

The Kazis (Maharashtra Amendment) Act, 1978

MAHARASHTRA

India

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Act 21 of 1978

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The Kazis (Maharashtra Amendment) Act, 1978 Maharashtra Act No. 21 of 1978 Statement of Objects and Reasons. - Complaints had been received by Government that some of the Kazis, who officiated as priests at Muslim marriages, did not co-operate with or help the parties, especially the opposite party when he was engaged only to one of the two parties, in giving them inspection and true copies of the documents in his possession, like the Nikah Nama, or in getting the marriage registered under the Bombay Registration of Marriages Act, 1953. Copies of such documents are often required by the members of the public for proving the marriage for various purposes. To remove the difficulty experienced by the people, it was proposed to amend the Kazis Act, 1880, to cast a statutory duty on every person who performs the functions of Kazi at any marriage to maintain proper records and to give inspection and true copies of the relevant documents on payment of reasonable fees. If he was found guilty of misconduct in the discharge of this duty cast on him, it was proposed to disqualify him from functioning as a Kazi at any marriage for a specified period not exceeding three years. The Kazis Act, 1880 is not in force throughout the State of Maharashtra, for having uniform law on the subject, opportunity was also taken to extend this Act to the remaining parts of the State in which it was not in force at present. [Dated 9th October, 1978] (Assented to by the President) For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1978, Part V, p. 11. An Act to amend the Kazis Act, 1880, in its application to the State of Maharashtra. Whereas it is expedient to amend the Kazis Act, 1880, in its application to the State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twenty-ninth Year of the Republic of India as follows

1. Short title.

- This Act may be called the Kazis (Maharashtra Amendment) Act, 1978.

2. Amendment of long title of Act XII of 1880.

- In the Kazis Act, 1880, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), in the long title, after the words "office of Kazi", the words "and to cast certain duties

on persons discharging the functions of a Kazi" shall be added.

3. Amendment of preamble to Act XII of 1880.

- In the preamble to the principal Act, after the words "office of Kazi" the words "and to cast certain duties on persons discharging the functions of a Kazi" shall be inserted.

4. Amendment of section 1 of Act XII of 1880.

- In section 1 of the principal Act, at the end, the following paragraph shall be added, namely :-"On the date of commencement of the Kazis (Maharashtra Amendment) Act, 1978, this Act shall extend also to all the remaining parts of the State of Maharashtra to which it did not extend immediately before the date."

5. Addition of section 5 to Act XII of 1880.

- After section 4 of the principal Act, the following section shall be added, namely :-"5. Duty of every person officiating as Kazi at a marriage to give inspection and true copies of documents in his possession relating to the marriage and disqualification for failure to perform his duty. - (1) It shall be the duty of every person, who officiates as a Kazi or Naib Kazi (whether he is appointed by the State Government under this Act or not) at the celebration of any marriage, to maintain a proper record of the marriage or marriages attended by him in that capacity, and, if so required by or on behalf of either of the parties to the marriage, to give inspection and duly certified true copies of the documents in his possession relating to the marriage, like the Nikah Nama, on payment of reasonable fees therefor, not exceeding such maximum rates of fees as may be specified in this behalf by the State Government, by notification in the Official Gazette, in respect of inspection and certified copies of any document or class of documents.(2)If on a complaint received from or on behalf of either of the parties to a marriage, the State Government is satisfied, after giving him an opportunity of being heard, that the person who officiated as a Kazi or Naib Kazi at the marriage is guilty of misconduct in the discharge of the duty cast on him under sub-section (1), the State Government may, by order published in the Official Gazette, declare that he shall be disqualified for officiating as a Kazi or Naib Kazi at any marriage, for such period, not exceeding three years, as may be specified in the order."