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KAZIS ACT 1880

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THE KAZIS ACT, 1880

ACT NO.12 OF 1880[1]

[9*th July*, 1880.]

An Act for the appointment of persons to the Office of Kazi'.

WHEREAS by the preamble to Act No. 11 of 1864[2] (*An Act to repeal the law relating to the offices of Hindu and Muhammadan Law officers and to the offices of Kazi'-ul-Kuzaat and of Kazi', and to abolish the former offices*) it was (among other things) declared that it was declared that it was inexpedient that the appointment of the Kazi-ul-Kuzaat, or of City, Town or Pargana Kazi's should be made by the Government, and by the same Act the enactments relating to the appointment by the Government of the said officers were repealed; and whereas by the usage of the Muhammadan community in some parts of [3][India] the presence of Kazi's appointed by the Government is required at the celebration of marriages and the performance of certain other rites and ceremonies, and it is therefore expedient that the Government should again be empowered to appoint persons to the office of Kazi; It is hereby enacted as follows:—

1. Short title.—This Act may be called the Kazi's Act, 1880;

[4]* * * * *

Local extent.—It extends, in the first instance, only to the territories administered by the Governor of Fort Saint George in Council. [5][But the Government of any other State] may, from time to time, by notification in the Official Gazette, extend it to the whole or any part of the territories under its administration.[6]

2. Power to appoint Kazi's for any local area.—Wherever it appears to the State Government that any considerable number of the Muhammadans resident in any local area desire that one or more Ka'zi's should be appointed for such local area, the State Government may, if it thinks fit, after consulting the principal Muhammadan residents of such local area, select one or more fit persons and appoint him or them to be Kazi's for such local area.

If any question arises whether any person has been rightly appointed Kazi' under this section, the decision thereof by the State Government shall be conclusive.

The State Government may, if it thinks fit, suspend or remove any Kazi' appointed under this section who is guilty of any misconduct in the execution of his office, or who is for a continuous period of six months absent from the local area for which he is appointed, or leaves such local area for the purpose of residing elsewhere, or is declared an insolvent, or desires to be discharged from the office, or who refuses or becomes in the opinion of the State Government unfit, or personally incapable, to discharge the duties of the office.

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1. The Act has been extended to the Union territory of Lakshadweep by Reg. 2 of 1970, s. 2 and the Schedule (w.e.f. 15-10-1970) and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and the Schedule.
2. Rep.by Act 8 of 1868.
3. Subs. by the A.O. 1950, for "the Provinces".
4. The words "and it shall come into force at once" omitted by Act 10 of 1914, s. 3and II Schedule.
5. Subs. by Act 3 of 1951, s. 3 and the Schedule, for "But the Government of any other Part A State or the Government of a Part C State".
6. The Act has been extended to certain places in the Bombay Presidency, West Bengal, the U.P., the Punjab, the C.P. and Assam.

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3. Naib Kazi's.—Any Kazi' appointed under this Act may appoint one or more persons as his Naib or Naibs to act in his place in all or any of the matters appertaining to his office throughout the whole or in any portion of the local area for which he is appointed, and may suspend or remove any naib so appointed.

When any Kazi' is suspended or removed under section 2, his naib or naibs (if any) shall be deemed to be suspended or removed, as the case may be.

4. Nothing in Act to confer judicial or administrative powers; or to render the presence of Kazi's necessary; or to prevent any one acting as Kazi's.—Nothing herein contained, and no appointment made hereunder, shall be deemed—

(*a*) to confer any judicial or administrative powers on any Kazi' or Naib Kazi' appointed hereunder; or

(*b*) to render the presence of a Kazi' or Naib Kazi' necessary at the celebration of any marriage or the performance of any rite or ceremony; or

(*c*) to prevent any person discharging any of the functions of a Kazi'.

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