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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 15th October, 1885:—

Bill No. 17 of 1885.

A Bill rendering it permissive to the members of the Maimon Community to declare themselves subject to Muhammadan Law.

WHEREAS there is in the Presidency of Bombay and elsewhere a class of persons known as Maimons, and questions have from time to time arisen in the case of some of those persons as to the law by which in certain particulars they are governed, and whereas some of those persons consider that they are governed or desire to be governed in those particulars by the Muhammadan law as established in the Hanafi School;

And whereas it is expedient that a procedure should be provided whereby the applicability of that law to them in those particulars could be placed beyond dispute;

It is hereby enacted as follows:—

1. This Act may be called the Maimons Act, 1886.

2. (1) When any Maimon who has attained his majority has declared in manner next hereinafter provided that he desires to be governed by the

Muhammadan law as established in the Hanafi School, that law shall thereafter, notwithstanding any custom to the contrary, apply to him in each part of British India in the same particulars and to the same extent as it applies to other persons in that part of British India who are governed by it.

(2) A declaration to take effect under sub-section (1) must be made by a written instrument under the hand of the person making the same, in the form given in the schedule to this Act or in a form to the like effect, and must—

- (a) if made in a part of British India in which the Indian Registration Act, 1877, is for the time being in force, be registered during his lifetime under that Act; and
- (b) if made elsewhere, be executed before, and authenticated by, a notary public or a Court, Judge, Magistrate, British Consul or Vice-Consul or representative of Her Majesty or of the Government of India.

(3) Nothing in this Act shall prevent any person being or becoming subject to any form of Muhammadan law in any other manner than that provided by this Act.

THE SCHEDULE.

FORM OF DECLARATION.

I hereby declare that I wish to be governed to the extent provided by the Maimons Act, 1886, by the Muhammadan law as established in the Hanafi School.

STATEMENT OF OBJECTS AND REASONS.

1. THE Maimons, like the Khojás, were originally Hindus, and have been converted to Muhammadanism ; but though they are said, as a rule, to be Muhammadans in a fuller sense than the great body of the Khojás, it has been held by the Courts that certain sections of them are in some particulars still governed by Hindu customs instead of by Muhammadan law.

2. From a petition lately received by the Government, it appears that to a large number of the Maimons in question this position is not satisfactory. They hold that they should be governed, or they wish to be governed, by the Muhammadan law of the Hanafi School, and they ask that it may be declared by the legislature that they are so governed.

3. It is not to be expected that any such declaration would be made by the legislature unless it were shown that it was desired by the entire community to which it would apply, and it must be admitted that there is a want of unanimity among them on this subject.

It seems but reasonable, however, that some simple procedure should be provided by which the petitioners and other members of the Maimon class, who may be of their way of thinking, would be enabled to secure the application to themselves of those portions of the Muhammadan law which are applied by our Courts to ordinary Muhammadans, and to avoid all risk of being held to be governed by customs which are distasteful to them, and which it is to be apprehended are far from being well settled.

4. Such a procedure is to be found in the clause which it has been proposed to insert in the Khojá Succession Bill now under consideration, and which provides that a Khojá of full age may by a registered declaration withdraw himself from the peculiar law of succession by which Khojás are to be governed and place himself under the Muhammadan law of succession.

The present Bill has been prepared with a view to providing a similar procedure for Maimons. It is, however, not restricted to the matter of succession, as the difficulty which it is intended to meet is not confined to that branch of the law; and as, from all that has appeared up to this, the Hanafi form of the Muhammadan law is the only one to which Maimons would desire to be subject, it provides for the application to them only of that form of the law.

5. As it is obviously undesirable that any doubt should be thrown on the legal position of Maimons who may be already fully subject to the Muhammadan law, or that it should be suggested that a Maimon could not after the passing of the Bill become fully subject to that law in any way in which he, in common with Hindus and others, might become subject to it at present, a clause has been inserted in the Bill providing that nothing therein contained shall prevent any person from being or becoming subject to any form of Muhammadan law in any other manner than that provided by the Bill.

The 15th October 1885.

(Signed) AMÍR ALÍ.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 5th November 1886.]

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