church or other place, shall be submitted by every Clergyman of the Churches of England, Rome, Scotland, and Armenia to the authority to whom he submits his quarterly return of marriages under Act XV of 1872.

(ii) A quarterly return of all baptisms of European and Armenian Christians solemnised by them shall be submitted by ministers of every denomination other than those mentioned in clause (1) above to the Deputy Commissioner within two months of the end of the quarter to which they relate.

Certificate of correctness. 18. (i) Every quarterly return prescribed under clauses (1) and (2) of section 3 shall have endorsed on it the "certificate of truth" in the form prescribed in Appendix IV.

(ii) Such certificate must be written or printed on the face of the form on which the returns are made, the number of entries recorded being mentioned in words as well as figures in such certificate.

Returns to be kept distinct, and supplementary returns. Native Christians. 19. Returns of baptisms for each quarter shall be kept distinct, and shall not contain entries which belong to other quarters. If necessary, supplementary returns can be submitted.

20. These returns shall not include entries in respect of Native Christians.

No occurrence certificate. 21. If during any quarter no baptisms have been recorded, a "certificate of no occurrence" in the form prescribed in Appendix V shall be forwarded.

Submission of returns to the Registrar General. 22. The officers to whom the returns under the rule 17 (1) and (2) are submitted shall forward to the Registrar General, within two months of the end of the quarter to which they relate, a consolidated return embodying all the baptisms so reported, and the Deputy Commissioner shall, in addition to the above, also submit at the same time to the Registrar-General direct, a quarterly return embodying all the entries relating to that quarter in the register kept by him under rule 16.

Certificates of births of children of the European and Eurasian members of 23. (i) Every Registrar of Births and Deaths who registers births of the children of persons of the Baptist community shall, while sending to the Registrar General of Births, Deaths and Marriages, certified copies of entries of such births in the register of births kept under section 24 (1) of Act VI of 1886, note the

words "to be forwarded to England" against such entries and shall submit the same in duplicate. the Baptist community.

(ii) The Registrar General of Births, Deaths, and Marriages on receiving certified copies of such entries in duplicate shall deal with one copy as provided for under section 7 in the Act and forward the other copy to the Secretary to the Government of India in the Home Department, along with the quarterly returns of baptisms, marriages and burials for the quarter to which the certified copies of entries in the register of births relate.

24 For every Government cemetery there shall be kept a register of burials of European Christians (*i.e.*, of all Christians of European birth or descent, or of mixed European and native descent) and of Armenian Christians in the form prescribed in Appendix VII. This register shall be in charge of the officer to whom under rule 1 of the rules for the care and use of Government cemeteries the charge of the cemetery belongs. Register of burials.

25. On receipt of the notice of the burial under rule VII (1) of the rules for the care and use of Government cemeteries the person in charge of the register prescribed in rule 1 above shall cause this register to be produced at the cemetery at the time of the ceremony. Notice of burial.

26. The person solemnising the burial shall immediately after the burial make an entry of the same therein. Entry into the register.

27. Every person solemnising a burial of a European or Armenian Christian in a place other than a cemetery should submit a report thereof to the Deputy Commissioner, who will record such burial in a register to be kept by him for the purpose in the form prescribed in Appendix VII. Submission of a report to the Deputy Commissioner.

28. As the Government desire to possess a record of all deaths of European, Eurasian and Armenian Christians buried by the laity, and not only of those buried by the clergy, all Deputy Commissioners are required to report every burial by laymen within their several jurisdictions to the Registrar General of Births, Deaths and Marriages. The Deputy Commissioner will enter such burials in a register in the form given in Appendix VII to be kept by him for the purpose. Submission of report of burial to the Registrar General by the Deputy Commissioners.

29. Quarterly returns of burials of European Christians and of Armenian Christians should, in the case of burials solemnised at Government cemeteries, be forwarded by the officers in charge of the register to be Registrar General of Births, Deaths and Marriages in the form specified in Appendix III within two months of the end of the quarter to which they belong. Quarterly returns of burials.

In the case of burials solemnised in a place other than a cemetery, the Deputy Commissioner should, within the same period, submit to the Registrar General a copy of all the entries in his register No. VII relating to the same quarter.

The managing body of a cemetery other than a Government cemetery to make similar arrangements.

Certificate of correctness.

30. In the case of a cemetery other than a Government cemetery the managing body should make similar arrangements for the submission to the Registrar General of Births, Deaths and Marriages within two months of the quarter to which they relate of similar quarterly returns of the burials of all European and Armenian Christians buried in such cemetery.

31. (i) Every return submitted to the Registrar General of Births, Deaths and Marriages should have endorsed on it the "certificate of truth" in the form prescribed in Appendix IV.

(ii) Such certificate must be written or printed on the face of form on which the returns are made, the number of entries recorded being mentioned in such certificate.

Returns to be kept distinct and supplementary returns. Native Christians.

32. Returns of burials for each quarter shall be kept distinct and shall not contain entries which belong to other quarters.

If necessary supplementary returns can be submitted.

33. These returns are not to include entries in respect of Native Christians.

No occurrence certificates.

34. If in any cemetery during any quarter no burials have been recorded, a "Certificate of no occurrence" in the form prescribed in Appendix V shall be forwarded to the Registrar General.

(Assam Administration Notification No. 2043J., dated the 17th May 1901.)

APPENDIX IV.

I (name) (Senior, Assistant, Probationary or Officiating Chaplain) of the (name of Church) do hereby certify that the foregoing returns are true and faithful copies of all the entries being in number relating to European and Armenian Christians and celebrated according to the rites of the (name of Church) in the register of kept at the Church or station of as therein entered and made between day of and day of in the year of our Lord one thousand nine hundred .

Witness my hand.

(Place)

(Signature)

(Date)

(Designation)

APPENDIX V.

Certificate of no occurrence.

I do hereby certify that no* of European or Armenian Christians were registered during the quarter ending with the of 19 in of of

Signature _____

Address _____

The _____ 19 .

*Here enter baptisms, marriages and burials, as the case may be.

