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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 21st December 1871, and was referred to a Select Committee, with instructions to make their report thereon in a fortnight:—

Bill No. 25 of 1871.

A Bill to Amend Act XII. of 1870 (the Native Passenger Ships Act).

WHEREAS it is expedient to amend Act XII. of 1870 (the Native Passenger Ships Act); It is hereby enacted as follow:—

Amendment of Sec. 2. 1. Instead of the second paragraph of Section two of the said Act, the following shall be read:

Act not to apply to Ships-of-War, &c. "Nothing in this Act applies to any Ship-of-War or Transport belonging to or in the service of Her Majesty, or to any Ship-of-War belonging to any Foreign Prince or State, or to any ship under contract with the Government of any European State, or to any Or to Steam Vessels Steam Vessel employed conveying public mails. in the conveyance of public mails, under a contract, to places beyond the coasts of British India or Ceylon."

Amendment of Sec. 4. 2. Instead of the last paragraph of Section four of the said Act, the following shall be read:

"The words 'Native Passenger Ship' mean a vessel, whether sailing or steam, carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a Port or place in British India or in the said dominions to any Port or place in the Red Sea or Persian Gulf, or which may arrive at any Port or place within British India or the said dominions from any Port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers."

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3. After Section twelve of the said Act, the following proviso shall be added:

" Provided that, in the case of Steam Ships, the officer aforesaid may, if under the circumstances of the case he thinks fit, reduce the space to be appropriated to passengers in the between decks under the requirements of this Section, to a space containing at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board."

4. After Section twenty-one of the said Act, the following proviso shall be added:

" Provided also that, in the case of Steam Ships provided with a condenser, the officer authorised in that behalf may, if under the circumstances of the case he thinks fit, reduce the amount of water to be provided under the requirements of this Section to an amount not less than three gallons to every week of the declared duration of the voyage for every passenger on board."

Act to be read as part of Act XII. of 1870. 5. This Act shall be read as part of Act XII. of 1870.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is (1) to remove a doubt which has been expressed as to the applicability of chapters 1, 2 and 4 of Act XII. of 1870 to Steam Vessels; (2) to define with more precision the meaning of the expression "Sea-going Steam Vessel" in Section 2; and (3) to provide, in the case of Steam Vessels, some relaxation of the rules contained in Sections twelve and twenty-one, as to space and water, which have been represented to be unnecessarily strict.

(Signed) F. S. CHAPMAN.

The 8th December 1871.

H. S. CUNNINGHAM,

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

The following Report of the Select Committee on the Bill to legalize marriages between certain Natives of India not professing the Christian Religion, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 21st December 1871.

LEGISLATIVE DEPARTMENT.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of

India for the purpose of making Laws and Regulations to which the Bill to legalize marriages between certain Natives of India not professing the Christian Religion was referred, have the honour to report that we have considered the Bill and the further papers noted in the margin.

Translation from the Bharat Paridurshak, dated 1st Bysack 1278. B. S.
Two Petitions from certain Native inhabitants of Bengal, dated 27th May 1871.
Memol. from the Members of the Allahabad Bráhma Sámaja, dated 20th June 1871.
Ditto ditto ditto ditto do. 26th do.
Ditto ditto Berhampore ditto do. 27th do.
Endorsement, Foreign Department, No. 1099G, dated 30th May 1871, forwarding extract, paragraph 1, from the Shom Prakash of the 17th April 1871.
Memorial from Members of Rajmahal Bráhma Sámaja, dated 6th Aug. 1871.

