



# महाराष्ट्र शासन राजपत्र

प्राधिकृत प्रकाशन

गुरुवार, मार्च ३०, १९७८/चैत्र ९, शके १९००

स्वतंत्र संकलन म्हणून काढिले करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

## भाग पाच

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके

पुढील विधेयके, इत्यादी, असाधारण राजपत्र म्हणून त्यांच्यापुढे वर्षाविलेल्या दिनांकांना प्रसिद्ध झाली आहेत :—

३

गुरुवार, २३, मार्च १९७८/चैत्र २, शके १९००

### MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill was introduced in the Maharashtra Legislative Assembly on 23rd March 1978 :—

L. A. BILL No. V OF 1978.

A BILL

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 XII of State of Maharashtra, for the purposes hereinafter appearing ; It is hereby enacted 1880. in the Twenty-ninth Year of the Republic of India as follows :—

1. This Act may be called the Kazis (Maharashtra Amendment) Act, 1978. Short title.

XII of 1880. 2. In the Kazis Act, 1880, in its application to the State of Maharashtra (herein- Amendment of long title of Act XII of 1880. after 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.

Amendment of preamble to Act XII of 1880. 3. 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.

Amendment of section 1 of Act XII of 1880. 4. 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, Mah. 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 said date."

Addition of section 5 to Act XII of 1880. 5. After section 4 of the principal Act, the following section shall be added, namely :—

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 dis-  
g) tion  
ure  
form  
his duty.

"5. (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.

(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."

## STATEMENT OF OBJECTS AND REASONS.

Complaints have been received by Government that some of the Kazis, who officiate as priests at muslim marriages, do not co-operate with or help the parties, especially the opposite party when he is engaged only by 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 is proposed to amend the Kazis Act, 1880, to cast a statutory duty on every person who performs the functions of a 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 is found guilty of misconduct in the discharge of this duty cast on him, it is proposed to disqualify him from functioning as a Kazi at any marriage for a specified period, not exceeding three years.

2. The Kazis Act, 1880, is not in force throughout the State of Maharashtra. For having uniform law on the subject, opportunity is being taken to extend this Act to the remaining parts of the State in which it is not in force at present.

Bombay :

Dated the 20th day of March 1978.

RAMRAO W. ADIK,

Minister for Law and Judiciary.

G. S. NANDE,

Secretary,

Bombay, dated the 23rd March 1978.

Maharashtra Legislative Assembly.