Register of Baptisms kept at

[illegible]

APPENDIX VII.

Register of burials kept at

Year.	Month.	Day.	Christian name.	Surname.	Age.	Trade or profession, etc., etc.	When buried.			Cause of death.	Name and designation of person by whom the cere- mony was performed.	Burials solemnised at.	Rites according to which solemnised.
							Year.	Month.	Day.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14

APPENDIX VIIIa.

Indent for Ecclesiastical Forms under Part III of Act XV of 1872 from the 1st 19 to the 31st 19 .

This form to be carefully filled up by the indenting officer, specifying the route and mode of carriage by which the forms are to be sent.

{ To the
of at
care of
To be forwardel by

Serial No. of forms as authorised by the Chief Commissioner of Assam.	Description of forms.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks.
1	2	3	4	5	6	7	8	9	10
A	Form of indent for marriage forms *								
1	Notice of marriage in English, section 12.								
1a	Notice of marriage in Bengali or other vernacular, section 23.								
2	Minister's certificate in English, sections 17 and 24 and schedule 2.								
2a	Minister's certificate in Bengali or other vernacular, section 23.								
3	Marriage register book and certificate of marriage in English, section 32, schedule 4.								
4	Marriage register book for native marriages, section 37.								
5	True extract from the register book of marriages under section 37 (see section 64).								
6	Quarterly returns of marriages.								

* Indent should be forwarded in triplicate to the Superintendent of Stationery observing the period as prescribed in rule VI of the Stationery Rules.

APPENDIX VIIIb.

REGISTER No.

A

Indent for Ecclesiastical Forms under Part V of Act XV of 1872, from the
1st 19 to the 31st 19
for of

This form to be carefully filled up by the indenting officer { To the of
 specifying the route and mode of carriage by which the forms { at care of
 are to be sent. { To be for-
 {warded by

Serial No. of forms as authorized by the Chief Commissioner of Assam.	Description of forms.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks.
1	2	3	4	5	6	7	8	9	10
1	Notice of marriage in English, section 38.								
1a	Notice of marriage in Bengali or other vernacular, section 57.								
2	Marriage notice-book, section 40.								
3	Copy of notice of marriage.								
4	Oaths, section 42.								
4a	Both parties of full age, same district.								
4b	Both parties of full age, different districts.								
4c	Deposing party of full age, other minor, same district, consent unobtainable.								
4d	Deposing party of full age, other minor, same district, consent unobtainable.								
4e	Deposing party of full age, other minor, different districts, consent obtained.								

APPENDIX VIIIb—concl'd.

Serial No. of forms as authorized by the Chief Commissioner of Assam.	Description of forms.	Balance in hand on 1st	Number received during the	Consumption of last twelve	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks.
		year.	year.	months.					
1	2	3	4	5	6	7	8	9	10
4f	Deposing party of full age, other minor, different districts, consent unobtainable.								
4g	Deposing party minor, other of full age, same district, consent obtained.								
4h	Deposing party minor, other of full age, same district, consent unobtainable.								
4i	Deposing party minor, other of full age, different districts, consent obtained.								
4k	Deposing party minor, other of full age, different districts, consent unobtainable.								
4l	Both minors, same district, consent obtained.								
4m	Both minors, same district, consent unobtainable.								
4n	Both minors, different districts, consent obtained.								
4o	Both minor, different districts, consent obtainable.								
5	Registrar's certificate, sections, 41 and 50, schedule 2.								
5a	Registrar's certificate in Bengali or other vernacular, section 57.								
6	Copy of certificate of marriage in English, section 79.								
7	Marriage register-book and certificate of marriage in English, section 54, schedule 4.								
x	Marriage register book for Native Christians, under section 59 (section 37).								
y	Copy of entry in the marriage register book under sections 59 and 79.								
	Register-book for entering copies of certificates by <i>ex-officio</i> marriage Registrars under section 35.								
A*	Form of indent for marriage forms under Part V.								

* Indents should be forwarded in triplicate to the Superintendent of Stationery observing the period as prescribed in rule VI of the Stationery Rules.

The

19 .

Signature of Indenting officer.

APPENDIX VIIIc.

APPENDIX VIIIc.

BIRTHS AND DEATHS REGISTRATION.

REGISTER NO.

Indent for Forms under Act VI of 1886. From the 1st
to the 31st 19 .

19

This form to be carefully filled up by the indenting officer, specifying the route and mode of carriage by which the forms are to be sent.

{ To the
 of
 at
 care of
 To be forwarded by

Serial No. of forms as authorised by the Chief Commissioner of Assam.	Description of forms.	Balance in hand on 1st last year.	Number received during the year.	Consumption of last twelve months.	Number in hand this day.	Quantity now indented for.	Quantity allowed.	Quantity supplied.	Remarks.
1	2	3	4	5	6	7	8	9	10
1	Register of Birth								
2	Register of Death								
3	Certified copy of Register of Birth ...								
4	Certified copy of Register of Death ...								
5	Register of Certificate of Registration								
6	Copy of entry in Register of Birth...								
7	Copy of entry in Register of Death...								
8	Register of Fees								
9	Notice of Birth								
10	Notice of Death								
11	Certificate of Registration								
12	Certificate of no entry								
13	Index of certified copies of Registers of Births.								
14	Index of certified copies of Registers of Deaths.								
15	Index of certified copies of Registers of Marriages.								

Form of indent for forms under Act VI of 1886.

This indent should be submitted in triplicate.

SECTION III.

1. The Marriage Registrars should exercise care in observing the provisions of the Act whereby the parties intending matrimony have to make certain declarations regarding their religious denominations and the relationship, if any, between the contracting parties, amongst other points. This is necessary so that the validity of a marriage solemnised by them may be less open to question.—(*G. I. Nos. 562-573, dated 22nd November 1915.*)

PART V.**ACT VI OF 1886.****STATEMENT OF REPEALS AND AMENDMENTS.**

Repealed in part	...	...	...	II of 1891, s. 4(2), XII of 1891.
Amended	...	...	...	XVI of 1891.
Amended	...	...	...	IX of 1911.

