

No. 8 of 1886.

(As amended by No. 2 of 1888.)

An Ordinance to provide for the Registration of Mohammedan Marriages contracted in this Colony.

WHEREAS it is expedient to provide for the registration of the marriages of persons professing the Mohammedan faith in this island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Mohammedan Marriage Registration Ordinance, 1886."

Short title.

It extends to the whole of this island, and so far only as regards subjects of Her Majesty professing the Mohammedan faith;

Extent.

And it shall come into operation in such district or respective districts as shall be defined, and at such time or respective times as shall be appointed, by the Governor in Executive Council, by Proclamation to be published in the *Government Gazette*.

Commencement

2 In this Ordinance, unless the context otherwise requires—

Interpretation clause:

"Officiating levvai" shall mean any Mohammedan levvai who shall be licensed by the provincial registrar to register marriages under this Ordinance.

"Officiating levvai."

"Provincial registrar" shall mean the provincial registrar of marriages appointed under the provisions of Ordinance No. 15 of 1877, or of any future Ordinance providing for such appointment.

"Provincial registrar."

"Registrar" shall mean the registrar appointed by the Governor under section 8 or section 14 of this Ordinance.

"Registrar."

3 So much of the Code of Mohammedan Laws of 1806 as is inconsistent with this Ordinance is hereby repealed.

Repeal.

4 The provincial registrar may at his discretion issue a license, in the form contained in schedule A, to any Mohammedan levvai applying for the same, who, in his opinion, shall be a fit and proper person to be licensed to register marriages under this Ordinance, and any such

Provincial registrar to license officiating levvai.

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License to be stamped.

license at his discretion revoke and recall. Every license shall bear a stamp of one rupee, which shall be supplied by the applicant, and shall be duly cancelled by the provincial registrar; and a list of such licenses shall be made and preserved in the office of the provincial registrar, and shall from time to time be published in the *Government Gazette*. And no officiating levvai shall register any marriage contracted under this Ordinance outside the limits of the province named in his license.

Licensee to act only within the province.

Marriages to be registered in duplicate.

5 It shall be the duty of the officiating levvai who attends the marriage ceremonies at the request of the contracting parties for the purpose of registering the marriage, immediately upon the performance of such ceremonies to register the marriage at the wedding meeting held according to custom, and such registration shall be in duplicate, that is to say, in a marriage register book, which he is hereby required to keep for that purpose, and which shall be furnished to him by the provincial registrar, according to the form contained in the schedule B hereto annexed, and also in a certificate attached to the marriage register book as a counterfoil; and the entries in the register book and in the certificate shall be in the Tamil language.

Entries of such marriages to be signed and attested.

6 The entry of such marriage in both the certificate and marriage register book shall be signed by the officiating levvai, and also by the bridegroom and by the lawful wali of the bride, and shall be attested by two witnesses present at the marriage; and where the party required to sign is not able to write, he shall affix his mark.

Number of certificate to correspond with that of register book.

Every such entry shall be made in order from the beginning to the end of the book, and the number of the certificate shall correspond with that of the entry in the marriage register book.

Certificate to be forwarded to provincial registrar.

7 The officiating levvai registering the marriage shall forthwith separate the certificate from the marriage register book and send it, within seven days from the time of the registration, to the provincial registrar of his province to be filed of record in his office; and every such certificate shall bear a stamp of twenty-five cents, which shall be supplied to the officiating levvai by the persons contracting the marriage, and which shall be duly cancelled by him as required by law.

Governor to appoint Mohammedan registrar.

8 It shall be lawful for the Governor, by notification in the *Gazette*, to appoint any Mohammedan other than an officiating levvai to be a marriage registrar in respect of any district or place where there is no resident officiating levvai, for the purpose of registering marriages under this Ordinance; and a legal marriage may be contracted under this Ordinance before such registrar, who shall, upon the performance of the usual marriage ceremonies, register such marriage.

Registrar may register marriages.

Provisions applicable to marriages so registered.

9 The provisions of sections 5, 6, and 7 of this Ordinance, as to the form of the register book, the mode of registration, the transmitting of the stamped certificate to the provincial

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registrar, and the due cancelling of the stamp thereon, shall, *mutatis mutandis*, apply to the marriages contracted before the registrar in manner provided in the last preceding section.

10 Every officiating levvai or registrar who shall wilfully register any marriage contracted outside the limits of the province, district, or place to which he shall have been licensed or appointed, or who shall register any marriage at which he shall not have been present, or who shall wilfully neglect to keep a marriage register book as required by section 5, or to register in the said marriage book in the manner provided in section 6 any marriage which by this Ordinance he shall be bound to register, or who shall fail without lawful excuse to send the counterfoil certificates duly stamped to the provincial registrar as required by section 7, or who shall wilfully disregard the regulations made as provided in section 14, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees.

Penalties.

11 Every person required thereto by section 6 who refuses to sign the register book, and every person liable thereto under section 7 who refuses or neglects to provide the necessary stamp for the counterfoil certificate, shall be guilty of an offence, and shall be liable to a fine not exceeding twenty rupees.

Penalty for refusing to sign register, or not providing the necessary stamp.