Ditto	ditto	Mymensing	ditto	(no date).
Ditto	ditto	Comercally	ditto	(ditto).
Ditto	ditto	Gya	ditto	(ditto).
Ditto	ditto	Cawnpore	ditto	(ditto).
Ditto	ditto	Bereilly	ditto	dated 7th August 1871.
Ditto	ditto	Monghyr	ditto	ditto 7th do.
Ditto	ditto	Dehra Doon	ditto	ditto 7th do.
Ditto	ditto	Lahore	ditto	ditto 7th do.
Ditto	ditto	Allahabad Branch	ditto	ditto 6th do.
Ditto	ditto	Agra	ditto	ditto 8th do.
Ditto	ditto	Rawul Pindi	ditto	ditto 8th do.
Ditto	ditto	Bhagulpore	ditto	ditto 8th do.
Ditto	ditto	Toondla	ditto	ditto 9th do.
Ditto	ditto	Lucknow	ditto	ditto 10th do.
Ditto	ditto	Jamalpore	ditto	ditto 10th do.
Ditto	ditto	Hazareebag	ditto	ditto 7th do.
Ditto	ditto	Oosmanpore	ditto	(no date).
Ditto	ditto	Patna	ditto	ditto 7th Aug. 1871.
Ditto	ditto	Burissal	ditto	ditto 11th do.
Ditto	ditto	Bangalore	ditto	ditto 12th do.
Ditto	ditto	Krishnaghur	ditto	ditto 14th do.
Ditto	ditto	Furceedpore	ditto	ditto 14th do.
Ditto	ditto	Gournagore	ditto	ditto 15th do.
Ditto	ditto	Baranagore	ditto	ditto 16th do.
Ditto	ditto	Kooshtea	ditto	ditto 15th do.
Ditto	from certain Native inhabitants of Bengal,		ditto	ditto 27th do.
Ditto	from Members of Chittagong Bráhma Sámaja,		ditto	ditto 13th do.
Ditto	ditto	Nowgong	ditto	(no date).
Ditto	ditto	Kishoregunj	ditto	(ditto).
Ditto	ditto	Bogra	ditto	ditto 20th Aug. 1871.
Ditto	ditto	Sylhet	ditto	ditto 27th do.
Ditto	ditto	Bombay Prarthona	ditto	(no date).
Ditto	ditto	Mangalore	ditto	ditto 17th Aug. 1871.
Ditto	ditto	Gowhattee	ditto	ditto 20th do.
Ditto	ditto	Kaligacha	ditto	ditto 19th do.
Ditto	ditto	Caechar	ditto	ditto 21st do.
Ditto	ditto	Cuttaek	ditto	(no date).
Ditto	ditto	Burdwan	ditto	ditto 25th Aug. 1871.
Ditto	ditto	Seledah	ditto	ditto 23rd do.
Ditto	ditto		ditto	ditto 29th do.

Note by the Honourable J. F. Stephen,

Memorial from Members of Brahmanbariah Bráhma Sámaja,		(no date).		
Ditto	ditto	Kalighat	ditto	dated
Ditto	ditto	Jabulpur	ditto	ditto 4th Sept. 1871.
Ditto	ditto	Howrah	ditto	ditto 6th do.
Ditto	ditto	Gowalpara	ditto	ditto 3rd do.
Ditto	ditto	Konnaghur	ditto	ditto 11th do.
Ditto	from the Bráhmas of Dacca,		ditto	ditto 14th do.
Ditto	from Members of Beaula Bráhma Sámaja,		ditto	ditto 16th do.
Ditto	ditto	Seelsaugor	ditto	(no date)
Ditto	ditto	Chinsurah	ditto	ditto 3rd Sept. 1871.
Ditto	ditto	Baripore	ditto	(no date)

From Babu Keshub Chunder Sen, No. 140, dated 28th November 1871, forwarding Statement of Bráhma Sámaja of India in reply to objections advanced against the Bill.

Memorial from Members of Bráhma Sámaja in Great Britain (no date).
Ditto ditto Southern India Bráhma Sámaja, dated 1st Dec. 1871.

man must be eighteen years of age, the woman fourteen, and that if she be under eighteen, the parent or guardian must consent; and that they must not be connected in any degree of consanguinity or affinity which, by the law to which either of them is subject, would render a marriage between them illegal.

6. We have provided that persons marrying under the Act shall not be permitted to marry another person during the lifetime of the wife or husband, whatever form of religion they may, at the time of such second marriage, profess; (2) that the Indian Divorce Act shall apply to marriages under the Act; (3) that the issue of marriages under the Act shall be subject to the English law of consanguinity and affinity;

and (4) that the Indian Succession Act shall apply to all persons marrying under the Act and the issue of such marriages.

7. In Section 15, we provide that nothing in the Act shall be deemed to affect the validity of any marriage not solemnized under the Act, or of any mode of marriage other than the one provided in the Act.