The following changes have been made in reprinting the Act:—

- (1) repealed matter has been omitted, explanatory notes being inserted:
- (2) amendments have been inserted in their proper places, with explanatory footnotes:
- (3) some further footnotes have been added for convenience of reference.

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PART V.

SECTION I.

ACT NO. VI OF 1886.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 8th March 1886).

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872^(a) or the Indian Christian Marriage Act, 1872^(a), and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865, ^{XV of 1872.} ^{XV of 1865.} (b) and for the establishment of general registry offices for keeping registers of those births, deaths and marriages ;

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence :

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Births, Deaths and Marriages Registration Act, 1886 ; and

(2) It shall come into force on such day^(c) as the Governor-General in Council, by notification in the *Gazette of India*, directs ^(d).

Short title
and com-
mencement.

(a) Printed General Acts, Vol. II.

(b) Printed General Acts, Vol. I.

(c) The 1st October 1888, see *Gazette of India*, 1888, Part I, page 336.

(d) Sub-section (3) repealed by Act XII of 1891, is omitted.

Local extent. 2. This Act extends to the whole of British India^(a) and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions.

Definitions. 3. In this Act, unless there is something repugnant in the subject or context,—

“sign” includes mark, when the person making the mark is unable to write his name :

“prescribed” means prescribed by a rule made by the Governor-General in Council under this Act : and

“Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws. 4. Nothing in this Act, or in any rule made under this Act shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exercisable from time to time. 5. All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

6. (1) Each Local Government—

Establishment of general registry offices and appointment of Registrars General. (a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (b)

(to provide a form of marriage in certain cases) or the Indian Christian Marriage Act, 1872 (b) or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay under the Parsi Marriage and Divorce Act, 1865 (c), as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act : and

(a) It has been extended, by notification under the Scheduled Districts Act, 1874, to Upper Burma (except the Shan States) (see *Burma Gazette*, 1888, Part I, page 544), and *Gazette of India*, 1888, Part I, page 528, and, by notification under section 3 of the Sonthal Regulation, 1872, to the Sonthal Pergunnahs (see *Calcutta Gazette*, 1889 Part I, page 176). It has been declared in force in British Baluchistan by Regulation I of 1890, section 3.

(b) Printed General Acts, Vol. II.

(c) Printed General Acts, Vol. I.

(b) may appoint to the charge of that office an officer, to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration :

(2) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages, for the territories under his administration : one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872 (a), the Indian Christian Marriage Act, 1872 (a), or the Parsi Marriage and Divorce Act, 1865 (b), as amended by this Act, XV of 1865. to be made and kept in his office in the prescribed form. Indexes to be kept at general registry office.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them. Indexes to be open to inspection.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates. Copies of entries to be admissible in evidence.

10. Each Registrar General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed. Superintendence of Registrars by Registrar General.

(a) Printed General Acts, Volume II.

(b) Printed General Acts, Volume I.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

A—Application of this Chapter.

Persons
whose births
and deaths
are registra-
ble.

X of 1865.

11. (1) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely :—

(a) in British India, the members of every race, sect or tribe, to which the Indian Succession Act, 1865 (a), applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion :

(b) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion :

(2) But the Local Government, by notification in the official gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

B—Registration Establishment.

Power for
Local Go-
vernment to
appoint Re-
gistrars for
its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for
Governor Ge-
neral in Coun-
cil to appoint
Registrars for
Native
States.

13. The Governor General in Council may, by notification in the *Gazette of India*, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

Registrar to
be deemed a
public ser-
vant.

XLV of
1860.

Power
to remove
Regis-
trars.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code (b).

15. (1) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(a) Printed General Acts, Volume I.

(b) For Act XLV of 1860 see the revised edition as modified up to 1st August 1890. published by the Legislative Department.

(2) A Registrar of Births and Deaths may resign by notifying in writing to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

16. (1) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed. Office and attendance of Registrar.

(2) Every Registrar of Births and Deaths to whom the Local Government may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

17. (1) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy. Absence of Registrar or vacancy in his office.

(2) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(3) The Registrar General of Births and Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths. Registrar books to be supplied and preservation of records to be provided for.

C.—Mode of registration.

Duty of Registrar to register birth and deaths of which notice is given. 19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice forthwith make an entry of the birth or death in the proper register book: provided that—

- (a) If he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made: and
- (b) He shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

- (a) The father or mother of the child;
- (b) Any person present at the birth;
- (c) Any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;
- (d) Any medical practitioner in attendance after the birth having personal knowledge of the birth having occurred;
- (e) Any person having charge of the child.

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

- (a) Any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;
- (b) Any person present at the death;
- (c) Any person occupying at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;
- (d) Any person in attendance during the last illness of the deceased;

(e) Any person who has seen the body of the deceased after death.

22. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar. [Provided that it shall not be necessary for the person giving notice to attend before the Registrar or to sign the entry in the register if he has given such notice in writing and has furnished to the satisfaction of the Registrar such evidence of his identity as may be required by any rules made by the Local Government in this behalf.] * Entry of birth or death to be signed by person giving notice.

(2) Until the entry has been so signed, [or the conditions specified in the proviso to sub-section (1) have been complied with] * the birth or death shall not be deemed to be registered under this Act.

(3) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death. Grant of certificate of registration of birth or death.

24. (1) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals: Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(2) The provisions of sub-section (1) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the *Gazette of India*, appoints in this behalf.

Searches and
copies of en-
tries in regis-
ter books.

25. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

Exceptional
provision for
registration
of certain
births and
deaths.

26. Notwithstanding anything in section 19, the† [Local Government] may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths, occurring outside the local areas or classes for which they are appointed.

D.—Penalty for False Information.

Penalty
for wilfully
giving false
information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

E.—Correction of Errors.

Correction
of entry in
register of
births or de-
aths.

28. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the

Local Government* with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry, in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

29. After section 13 of Act III of 1872(a) (to provide a form of marriage in certain cases) the following section shall be inserted, namely:—

Addition of new section after section 13, Act III of 1872.