12 Where a marriage has been contracted under the provisions of this Ordinance, which, without the fault of the parties thereto, may have been omitted to be registered, or may have been erroneously registered, it shall be lawful to either of the said parties, or in case of his or her death, to the issue or other lawful representative of such party, to apply to the government agent of the province or the assistant government agent of the district within which the marriage took place, to have such marriage correctly registered; and such government agent or assistant government agent shall cause the officiating levvai or registrar before whom the marriage was contracted, and such other parties as to him shall appear expedient, to be noticed to show cause why such application shall not be granted. If no sufficient cause be shown to the contrary, and the government agent or assistant government agent shall be satisfied, after hearing such evidence as the parties may adduce, that such marriage has been proved, he shall certify the same to the provincial registrar, who shall thereupon cause such marriage to be registered.

Power to supply omissions or correct errors in registration.

13 If both the parties to a marriage shall knowingly and wilfully intermarry under the provisions of this Ordinance under false names, such marriage shall be null and void; and if either of the parties to a marriage shall knowingly and wilfully consent to, or acquiesce in, the registration of a marriage by a person not being an officiating levvai or registrar, such party shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees.

Clandestine marriages void. Registration by persons other than levvai or registrar made penal.

[§ 2, 2 of 1886]

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Governor in Executive Council may make regulations, and may dismiss registrar.

14 It shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make, and when made, to revoke, add to, and alter regulations for the guidance of the officiating levvais and registrars in the discharge of their duties, and to dismiss any registrar from his office and appoint another in his stead, and from time to time to amend the form given in schedule B.

Fee payable to officiating levvai or registrar.

15 Every officiating levvai or registrar who shall register a marriage under this Ordinance, shall be entitled to the payment of a fee of one rupee and fifty cents.

Inspection of register books and certificates, and obtaining copies thereof.

16 Every person claiming interest in any marriage shall be entitled at all reasonable hours to inspect the register books or counterfoil certificates on payment of a fee of ten cents, and to obtain a certified copy of any entry therein on payment of a fee of twenty-five cents.

Registration not to be sole proof of marriage.
[§ 3, 2 of 1888]

17 Proof of the registration of any marriage contracted by persons professing the Mohammedan faith, after this Ordinance shall have come into operation, shall be received in all courts in this colony as the best evidence of such marriage; but nothing herein contained shall be construed to render valid or invalid, merely by reason of its having been registered or not having been registered, any Mohammedan marriage which would otherwise be invalid or valid, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage.

Destroying or falsifying register book or counterfoil certificate.

18 Whoever by himself or another wilfully destroys or injures any register book or counterfoil certificate, or any part thereof, or any authenticated extract therefrom, or falsely makes or counterfeits any part of such register book or counterfoil certificate; or wilfully inserts any false entry in any such register book or counterfoil certificate, or authenticated extract therefrom; and whoever, not being an officiating levvai or registrar, registers or professes to register any marriage under this Ordinance, shall be punished with rigorous imprisonment for a term which may extend to seven years.

Unauthorized registration.

Prescription of action for dower.

19 The time for the prescription or limitation of a suit or action for the whole or part of a woman's dower shall not begin to run until after the dissolution of the marriage by death or divorce, and such suit or action shall be maintainable if commenced within such time as any action shall be maintainable by the Ordinance No. 22 of 1871, or by any future Ordinance regulating the prescription of actions, for the recovery of money paid or expended by a plaintiff on account of a defendant, or for money received by a defendant for the use of a plaintiff.

Register books to be furnished free of charge.

20 The marriage register books, with the counterfoil certificates attached thereto, shall be furnished by the provincial registrar on the application of the officiating levvai or registrar free of charge.

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21 Every officiating levvai, when his license is resigned by him or is revoked by the provincial registrar, and every registrar when he resigns his office, or is dismissed by the Governor in manner provided in section 14, shall forthwith return to the provincial registrar all such marriage register books, with the counterfoil certificates thereof, as shall be in his possession at the date of such resignation, revocation, or dismissal; and if any officiating levvai or registrar shall fail or neglect so to do, he shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees.

Register books to be returned by levvai or registrar who resigns, or is dismissed.

22 In the case of the death of any officiating levvai or registrar, if any of his heirs, executors, administrators, or successors in office, or any other persons into whose possession any register book or counterfoil certificate belonging to such officiating levvai or registrar shall have come, shall fail or neglect to deliver over the same on demand to the provincial registrar, he shall be guilty of an offence and be liable to a fine not exceeding one hundred rupees.

When levvai or registrar dies, books and certificates to be given up on demand to provincial registrar.

23 Every order made by the provincial registrar refusing or revoking a license under section 4, and every order made by the government agent or assistant government agent certifying the proof of a marriage under section 12, shall be subject to an appeal to the Governor in Executive Council, and every such appeal shall be preferred within seven days after the order appealed from shall have been notified to the party or parties concerned.

Appeal.

SCHEDULE A.

I, _____, Provincial Registrar of Marriages for the _____ Province, do hereby license _____, of _____, to register marriages under "The Mohammedan Marriage Registration Ordinance, 1886," within the _____ Province.

Provincial Registrar.
