SECTION II

THE DRAFT HINDU CODE BILL

BY

DR. B.R. AMBEDKAR ALONG WITH

THE THEN EXISTING HINDU CODE AS

AMENDED BY THE SELECT COMMITTEE

THE HINDU CODE

BY

Dr. B. R. AMBEDKAR

NOTE

In order to give a clear picture of the amendments which the Government propose to move, the Code as proposed to be further amended is set out in this book on the left-hand side. For the sake of convenience the existing provisions of the draft Code as amended by the Select Committee are printed on the right-hand side. The actual amendments which are to be moved are shown on the left-hand side by having them either underlined or sidelined. Portions omitted are shown by asterisks; and where any page on either side of the book appears blank, it means either that there is no corresponding provision in the Select Committee's Code or that a portion of the Select Committee's Code has been omitted.

[AS PROPOSED TO BE FURTHER AMENDED]

(*Changes to be made are underlined or side-lined and portions to be omitted are shown by asterisks*)

A

Bill

to amend and codify certain branches of the Hindu Law

* * * * *

BE it enacted by Parliament as follows :—

PART I—PRELIMINARY

1. Short title and extent * * *.—(1) This Act may be called the Hindu Code, 1950

(2) It extends to the whole of India except the State of Jammu and Kashmir

* * * * *

[AS PROPOSED TO THE SELECT COMMITTEE]

A

BILL

to amend and codify certain branches of the Hindu Law

WHEREAS it is expedient to amend and codify certain branches of the Hindu Law as now in force in the Provinces of India;

It is hereby enacted as follows ;—

PART I—PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Hindu Code, 1948. **Part I, See. I, Page I.**

(2) It extends to all the Provinces of India.

(3) It shall come into force on the first of January, 195 .

*(2)

2. Application of Code.—(1) This Code applies—

(a) to all * * * * persons who are Hindus by religion in any of its forms or developments, including Virashaivas or Lingayatas and members of the Brahmo, the Prarthana or the Arya Samaj;

(b) to any person who is a Buddhist, Jaina or Sikh by religion;

(c) (i) to any child, legitimate or illegitimate both of whose parents are Hindus within the meaning of this section.

(ii) to any child, legitimate or illegitimate, one of whose parents is a Hindu within the meaning of this section: provided that such child is brought up as a member of the community, group or family to which such parent belongs or belonged; and

(d) to a convert to the Hindu, Budhist, Jain or Sikh religion,

(2) This Code also applies to any other person, who is not a Muslim, Christian, Parsi or Jew by religion :

Provided that if it is proved that such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Code had not been passed, then, this Code shall not apply to that person in respect of those matters.

(3) The expression "Hindu" in any portion of this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless governed by the provisions of this Code.

* * * * * *

(3)

3. Definitions.—In this Code, unless the context otherwise requires,—

(i) "Aliyasantana law" means the system of law applicable to persons who, if this Code had not been passed would have been governed by the Madras Aliyasantana Act, 1949 (Madras Act IX of 1949);

(ii) the expressions "custom" and "usage" signify any rule which having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy; and

* Original page numbers of the Government of India publication are put above and below the respective portions in bracket.

2. Application of Code.—(1) This Code applies—

(a) to all Hindus, that is to say, to all persons professing the Hindu religion in any of its forms or developments, including Virashaivas or Lingayatas and members of the Brahmo, the Prarthana or the Arya Samaj; **Part I, section 2, page 1.**

(b) to any person who is a Buddhist, Jaina or Sikh by religion;

(c) (i) to any child, legitimate or illegitimate, both of whose parents are Hindus within the meaning of this section.

(ii) to any child, legitimate or illegitimate, one of whose parents is a Hindu within the meaning of this section; provided that such child is brought up as a member of the community group or family to which such parent belongs or belonged; and

(d) to a convert to the Hindu religion.

(2) This Code also applies to any other person, who is not a Muslim, Christian, Parsi or Jew by religion : **Part I, section 2, page 1.**

Provided that if it is proved that such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Code had not been passed, then, this Code shall not apply to that person in respect of those matters.

(3) The expression "Hindu" in any portion of this Code shall be construed as if it included a person who, though not a Hindu by religion is, nevertheless, governed by the provisions of this Code.