“13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals.”

Transmission of certified copies of entries in marriage certificate book to the Registrar General of Births, Deaths and Marriages.

30. In the Indian Christian Marriage Act, 1872(b), the following amendments shall be made, namely:—

Amendment of the Indian Christian Marriage Act, 1872.

(a) at the end of section 3, the words Registrar General of Births, Deaths and Marriages means a “Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886,” shall be added;

XV of 1872.

(b) for the words “Secretary to the Local Government,” wherever they occur, and for the words “Secretary to a Local Government,” in section 79, the words “Registrar General of Births, Deaths and Marriages” shall be substituted (b);

(d) in section 81, after the words “Registrar General of Births, Deaths and Marriages” the words “in England” shall be added.

* Act IX of 1911.

(a) Printed General Acts, Volume II.

(b) Clauses (c) repealed by Act II of 1891, Section 4 (2) is omitted.

Addition of
new section
after section
8 of the Par-
si Marriage
and Divorce
Act, 1865.
XV of 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865 (a), the following section shall be inserted, namely :—

Transmis-
sion of certi-
fied copies of
certificates in
marriage re-
gister to Re-
gistrar Gene-
ral of Births,
Deaths and
Marriages.

“ 8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals.”

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

Permission
to persons
having cus-
tody of
certain
Records to
send them
within one
year to Re-
gistrar Gene-
ral.
XV of 1872.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes to which Act III of 1872(b) or the Indian Christian Marriage Act, 1872 (b), or the Parsi Marriage and Divorce Act, 1865 (c), applies and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept he may, (d) at any time before the first day of April 1891(d), send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in *Gazette of India*, directs in this behalf.

XV of 1865.

Appointment
of Com-
missioners to
examine
registers.

33. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

(a) Printed General Acts, Volume I.

(b) Printed General Acts, Volume II.

(c) Printed General Acts, Volume I.

(d) These words were substituted for the original words by Act XVI of 1890, Section 1.

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

34. (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32 : and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful. Duties of Commissioners.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

35. (1) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them. Searches of lists prepared by Commissioners and grant of certified copies of entries.

(2) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorised in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

(a) 35A. (1) The Governor General in Council, if he thinks fit, may, by notification in the *Gazette of India*, appoint more commissions than one for purposes of this Chapter, each such commission consisting of so many and such members as he may, by a like notification, nominate thereto by name or by office, and having its functions restricted to the disposal, under this Act and the rules thereunder, of the registers or records Constitution of additional commissions for purposes of this Chapter.

sent under section 32 to such Registrar General or Registrar General as the Governor General in Council may, by a like notification, specify in this behalf.

(2) If more commissions than one are appointed in exercise of the power conferred by sub-section (1), then references in this Act to the Commissioners shall be construed as references to the members constituting a commission so appointed.

CHAPTER VI.

*36. (1) The Local Government may make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

- (a) fix the fees payable under this Act;
- (b) prescribe the forms required for the purposes of this Act;
- (c) prescribe the time within which, and the mode in which, persons authorised under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;
- (d) prescribe the evidence of identity to be furnished to a Registrar of Births and Deaths by persons giving a notice of a birth or death in cases where personal attendance before such Registrar is dispensed with;
- (e) prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them;
- (f) prescribe the conditions and circumstances on and in which Registrars of Births and Deaths may correct entries of births and deaths in registers kept by them;
- (g) prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate; and
- (h) prescribe the custody in which those registers or records are to be kept.

(3) Every power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication.

(4) All rules made under this Act shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Act.

(CHAPTER VI.—RULES.—SECTION 37.)

37. [Repealed by Act IX of 1911.]

SECTION II.

The following rules have been made under sections 26, 28, and 36 of the said Act :—

Interpreta-
tion.

1. In these rules, unless there is something repugnant in the context,—

(a) " the Act " means the Births, Deaths, and Marriages Registration Act, 1886, as amended by Act IX of 1911 ;

(b) " Schedule " means a schedule to these rules ;

(c) " Registrar General " and " Registrar " mean, respectively, a Registrar General of Births, Deaths and Marriages, and a Registrar of Births and Deaths appointed under the Act ; and

(d) " sign ", used with reference to a person who is unable to write his name, includes mark.

Form of
notice
birth.

2. Notices of births and deaths shall be in the forms set forth in Schedule A and Schedule B, respectively.

Notice to be
signed by
person giv-
ing it.

Time of
presentation
of the notice.

3. Every such notice shall be signed by the person giving it, and shall specify the capacity in which the person claims to be authorised to give it.

4. Every such notice shall ordinarily be presented to the Registrar for the local area in which the birth or death occurred within three months of the date of the birth or death to which it refers, as the case may be ;

Provided that the Registrar may, of his own authority, for any reason which he considers sufficient, accept notice of a birth or death at any time within six months from the date of its occurrence and with the special sanction in writing of the Registrar General after that time.

Form of
notice to be
used by per-
sons wishing
to be excused
from person-
al attend-
ance.

5. (a) A person giving notice of the birth of a legitimate child or of a death and who wishes to be excused from personal attendance before the Registrar for the purpose of signing the register, may submit an application for the registration of the birth or death to the Registrar of Births and Deaths having local jurisdiction. Such applications shall be in the form prescribed in the Appendices C and D to these rules and shall be submitted on a printed copy thereof, which may be obtained gratis on application to the Registrar of Births and Deaths or to a Subdivisional Officer.

Attestation
of signature
of such
person, if not
known to the
Marriage Re-
gistrar.

(b) The aforesaid shall be filled in and signed by the person giving notice and shall be forwarded to the Registrar of Births and Deaths having local jurisdiction. Provided that, if the signature of such person is not known to the said Registrar, the said signature shall be attested by an officer of Government of a

status not below that of a Sub-Registrar appointed under Act XVI of 1908 or by a person licensed as a Marriage Registrar under Act XV of 1872 or III of 1872 or by a European British subject with whose signature the said Sub-Registrar is acquainted.

