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PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 9th July 1880, and was promulgated for general information in the *Gazette of India* on the 10th July 1880:—

Act No. XII. of 1880.

An Act for the appointment of persons to the office of Kāzī.

WHEREAS by the preamble to Act No. XI. of 1864 (*An Act to repeal the law relating to the offices of Hindū and Muhammadan Law Officers and to the offices of Kāzī-ul-Kuziat and of Kāzī and to abolish the former offices*) it was (among other things) declared that it was inexpedient that the appointment of the Kāzī-ul-Kuziat, or of City, Town or Pargana Kāzīs 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Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of British India the presence of Kāzīs appointed by the Government is required at the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 Kāzī; It is hereby enacted as follows:—

1. This Act may be called "The Kāzīs Act, 1880."
- and it shall come into force at once.
- It extends, in the first instance, only to the territories administered by the Governor of Fort St. George in Council. But any other Local Government may, from time to time, by notification in the official Gazette, extend it to the whole or any part of the territories under its administration.
2. Whenever it appears to the Local Government that any considerable number of the Muhammadans resident in any local area desire that one or more Kāzīs 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 Kāzīs for such local area.

If any question arises whether any person has been rightly appointed Kāzī 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 Kāzī 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 Kāzī appointed under this Act may appoint one or more persons as his nāib or nāibs 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 nāib so appointed.

When any Kāzī is suspended or removed under section two, his nāib or nāibs (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—

- (a) to confer any judicial or administrative powers on any Kāzī or Nāib Kāzī appointed hereunder; or
- (b) to render the presence of a Kāzī or Nāib Kāzī necessary at the celebration of any marriage or the performance of any rite or ceremony; or
- (c) to prevent any person discharging any of the functions of a Kāzī.

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