

THE



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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 25th July 1871, and was referred to a Select Committee, with instructions to make their report thereon in six weeks:—

Bill No. 18 of 1871.

A Bill to amend Act No. V. of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans).

WHEREAS it is expedient to amend and consolidate the law relating to Oaths and Declarations;

Preamble.

It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Oaths and Declarations Act, 1871."

It shall extend to the whole of British India, and, so far as British subjects are concerned, to all other places within the Indian dominions of Princes and States in alliance with Her Majesty, as the Governor General in Council shall, by notification, direct;

Local extent.

Commencement.

And it shall come into force on the passing thereof.

2. The enactments specified in the schedule hereunto annexed are repealed to the extent mentioned in the third column of the said schedule.

Interpretation-clause.

The word "law" means any Act, Regulation, or Order having the force of law, which the Governor

'Law.'

General in Council can by law repeal, amend, or alter;

The word "Court" includes a Coroner, a Justice of the Peace, and any other person legally empowered to take evidence.

'Court.'

4. Whenever, by any law for the time being in force, the administration of an oath to any person is authorized in any Court, the oath shall be in such form as the Local Government shall from time to time direct:

Provided that, in any such case, the Court or person authorized to administer such oath may permit a solemn affirmation in such form as the Local Government directs, to be substituted for an oath; and shall do so, whenever it shall appear that the person, to whom the oath is to be administered, has a conscientious objection to taking an oath, or does not understand its meaning, or regards it as unmeaning or useless.

Until otherwise directed, the form of oath or solemn affirmation, now in use in any Court or proceedings, shall be deemed to have been directed by the Local Government.

If the Court has reason to believe that any witness attaches peculiar sanctity to any form of swearing, and that the employment of such form of swearing would be likely to make him tell the truth, it may employ that form either instead of, or in addition to, the form above-mentioned, and either in relation to the whole of the witness' evidence, or in relation to such part of it as has reference to any particular fact.

SCHEDULE.

No. of Act.	Title of Act.	Extent of repeal.
Act XXI. of 1837.....	An Act empowering Governors of Presidencies and the Lieutenant-Governor of the North-Western Provinces to dispense with oaths.	The whole now unrepealed.
Act V. of 1840	An Act concerning the Oaths and Declarations of Hindoos and Mahometans.	The whole now unrepealed.
Act XVIII. of 1863.....	An Act to make provision for the speedy and efficient disposal of the business now pending in the office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.	Section 9.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to throw into a single measure the various enactments at present regulating the subject of oaths and solemn declarations, and to extend the operation of these enactments to jurors and other persons, besides witnesses in Court, for whom it is desirable that provision should be made.

(Signed) J. F. STEPHEN.

Simla, The 13th July 1871.

H. S. CUNNINGHAM,

*Officiating Secretary to the Council of the Governor General for making
Laws and Regulations.*