(c) On receipt of the application specified in clause (a) of this rule, the Registrar of Births and Deaths shall, if he is personally acquainted with the signature of the applicant, or, in the event of his not being personally acquainted with the signature of the applicant, if such signature has been attested by one of the officers or persons specified in clause (b) of this rule, register the birth or death, and in lieu of the signature of the person giving notice shall make the following entry in the column of the register of births or the register of deaths set apart for the signature of the person giving notice:—"Registered under the provisions of the proviso to section 22 (1) of Act VI, 1886, as amended by Act IX of 1911."

The registration of the birth or death shall thereupon be deemed to be valid for the purposes of the Act.

(d) All applications submitted for the registration of births and deaths under this rule shall be filled in the office of the Registrar of Births and Deaths and be preserved in perpetuity.

6. An appeal against an order of a Registrar refusing to register a birth or death on any other ground than that referred to in proviso (a) to section 19 of the Act shall lie to the Registrar General, who may, in his discretion, either confirm the order of the Registrar or direct him to register the birth or death.

7. Registers of births and deaths shall be kept in the forms set forth in Schedule E and Schedule F, respectively.

8. When a birth or death has occurred during a journey, or when the person giving notice of a birth or death was compelled by duty, or urgent necessity or unavoidable accident, to leave the local area in which such birth or death occurred so soon after its occurrence that he was unable to give the prescribed notice to the Registrar for that local area, any Registrar may receive notice of such birth or death and register the same as if it were a birth or death which had occurred within the local area for which he has been appointed.

The provisions of time-limit apply in the circumstances attending preceding rule.

9. The provisions of rule 4 as to the time within which notice of a birth or death must be given, shall apply to every notice of a birth or death given under the circumstances described in the last foregoing rule.

Registrar to note reason of registration of birth or death occurring outside his local area and send copies of such entries to the Registrar-General and the Registrar of the local area concerned.

10. In every case of a birth or death admitted to registration under rule 8, the Registrar to whom the notice of the birth or death is given shall record in his register the reason why the notice was not given to the Registrar of the local area within which the birth or death occurred, and shall within one week from the date of the registration of the birth or death forward to the Registrar-General, and to the Registrar of the local area within which the birth or death occurred, a copy of the entry in the register relating to the birth or death.

Such entries to be preserved in perpetuity and open to inspection at all reasonable hours.

All copies of entries received by a Registrar under this rule shall be filed in his office and preserved in perpetuity and the file shall be at all reasonable times, open to inspection by any person desiring to inspect it.

Registration of birth or death occurring on high seas.

11. The Registrar for any local area including a port may register any birth or death which has occurred on the high seas on board any ship arriving at such port :

Provided that notice of the birth or death is given to such Registrar within sixty days after the arrival of the ship.

In the notice of such birth or death, and in the entry thereof in the register, there shall be specified in lieu of the name of the place at which, the name of the ship on which the event occurred, and the name of the Commander of the ship and the approximate latitude and longitude of the ship's position at the time of the birth or death.

Form of certificate of registration given under section 23.

12. Every certificate of registration of a birth or death given by a Registrar under section 23 of the Act shall be in the form set forth in Schedule G.

Copies of entries to be certified as true copies.

13. At the foot of every copy of an entry given under section 9 or section 25 of the Act there shall be written a certificate, dated and subscribed by the Registrar-General or officer authorised under section 9, or by the Registrar, as the case may be, that the copy is a true copy of the entry.

14 Every Registrar shall keep, in the form set forth in Schedule H, a register of all certificates of registration and copies of entries given by him.

Form of register of certificates of registration and copies of entries given by him.

Every Registrar-General shall keep a register in a similar form of all copies given by him of entries in the certified copies of the registers sent to his office.

15. The copies of entries of births and deaths which Registrars are required by section 24 of the Act to send to the Registrar-General shall be certified in the form set forth in Schedule I, and shall be sent at intervals of three months, on, or as nearly as possible after the 1st January, April, July and October in each year.

Form of certificates of copies of entries. Shall be sent quarterly.

Should no entries be made in a register during the preceding three months, a certificate to this effect shall be sent to the Registrar-General.

Certificate of no occurrence.

16. The indexes which are required by section 7 of the Act to be made of the certified copies of registers of births, deaths, and marriages sent to the office of the Registrar-General shall be in the forms set forth in Schedule J, Schedule K, and Schedule L, respectively.

Form of indexes of certified copies of registers of births, deaths and marriages.

Every entry in an index shall be made alphabetically with reference to the initial letter of the name of the person indicated by the entry.

Index to be prepared alphabetically.

In the index of certified copies of entries of marriages, the names of both the husband and the wife must be indexed.

The names of both the husband and the wife should be indexed in case of marriage.

In the case of a person of European or Armenian descent, the initial letter will be the first letter of the surname, and in the case of any other person the first letter of his name and not that of rank, title or class.

The initial letter in indexing.

17. A Registrar may, of his own motion, correct, in the manner prescribed in section 28 of the Act, any error in form made in an entry of a birth or death in a register of births or register of deaths kept by him under the Act.

Error in form may be corrected by Registrars.

In every case in which an entry is corrected under this rule, intimation thereof shall (if practicable) be communicated, within one week from the date of the correction being made to the person who gave the notice of the birth or death.

Correction to be communicated to the person giving notice, if possible.

Correction of
error in sub-
stance.

18. When an error in substance in any entry of a birth or death in a register of births or register of deaths is asserted to have been made, the Registrar may correct the error, in the manner prescribed in section 28 of the Act, on application made in writing, and signed in the presence of two witnesses attesting the signature, by any person authorised under section 20 or 21, as the case may be, to give notice of the birth or death to which the entry relates :

Provided that the Registrar is satisfied that the application is well founded.

Appeal
against deci-
sion of Re-
gistrar refus-
ing to correct
an error.

An appeal against an order of a Registrar under this rule refusing to correct an asserted error in an entry in a register shall lie to the Registrar-General who may, in his discretion, either confirm the order of the Registrar or direct him to correct the error.

Time-limit of
presentation
of an appli-
cation for
correction.