(4) Notwithstanding anything contained in the Special Marriage Act, 1872 (III of 1872), this Code shall apply to all Hindus whose marriages have been solemnized under the provisions of that Act prior to the commencement of this Code. **Part I, section 6, page 2 and schedule I, page 30.**

(2)

3. Definitions.—In this Code, unless there is anything repugnant in the subject or context,— **Part I, secs. 4 and 5, page 2.**

(i) the expressions "custom" and "usage" signify any rule which having been continuously and uniformly observed for a long time, has obtained the force of law among Hindus in any local area, tribe, community, group or family:

Provided that the rule is certain and not unreasonable or opposed to public policy: and

Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(ii) the expression "district court" means the principal civil court of original jurisdiction and except in sections 44 and 49, includes the High Court in the exercise of its ordinary original civil jurisdiction; **Part I, sec. 5(d), page 2.**

Provided further that in the case of a rule applicable only to a family it has not been discontinued by the family;

(iv) "full blood" and "half blood"—two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives;

(v) "uterine blood".— two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands;

Explanation.—In Clauses (iv) and (v) "ancestor" includes the father and "ancestress" the mother;

(vi) "Marumakkattayam law" means the system of law applicable to persons:—

(a) who, if this Code had not been passed, would have been governed by the Madras Marumakkattayam Act, 1932 (Madras Act XXII of 1933), the Travancore Nair Act II of 1100, the Travancore Ezhava Act, III of 1100, the Nanjinad Vellala Act, 1101, the Travancore Kashatriya Act, 1108, the Travancore Krishnavaka—Marumukkathayam Act, 1115. the Cochin Thiyya Act VIII of 1107, the Cohin Nayar Act, XXIX of 1113, or the Cochin Marumakkathayam Act, XXXIII of 1113; or

(b) who belong to any community, the members of which are largely domiciled in the State of Travancore-Cochin or Madras and who, if this Code had not been passed would have been governed by any system of inheritance in which descent is traced through the female line;

but does not include the Aliyasantana law;

(vii) "Nambudri law" means the law applicable to persons who, if this Code had not been passed, would have been governed by the Madras Nambudri Act, 1932 (Madras Act XXI of 1933), the Cochin Nambudri Act (XVII of 1114) or the Travancore Malayala Brahmin Act of 1106 (Regulation III of 1106);

(viii) "Part" means a Part of this Code;

(ix) "prescribed" means prescribed by rules made under this Code;

(x) "related" means related by legitimate kinship:

Provided that illegitimate children shall be deemed to be related to their mother and to one another and their legitimate descendants shall be deemed to be related to them and to one another; and any word expressing relationship or denoting a relative shall be construed accordingly;

(xi) "son" includes an adopted son, whether adopted before or after the commencement of this Code, but does not include an illegitimate son.

(iii) "full blood" and "half blood"—two persons are said to be related to each other by full blood when they are descended from a common ancestor by the same wife and by half blood when they are descended from a common ancestor but by different wives; **Sec. 5(e)**

(iv) "uterine blood"—two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands; **Sec. 5(e)**

Explanation.—In this Clause "ancestor" includes the father and "ancestress" the mother;

(v) "Part" means any Part of this Code; **Sec. 5(h)**

(vi) "prescribed" means prescribed by rules made under this Code;

(vii) "related" means related by legitimate kinship: **Sec. 5(i)**

Provided that illegitimate children shall be deemed to be related to their mother and to one another and their legitimate descendants shall be deemed to be related to them and to one another; and any word expressing relationship or denoting a relative shall be construed accordingly;

(viii) "son" includes an adopted son, whether adopted before or after the commencement of this Code, but does not include an illegitimate son. **Part II, sec. 2(c), page 3.**

(4)

4. Overriding effect of Code.—Save as otherwise expressly provided in this Code,—

(a) any text, rule or interpretation of Hindu law or any custom or usage in force immediately before the commencement of this Code shall cease to have effect with respect to any of the matters dealt with in this Code; and

(b) any other law in force immediately before the commencement of this Code shall cease to have effect in so far as it is inconsistent with any of the provisions contained in this Code.