8. We have provided, in Section 16, that all marriages contracted before the passing of the Act between persons, who might have married under the Act had it been in existence, may be registered within a year, and shall thereupon be as valid from the date of the marriage as though contracted under the Act.

9. We recommend that the Bill and report be published in the *Gazette of India*, and that, subject to the foregoing amendments, the Bill be passed.

J. F. STEPHEN.
J. STRACHEY.
F. R. COCKERELL.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.

The 21st December 1871.

A Bill to provide a Form of Marriage in certain cases.

WHEREAS it is expedient to provide a form of marriage for persons who are neither Christians nor Jews, and who do not profess, or who have renounced or been excluded from the communion of the Hindú, Muhammádan, Pársí, Buddhist, Sikh or Jaina religion, and to legalize certain marriages the validity of which is doubtful; It is hereby enacted as follows:—

1. Marriages may be celebrated under this Act between persons who are neither Christians nor Jews, and who have renounced or have been excluded from the communion of, or who do not profess either the Hindú or the Muhammádan, or the Pársí or the Buddhist, or the Sikh or the Jaina religion, upon the following conditions:—

- (1).—Each party must, at the time of the marriage, be unmarried.
- (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).—The woman must, if she has not completed her age of eighteen years, have obtained the consent of her father or guardian to the marriage, unless she be a widow.

(4).—The parties must not be related to each other in any degree of consanguinity or affinity, which would, according to any law to which either of them is subject, render a marriage between them illegal; but no such law or custom other than one relating to consanguinity or affinity shall prevent them from marrying.

2. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its adminis-

tration. The officer so appointed shall be called Registrar of Marriages under Act XXXIV. of 1871, and is hereinafter referred to as the Registrar; the portion of territory for which any such officer is appointed shall be deemed his district.

3. When a marriage is intended to be solemnized under this Act, one of the parties must give notice in writing to the Registrar before whom it is to be solemnized.

The Registrar to whom such notice is given must be the Registrar of a district within which one at least of the parties to the marriage has resided for five days before such notice is given.

Such notice may be in the form given in the first Schedule to this Act.

4. The Marriage Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of any such notice in a book to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book under Act XXXIV. of 1871," and such book shall be open at all reasonable times, without fee, to all persons desirous of inspecting the same.

5. Five days after notice of an intended marriage has been given under section three, such marriage may be solemnized unless it has been previously objected to in the manner hereinafter mentioned.

Any person may object to any such marriage on the ground that it would contravene some one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of section one.

The nature of the objection made shall be recorded in writing by the Registrar in the register, and shall, if necessary, be read over and explained to the person making the objection, and shall be signed by him or on his behalf.

6. On receipt of such objection the Registrar shall not proceed to solemnize the marriage until the lapse of five days from the receipt of such objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, until the lapse of five days from the opening of such Court.

The person objecting to the intended marriage may file a suit in any Civil Court having local jurisdiction (other than a Court of Small Causes) for a declaratory decree, declaring that such marriage would contravene some one or more of the conditions prescribed in clauses (1), (2), (3), or (4) of section one.

7. The officer before whom such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed. If such certificate be lodged with the Registrar within five days from the receipt of notice of objection, if there be a Court of competent jurisdiction open at the time, or, if there be no such Court open at the time, within five days of the opening of such Court, the marriage shall not be solemnized till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed; or, if there be an appeal from such decision, till the decision of the Appellate Court has been given.

If such certificate be not lodged in the manner and within the period prescribed in the last preceding paragraph, such marriage may be solemnized.

If the decision of such Court be that the marriage in question would contravene any one or more of the conditions prescribed in clauses (1), (2), (3) or (4) of Section one, the marriage shall not be solemnized.

8. Any Court, in which any such suit as is referred to in the last preceding section is filed, may, if it shall appear to it that the objection was not reasonable and *bona fide*, inflict a fine not exceeding 1,000 rupees on the person objecting, and award it, or any part of it, to the parties to the intended marriage.

9. 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 the woman has not completed her age of eighteen years, the declaration shall also be signed by her father or guardian, and, in every case, it shall be countersigned by the Registrar.

10. 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).'

11. 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.

12. 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 XXXIV. of 1871, 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.