19. Without the special sanction in writing of the Registrar-General, an application for the correction of an entry in a register of births or register of deaths shall not be entertained after the expiration of one year from the date on which the notice of the birth or death was given.

Table of
fees.

20. The sums specified in Schedule M shall be the fees payable under the sections of the Act therein referred to :

Exemption
from pay-
ment of fees.

Provided that non-commissioned officers and men of His Majesty's Regular Forces or of any Indian Military Police Force and all seamen shall be exempted from the payment of any fees.

21. Every Registrar-General and every Registrar who is a Government servant and not a Minister of Religion shall keep a register in the form set forth in Schedule L of all fees realised under these rules, and shall forward such fees at the end of each month to the nearest treasury to be credited to Government. The Treasury Officer shall give each Registrar a certificate of the amount so credited, and the Registrar shall send a copy of the certificate to the Registrar-General. Registrars who are not Government servants or who are Ministers of Religion may retain any fees which they may realise under these rules. (Eastern Bengal and Assam Government Notification No. 52G., dated the 7th January 1912).

SCHEDULE A.

NOTICE OF A BIRTH.

(Rule 2).

To the Registrar of Births and Deaths for (*local area or class*).

I A. B. (*name, description, and residence*), being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for the purposes of section 19, Act VI of 1886, that on (*date*) at (*place*) I A. B., or my wife C. D., or C. D., (*name and description*), was delivered of a and I request that the said birth may be registered.

Dated 19 .

Signature.

SCHEDULE B.

NOTICE OF A DEATH.

(Rule 2).

To the Registrar of Births and Deaths for (*local area or class*).

I A. B. (*name, description, and residence*) being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for the purposes of section 19, Act VI of 1886, that on (*date*) at (*place*) my (*state relationship*), C. D. (*name and description*) or C. D. (*name and description*) died of , and I request that the said death may be registered.

Dated 19 .

Signature.

SCHEDULE C.

Notice of a birth and application for the registration of the same by a person who does not attend personally at the office of the Registrar of Births and Deaths.

(Rule 5).

To the Registrar of Births and Deaths for (*local area or class*).

I A. B. (*name, description, and residence*), being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for the purposes of section 19, Act VI of 1886, that on (*date*) at (*place*) I A. B. or my wife C. D., or C. D. (*name and description*), was delivered of a , and I request that the said birth may be registered.

As I cannot conveniently attend at your office for the purpose of signing the Register of Births, I request that the birth may be registered in my absence under the provisions of section 22 (1), Act VI of 1886, as amended by Act IX of 1911.

Dated 19 .

Signature.

* Certified that the above mentioned has signed this application in my presence

Signature

Designation or profession.

Dated 19 .

Signature.

* (N. B.—This certificate is only required if the signature of the notice giver is not known to the Registrar).

SCHEDULE D.

Notice of a death and application for the registration of the same by a person who does not attend personally at the office of the Registrar of Births and Deaths.

(Rule 5.)

To the Registrar of Births and Deaths for ((local area or class).

I, A. B. (name, description, and residence) being (here state the capacity in which the person claims to be authorised to give the notice), hereby give notice, for the purposes of section 19, Act VI of 1886, that on (date) at (place) my (state relationship) C. D. (name and description) or C. D. (name and description), died of , and I request that the said death may be registered.

As I cannot conveniently attend at your office for the purpose of signing the Register of Deaths, I request that the death may be registered in my absence under the provisions of section 22(1), Act VI of 1886, as amended by Act IX of 1911.

Dated 19.

Signature.

* Certified that abovementioned has signed this application in my presence.

Signature.

Designation or professionⁿ.

Dated 19 .

* N. B.—This certificate is only registered if the signature of the notice giver is not known to the Registrar.

SCHEDULE E.

REGISTER OF BIRTHS.

(Rule 7.)

1. Serial number.
2. Date of birth.
3. Place of birth.
4. Name, if any.
5. Sex.
6. Name, race, religion, and occupation of father.
7. Name, race, and religion of mother.
8. Signature, description, and residence of person giving notice.
9. Signature, description, and residence of mother and person acknowledging himself to be father [column only to be used in the case referred to in section 19, proviso (b), and section 22, sub-section (3).]
10. Reason why notice was not given to Registrar within whose local area birth occurred (column only to be used in the case of a birth registered under rule 8).
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE F.

REGISTER OF DEATHS.

(Rule 7.)

1. Serial number.
2. Date of death.
3. Place of death.
4. Name, sex, race, religion, and occupation of deceased.
5. Names, race, religion, and occupation of parents of deceased.
6. When deceased was a married woman or a widow, name, race, religion, and occupation of her husband or late husband.
7. Age of deceased.
8. Cause of death.
9. Signature, description, and residence of person giving notice.
10. Reason why notice was not given to Registrar within whose local area death occurred (column only to be used in the case of a death registered under rule 8).
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE M.

FEES LEVIABLE UNDER SECTIONS 8, 23, 25 AND 36 (2) (a)
OF THE ACT.

(Rule 20).

	Rs. a. p.
(i) Under section 8 for inspection of indexes in the office of a Registrar General—	
(a) For the first year	1 0 0
(b) For every additional year, four annas up to a maximum for one inspection of.	5 0 0
(ii) Under section 8 for each copy of an entry in a certified copy of a register in the office of a Registrar-General.	1 0 0
(iii) Under section 23 for a certificate of a registration of a birth or death.	1 0 0
(iv) Under section 25 for search in a register of births or deaths—	
(a) For the first year	1 0 0
(b) For every additional year, four annas up to a maximum for one search of	5 0 0
(v) Under section 25 for each copy of an entry given by a Registrar.	1 0 0
(vi) Under section 35—	
(a) For inspection of the descriptive list of registers or records delivered to the Registrar-General by Commissioners appointed under Chapter V of the Act.	1 0 0
(b) For each copy of an entry in any register or record described in the above mentioned descriptive lists.	1 0 0

Provided that non-commissioned officers and men of His Majesty's Regular Forces or of any Indian Military Police force and all seamen shall be exempted from the payment of the foregoing fees.