4. Overriding effect of Code.—Save as otherwise expressly provided in this Code, any text, rule or interpretation of Hindu law, or any custom or usage or any other law in force immediately prior to the commencement of this Code shall cease to have effect as respect any of the matters dealt with in this Code.

Part I, sec. 3, page 1.

(4)

(5)

PART II.—MARRIAGE AND ANNULMENT OF MARRIAGE

CHAPTER I

Marriage

5. Interpretation.—In this Part, unless the context otherwise requires,—

(a) "district court" includes any court subordinate to the district court which may be specified in this behalf by the State Government by notification in the Official Gazette;

(b) "Sapinda relationship"—a man is a *sapinda* of any of the persons mentioned in the first column of the First Division of the Third Schedule and a woman is a *sapinda* of any of the persons mentioned in the second column of the said Division;

(c) "degrees of prohibited relationship"—a man and any of the persons mentioned in the first column of the Second Division of the Third Schedule and a woman and any of the persons mentioned in the second column of the said Division are within the degrees of prohibited relationship.

Explanation.—For the purposes of clauses (b) and (c) relationship includes,—

(i) relationship by half or uterine blood as well as by full blood;

(ii) illegitimate blood relationship as well as legitimate;

(iii) relationship by adoption as well as by blood;

and all terms of relationship in those clauses shall be construed accordingly*.

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PART II.—MARRIAGE AND DIVORCE

CHAPTER I

Marriage

5. Interpretation.—In this Part, unless there is anything repugnant in the subject or context,— **Part VI, sec. 1, page 14.**

(a)(i) "sapinda relationship" with reference to any person extends as far as the third generation (inclusive) in the line of ascent through the mother and the fifth (inclusive) in the line of ascent through the father the line being traced upwards in each case from the person concerned, who is to be counted as the first generation:

(ii) two persons are said to be "sapindas" of each other if one is a lineal ascendant of the other with the limits of *sapinda* relationship or if they have a common lineal ascendant who is within the limits of *sapinda* relationship with reference to each of them.

(b) "degrees of prohibited relationship".— two persons are said to be within "the degrees of prohibited relationship" if one is a lineal ascendant of the other or was the wife or husband of a lineal ascendant or descendant of the other or if the two are brother and sister, uncle and niece, aunt and nephew or the children of two brothers or two sisters.

Explanation.—For the purposes of clauses (a) and (b) relationship includes.—

(i) relationship by half or uterine blood as well as by full blood;

(ii) illegitimate blood relationship as well as legitimate;

(iii) relationship by adoption as well as by blood;

and all terms of relationship in those clauses shall be construed accordingly.

Illustrations

(i) C, the common ancestor is the father's mother's fathers's father of A and the mother's father of B. As C is the fifth generation from A in A's father's line and the third generation from B in B's mother's line, A and B are *Sapindas* of each other.

(ii) A and B are consanguine brother and sister. Their descendants within the limits of *sapinda* relationship, will be *sapindas* of each other. The descendants of their father and his *ancestors* will also be *sapindas* of A and B and their descendants within the limits of *sapinda* relationship. But the maternal grandfather of A will not necessarily be a *sapinda* of the maternal grandfather of B, nor will a son of the former maternal grandfather necessarily he a *sapinda* of a son of the latter.

(iii) A and B are *uterine* brother and sister. Their descendants, within the limits of *sapinda* relationship, will be *sapinda* of each other. The descendants of their mother and her ancestors will also be *spindas* of A and B and their descendants within the limits of *sapinda* relationship. But the paternal grandfather of A will not necessarily be a *sapinda* of the paternal grandfather of B, nor will a son of the former paternal grandfather necessarily be a *sapinda* of a son of the latter.

(6)

6. Forms of Hindu marriage.—Save as otherwise expresly provided herein, no marriage between Hindus shall be recognised as valid unless it is solemnized—

(a) as a *Dharmik* marriage, or

(b) as a civil marriage, or

(c) in accordance with the provisions of section 24A in cases to which that section applies.