13. The Local Government shall prescribe the fees to be paid to the Registrar for the duties to be discharged by him under this Act.

The Registrar may, if he think 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 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.

14. 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 four hundred and ninety-four or section four hundred and ninety-five of the Indian Penal Code as the case may be; and the marriage so solemnized is void.

15. 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 four hundred and ninety-four and four hundred and ninety-five of the Indian Penal Code 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.

16. The Indian Divorce Act 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 clauses (1), (2), (3), or (4) of section one.

17. The issue of marriages solemnized under this Act shall be deemed to be subject to the law of England for the time being as to the prohibition of marriages by reason of consanguinity and affinity.

18. The Indian Succession Act shall apply to all persons marrying under this Act and to the issue of such marriages.

SECOND SCHEDULE.

(See Section 9.)

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 Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and I am neither a Christian nor a Jew:
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, render a marriage between us illegal.
5. 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 Hindú, Muhammadan, Pársí, Buddhist, Sikh or Jaina religion, and I am neither a Christian nor a Jew:
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, render a marriage between us illegal.

[*And when the bride has not completed her age of eighteen years:*]

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

G H,
I J,
K L, } (*three witnesses*).

[*And when the bride has not completed her age of eighteen years:*]

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

M N, the father [*or guardian*] of the abovenamed *C D*.

(Countersigned) *E F*,

Registrar of Marriages under Act XXXIV. of 1871, for the District of

Dated the day of 18 .

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.

20. All persons who have heretofore contracted marriages according to any form whatever, which if they had been contracted after the passing of this Act, might have been solemnized under its provisions, may at any time, previous to the 30th day of December 1872, have such marriages registered under this Act, and such marriages shall thereupon be deemed to be and to have been as valid as if they had been contracted and solemnized under this Act. Persons who register marriages under this section must, on such registry, sign a declaration in the form given in the fourth Schedule to this Act.

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 one hundred and ninety-nine of the Indian Penal Code.

FIRST SCHEDULE.

(See Section 3.)

NOTICE OF MARRIAGE.

To
a Registrar of Marriages under
Act XXXIV. of 1871 for the District
[of]

I hereby give you notice that a marriage under Act XXXIV. of 1871, 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.
<i>A B</i>	<i>Unmarried.</i>	<i>Landowner.</i>	<i>Of full age.</i>	<i>23 days.</i>
<i>C D</i>	<i>Spinster.</i>	<i>Minor.</i>

Witness my hand, this day of *seventy-one.*

(Signed) *JAMES SMITH.*

THIRD SCHEDULE.

(See Section 12).

Registrar's Certificate.

I, *E F*, certify that, on the 18th of _____ of _____, 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 XXXIV. of 1871, and that a marriage under the said Act was solemnized between them in my presence.

(Signed) *E F*,Registrar of Marriages for the
District of _____

G H,
I J, } (three witnesses).
K L, }

Dated the _____ day of _____ 18 ____.

FOURTH SCHEDULE.

(See Section 20).

Declaration to be made by the Husband.

I, *A B*, hereby declare as follows:—

1. I was at the time of my marriage to my wife *C D*, unmarried:
2. I did not at such time profess the Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion, nor was I a Christian or a Jew:
3. I had at such time completed my age of eighteen years:
4. I am not related to *C D* [*the wife*] 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, render a marriage between us illegal:
5. 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 husband*).

Declaration to be made by the wife:—

I, *C D*, hereby declare as follows:—

1. I was at the time of my marriage to my husband *A B* unmarried:
2. I did not at such time profess the Hindú, Muhammadan, Pársi, Buddhist, Sikh or Jaina religion, nor was I a Christian or a Jew:
3. I had at such time completed my age of fourteen years;
4. I am not related to *A B* [*the husband*] 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, render a marriage between us illegal.

[And when the bride has not completed her age of eighteen years:]

5. The consent of *M N* my father [*or guardian, as the case may be*], had at such time been given to a marriage between myself and *A B*, and had 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 in our presence by the above named *A B* and *C D*:

G H,
I J, } (three witnesses).
K L, }

(Countersigned) *E F*,Registrar of Marriages under Act XXXIV. of
1871 for the District of _____

Dated the _____ day of _____ 18 ____.

H. S. CUNNINGHAM,

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