When fees payable under those items are received by a Registrar-General or any person being a Government servant and not a Minister of religion, having the custody of any such registers or records as aforesaid, they shall be entered in a register, and otherwise treated as if they were fees realised under the preceding rules. When such fees are received by any other person, they may be retained by such person.

SCHEDULE N.

REGISTER OF FEES.

(Rule 21).

1. Serial number.
2. Date of receipt.
3. From whom received.
4. On what account received.
5. Section of Act under which chargeable.
6. Amount of fee.
7. Signature of Registrar-General or officer authorised under section 9 of the Act, or Registrar, as the case may be.
8. Signature of treasury official, and date of receipt in treasury.
9. Remarks.

Assam Administration Notification No. 5062G., dated the 1st July 1918.

SECTION III.

Registers.

1. The following registers prescribed under Acts III and XV of 1872 and VI of 1886 should be preserved permanently :—

Registers under Act III of 1872.

1. Marriage notice book.
2. Marriage certificate book.

Registers prescribed by Act XV of 1872 and rules thereunder.

1. Marriage notice book.
2. Marriage certificate book.
3. Book for entering copies of certificates by the Marriage Registrar under section 35.

Registers prescribed by rules under Act VI of 1886.

1. Births.
2. Deaths.
3. Certificates of registration or copies of entries granted.
4. Register of fees.
5. Book for entering copies of entry relating to births or deaths.

(Assam Administration Circulars Nos. 12 and 18J., dated the 8th April and 5th May 1902, respectively.)

Submission
of quarterly
ecclesiastical
returns to
the Registrar-General.

2. The Commissioners, Deputy Commissioners, Chaplains, and all other officials whose duty it is to make returns should send their quarterly ecclesiastical returns to the Registrar-General of Births, Deaths and Marriages, Assam. They should be careful to send in the returns or "No occurrence" certificates immediately after the expiration of the quarter to which the return relates. [Assam Administration Circular No. 62, dated the 8th December 1888, and Secretary of State's despatch No. 9 Financial (Funds), dated the 3rd December 1909.]

Indent for
Births and
Deaths Registration
Forms.

3. The Annual indent for Assam Births and Deaths Registration Forms should be sent so as to reach the office of the Registrar-General by the 15th March of each year. The indent should be submitted by all Deputy Commissioners and Registrars of Births and Deaths under Act VI of 1886, in the prescribed printed forms, in triplicate, and should contain all register books and other forms prescribed under the Act that are likely to be required during the twelve months from the 1st December to the 30th November following. After being checked and countersigned the indents will be forwarded by Registrar-General of Births and Deaths and Marriages, by the 15th April.

(Registrar-General's Circular No. 1, dated the 3rd September 1896.)

SECTION IV.

THE REGISTRATION OF BIRTHS AND DEATHS.

The registration of births and deaths is governed by the provisions of the Births, Deaths and Marriages Registration Act (VI of 1886) as amended by the Births, Deaths and Marriages (Amendment) Act (IX of 1911), and by the rules prescribed thereunder by the Local Government in Notification No. 52G., dated the 7th January 1912.

2. The persons whose births and deaths are registerable are the following:—

- (a) In British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865,* applies, and in respect of which an order of exemption under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion; Persons whose births or deaths may be registered.
- (b) In the dominions of Princes and States in India in alliance with His Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion. The Local Government by notification in the official Gazette may, with the previous approval of the Governor-General in Council, extend the operation of the Act, in so far as it relates to the registration of births and deaths, to any other class of persons, either generally or in any local area. Up to date no such extension has been made.

3. The registration of births and deaths under the Act is entirely voluntary, and as experience has shown that full advantage is not taken of its provisions by the persons to whom it applies, it has been deemed desirable to explain the benefits of registration and give a few simple instructions regarding procedure and fees. Registration voluntary.

* NOTE.—(a) The Indian Succession Act, 1865, does not apply to Hindus (including Sikhs and Jains), Muhammadans or Buddhists.
 (b) It is not in force in the Chittagong Hill Tracts and the Lushai Hills.
 (c) The Khasis and Syntengs have been exempted from the operations of the said Act, but births and deaths occurring among these professing the Christian religion are registerable.

Advantages
of registra-
tion.

4. The following are the more salient advantages which may be derived from the registration of births and deaths :—

- (i) Registration secures future legal proof of a birth or death, since only certified copies of entries in a Register of Births or Deaths are, under section 9 or 25 (2) of the Act, admissible in evidence to prove the birth or death to which they relate and such copies are also under section 79 of the Indian Evidence Act, 1872, presumed to be genuine.
- (ii) Apart from the common necessity for legal proof of such occurrences, relatives and descendants and, in the case of births, the children themselves often desire to have authentic information for genealogical, sentimental or other reasons.
- (iii) The production of a birth certificate or proof of age is required of candidates for Government service, and in some cases for service under private employers or for appearance at certain examinations. Persons desirous of insuring their lives have also to prove their ages.

Neglect to register births or deaths may cause much trouble and expense hereafter and, in the case of a birth, may seriously handicap children in obtaining employment when they reach years of maturity.

Persons
authorized to
give notice of
a birth.

5. Any of the following persons may give notice of a birth, namely :—

- (a) the father or mother of the child ;
- (b) any person present at the birth ;
- (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house ;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred ;
- (e) any person having charge of the child.

Persons
authorized to
give notice of
a death.

6. Any of the following persons may give notice of a death, namely :—

- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death ;
- (b) any person present at the death ;

- (c) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge that the deceased died in the house ;
- (d) any person in attendance during the last illness of the deceased ;
- (e) any person who has seen the body of the deceased after death.