(7)

General provisions for a Dharmik marriage

7. Essentials for a valid Dharmik marriage.—A Marriage between any two Hindus solemnized in the *Dharmik* form shall be a valid marriage, if the following conditions are fulfilled, namely:—

(i) neither party has a spouse living at the time of the marriage;

(ii) neither party is an idiot or a lunatic at the time of the marriage;

(iii) the bridegroom has completed the age of eighteen years and the bride the age of fifteen years at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship;

(v) the parties are not *sapindas* of each other unless the custom or usage governing each of them permits of a *Dharmik* marriage between the two;

(vi) where the bride has not completed her sixteenth year, the consent of her guardian in marriage has been obtained for the marriage.

(8)

General provisions for a Civil marriage

8. Essentials for a valid Civil marriage.—A Marriage between any two Hindus solemnized in the Civil form shall be a valid marriage, if the following conditions are fulfilled, namely:—

(i) neither party has a spouse living at the time of the marriage;

(ii) neither party is an idiot or a lunatic at the time of the marriage;

(iii) the bridegroom has completed the age of eighteen years and the bride the age of fifteen years at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship;

(v) each party has, if he or she has not completed the age of twenty one years at the time of the marriage, obtained the consent of his or her guardian in marriage:

Provided that no such consent shall be required if the bride is a widow.

6. Forms of Hindu marriage.—Save as otherwise expresly provided herein, no marriage between Hindus shall be recognised as valid unless it is solemnized either as a sacramental marriage or as a civil marriage in accordance with the provisions of this Part.

Part IV, sec. 1, page 15.

(6)

Sacramental marriage

7. Conditions relating to a sacramental marriage.—A marriage between any two Hindus may be solemnized in the sacremental form, if the following conditions are fulfilled, namely:—

Part IV, sec. 3, page 15.

(1) neither party has a spouse living at the time of the marriage;

(2) neither party is an idiot or lunatic at the time of the marriage;

(3) the bridegroom has completed the age of eighteen years and the bride the age of fourteen years at the time of the marriage;

(4) the parties are not within the degrees of prohibited relationship;

(5) the parties are not *sapindas* of each other unless the custom or usage governing each of them permits of a sacramental marriage between the two;

(6) where the bride has not completed her sixteenth year the consent of her guardian has been obtained for the marriage.

(7)

Part IV, sec, 7, page 16.

10. Conditions relating to a civil marriage.—For a civil marriage between any two Hindus, the following conditions must be fulfilled, namely:—

(1) neither party has a spouse living at the time of the marriage;

(2) neither party is an idiot or a lunatic at the time of the marriage;

(3) the bridegroom has completed the age of eighteen years and the bride the age of fourteen years at the time of the marriage;

(4) the parties are not within the degrees of prohibited relationship;

(5) each party has, if he or she has not completed the age of twenty one years, obtained the consent of his or her guardian in marriage:

Provided that no such consent shall be required in the case of a widow.

(8)

(9)

Formalities for a Dharmik marriage

9. Ceremonies.—(1) A *Dharmik* marriage shall not be complete and binding on the parties unless it is solemnized in accordance with such customary rites and ceremonies of either party thereto as are essential for such marriage.

(2) Where such rites and ceremonies include the *Saptapadi* (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire) the marriage becomes complete and binding when the seventh step is taken.

(3) Notwithstanding anything contained in this section, no marriage solemnized in the *Dharmik* form shall, after the solemnization thereof, be deemed to be invalid merely by reason of any irregularity in the performance of any of the customary rites and ceremonies of either party thereto.

(10)

10. Registration of Dharmik marriage.—(1) For the purpose of facilitating the proof of any *Dharmik* marriage the State Government may by rules, provide that—

(a) particulars relating to such marriage shall be entered in such manner and under such circumstances as it thinks fit in the Hindu *Dharmik* marriage Register kept for this purpose; and

(b) the making of such entries shall be compulsory in the State or in such areas or such cases as may be specified in the rules.

(2) In making any rules under sub-section (1) the State Government may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

(11)

Formalities for a Civil Marriage

11. Marriage Registrars.—The State Government may appoint one or more persons to be Registrars of Hindu Marriages, in this Part referred to as "the Registrar", for the State or any part thereof and the area for which any such Registrar has been appointed shall be called his district.

