

Kazis (Maharashtra Amendment) Act, 1978

21 of 1978

[09 October 1978]

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PREAMBLE

An Act 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 State of Maharashtra, for the purposes hereinafter appearing; It is hereby enacted in the Twentyninth Year of the Republic of India as follows :-

NOTES

Object.-Complaints had been received by Government that some of the Kazis, who officiated as priests at Muslim marriages, did not co-operate with or help the parties, especially the opposite party when he was engaged only to 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 was proposed to amend the Kazis Act, 1880, to cast a statutory duty on every person who performs the functions of 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 was found guilty of misconduct in the discharge of this duty cast on him, it was

proposed to disqualify him from functioning as a Kazi at any marriage for a specified period not exceeding three years.

The Kazis Act, 1880 is not in force throughout the State of Maharashtra, for having uniform law on the subject, opportunity was also taken to extend this Act to the remaining parts of the State in which it was not in force at present.-vide Statement of Objects and Reasons.

1 . For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1978, Part V, P. 11.

1. Short Title :-

This Act maybe called the Kazis (Maharashtra Amendment) Act, 1978.

2. Amendment Of Long Title Of Act Xii Of 1880 :-

In the Kazis Act, 1880, in its application to the State of Maharashtra (hereinafter 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.

3. Amendment Of Preamble To Act Xii Of 1880 :-

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.

4. Amendment Of Section 1 Of Act Xii Of 1880 :-

I n 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, 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 date."