7. A person desirous of having a birth or a death registered may either personally attend at the office of the Registrar and sign the register of births or deaths, or, if he or she cannot so attend without inconvenience, may apply that the birth (if it be of a legitimate child) or death be registered without his or her personal attendance at such office. In the former case an application must be made to the Registrar in the printed form A or B, and in the latter case in the printed form C or D, as the case may be. These forms have been reproduced in the Schedules to this pamphlet and may be obtained gratis on application to a Registrar of Births and Deaths. The appropriate form must be filled in and signed by the person giving notice, provided that, in the case of a person desirous that his or her attendance at the Registrar's office should be dispensed with and whose signature is not known to the Registrar, the signature of such person in form C or D as the case may be, must be attested by an officer of Government not below the status of a Sub-Registrar appointed under Act XVI of 1908, or by a person licensed as a Marriage Registrar under Act III of 1872 or by a European British subject with whose signature the Registrar is acquainted.

Procedure to be followed by persons giving notice.

8. A person desirous of registering the birth of an illegitimate child must submit an application in form A, and attend personally at the office of the Registrar for the purpose of signing the register. A Registrar is precluded from entering in the register of births the name of any person as the father of an illegitimate child unless at the request of the mother and of the person acknowledging himself to be the father of the child. When the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

Registration of the birth of an illegitimate child.

9. The notice in form A, B, C, or D must ordinarily be presented or forwarded to the Registrar for the local area in which the birth or death occurred within three months of the birth or death to which it refers, as the case may be ;

Period within which notice of a birth or death may be given.

Provided that the Registrar may, of his own authority, for any reason which he considers sufficient, accept notice of a birth or death at any time within six months from the date of its occurrence or, with the special sanction in writing of the Registrar-General, after that time.

Appeal against the order of Registrar. 10. An appeal against an order of a Registrar refusing to register a birth or death on any other ground than that he has reason to believe the notice to be false shall lie to the Registrar-General of Births, Deaths and Marriages who may in his discretion confirm the order of the Registrar or direct him to register the birth or death.

Procedure when a birth or death occurs on a journey. 11. When a birth or death has occurred during a journey, or when the person giving notice of a birth or death was compelled by duty, or urgent necessity, or unavoidable accident, to leave the local area in which such birth or death occurred so soon after its occurrence that he was unable to give the prescribed notice to the Registrar for that local area, any Registrar may receive notice of such birth or death and register the same as if it were a birth or death which had occurred within the local area for which he has been appointed.

Provisions of paragraph 9 as to the time within which notice of a birth or death must be given apply to such cases.

Procedure when a birth or death occurs on the high seas. 12. The Registrar for any local area, including a port, may register any birth or death which has occurred on the high seas on board any ship arriving at such port :

Provided that notice of the birth or death is given to such Registrar within sixty days after the arrival of the ship.

In the notice of such birth or death, and in the entry thereof in the register, there shall be specified in lieu of the name of the place at which, the name of the ship on which the event occurred, and the name of the Commander of the ship and the approximate latitude and longitude of the ship's position at the time of the birth or death.

Certificate of registration of a birth or death. 13. A person desirous of registering a birth or death may, on application to the Registrar at the time of such registration and on payment of the prescribed fee, be furnished with a certificate of the registration of the birth or death.

Searches and certified copies. 14. Subject to the payment of the prescribed fees the indexes maintained at the office of the Registrar-General are open to inspection by any person applying to inspect them, and copies of the entries in the certified copies of the registers filed in the office of the Registrar General to which the indexes relate are

given to all persons applying for them. Subject to the same proviso, any person is permitted at all reasonable times to make searches in the registers maintained by a Registrar and can obtain from a Registrar a certified copy of any entry in the said registers.

15. No fee is charged for registering births or deaths, but the following fees are payable in respect of certificates, certified copies and searches :—

Fees.

	Rs.	a.	p.
(i) Under section 8 for inspection of indexes in the office of a Registrar General—			
(a) For the first year	1	0 0
(b) For every additional year, four annas, up to a maximum for one inspection of	5	0 0
(ii) Under section 8 for each copy of an entry in a certified copy of a register in the office of a Registrar General	1	0 0
(iii) Under section 23 for a certificate of registration of a birth or death	1	0 0
(iv) Under section 25 for search in a register of births or deaths—			
(a) For the first year	1	0 0
(b) For every additional year, four annas, up to a maximum for one search of	5	0 0
(v) Under section 25 for each copy of an entry given by a Registrar	1	0 0
(vi) Under section 35 —			
(a) For inspection of the descriptive list of registers or records delivered to the Registrar General by Commissioners appointed under Chapter V of the Act	1	0 0
(b) For each copy of an entry in any register or record described in the above-mentioned descriptive list	1	0 0

Provided that non-commissioned officers and men of His Majesty's Regular Forces or of any Indian Military Police Force and all seamen shall be exempted from the payment of the foregoing fees.

When fees payable under the above items are received by a Registrar-General or any person being a Government servant and not a Minister of Religion, having the custody of any such

As I cannot conveniently attend at your office for the purpose of signing the Register of Births, I request that the birth may be registered in my absence under the provisions of section 22 (1), Act VI of 1886, as amended by Act IX of 1911.

(Signature.)

Dated 19 .

* Certified that the abovementioned has signed this application in my presence.

Signature—

Designation or profession—

Dated 19 .

* (N.B.—This certificate is only required if the signature of the notice giver is not known to the Registrar.)

SCHEDULE D.

Notice of a Birth and application for the registration of the same by a person who does not attend personally at the office of the Registrar of Births and Deaths.

(PARAGRAPH 7).

To the Registrar of Births and Deaths for (local area or class).

I, A. B. (name, description and residence), being (here state the capacity in which the person claims to be authorized to give the notice), hereby give notice, for the purposes of section 19, Act VI of 1886, that on (date) at (place) my (state relationship), C. D. (name and description), or C. D. (name and description), died of , and I request that the said death may be registered.

As I cannot conveniently attend at your office for the purpose of signing the Register of Deaths, I request that the death may be registered in my absence under the provisions of section 22 (1), Act VI of 1886, as amended by Act IX of 1911.

(Signature).

Dated 19 ;

* Certified that the abovementioned has signed this application in my presence.

Signature—

Designation or profession—

Dated 19 .

* (N.B.—This certificate is only required if the signature of the notice giver is not known to the Registrar.)

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