(12)

12. Notice of marriage to Registrar.—When a civil marriage is intended to be solemnized under this Part, the parties to the marriage shall give notice thereof in writing in the form specified in the Fourth Scheduled to the Registrar of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days preceding the date on which such notice is given.

8. Ceremonies required—(1) A sacramental marriage shall not be complete and binding on the parties unless it is solemnized in accordance with such customary rites and ceremonies of either party thereto as are essential for such marriage.

Part IV, sec. 4, page 15.

(2) Where such rites and ceremonies include the *Saptapadi* (that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire) the marriage becomes complete and binding when the seventh step is taken.

(3) Notwithstanding anything contained in this section, no marriage solemnized in the sacramental form shall, after the solemnization thereof, be deemed to be invalid merely by reason of any irregularity in the performance of any of the customary rites and ceremonies of either party thereto.

(9)

9. Registration of Sacramental marriages.—(1) For the purpose of facilitating the proof of any *Sacramental* marriage the Provincial Government may by rules, provide that—

Part IV, sec. 6, page 15.

(a) particulars relating to such marriage shall be entered in the Hindu *Sacramental* marriage Register kept for this purpose in such manner and under such circumstances as it thinks fit; and

(b) the making of such entries shall be compulsory the such cases or in such areas as may be specified in the rules.

(2) In making any rules under sub-section (1) the Provincial Government may provide that a contravention thereof shall be punishable with fine which may extend to one hundred rupees.

(10)

11. Marriage Registrars.—The Provincial Government may appoint one or more persons to be Registrars of Hindu Marriages, in this Part referred to as "the Registrar", for the Province or any part thereof and the area for which any such Registrar has been appointed shall be called his district.

Part IV, sec. 8, page 16.

(11)

12. Notice of marriage to Registrar.—When a civil marriage is intended to be solemnized under this Part, the parties to the marriage shall give notice thereof in writing in the form specified in the Third Scheduled to the Registrar of the district in which at least one of the parties to the marriage has resided for a period of not less than thirty days preceding the date on which such notice is given.

Part IV, sec. 9, page 16.

(12)

(13)

13. Marriage Notice Book and publication.—(1) The Registrar shall keep all notices given under section 12 with the records of his office and shall also forthwith enter a true copy of every such notice in a book furnished to him for that purpose by the State Government to be called the "Hindu Civil Marriage Notice Book" and such book shall be open for inspection at all reasonable times, without fee by every person desirous of inspecting the same.

(2) The Registrar shall also publish every such notice in such manner as may be prescribed.

(14)

14. Objection to marriage.—(1) After the expiration of thirty days from the date on which notice of an intended marriage has been given under section 12, the marriage may be solemnized unless it has been objected to under sub-section (2).

(2) Any person may, before the expiration of thirty days from the giving of any notice of an intended marriage, object to the marriage on the ground that it would contravene one or more of the conditions specified in section 8.

(3) The nature of the objection made shall be recorded in writing by the Registrar in the Hindu Civil Marriage Notice Book, 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.

(15)

15. Procedure on receipt of objection.—(1) If an objection is made under section 14 to an intended marriage, the Registrar shall not allow the marriage to be solemnized until the expiration of thirty days from the receipt of such objection, if there is a court of competent jurisdiction open at the time or if no such court is open at the time, until the expiration of thirty days from the opening of such a court.

(2) The person objecting to the intended marriage may file a suit in the district court having local jurisdiction, * * * for a declaration that such marriage contravenes one or more of the conditions specified in section 8 and the court in which such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been field.

(3) If the certificate referred to in sub-section (2) is lodged with the Registrar within thirty days from the receipt by him of the objection, if there is a court of competent jurisdiction open at the time or if no such court

13. Marriage Notice Book and publication.—(1) The Registrar shall keep all notices given under section 12 with the records of his office and shall also forthwith enter a true copy of every such notice in a book furnished to him for that purpose by the Provincial Government to be called the "Hindu Civil Marriage Notice Book" and such book shall be open for inspection at all reasonable times, without fee by every person desirous of inspecting the same.

Part IV, sec. 10, page 10.

(2) The Registrar shall also publish every such notice in such manner as may be prescribed.

(13)

14. Objection to marriage.—(1) After the expiration of thirty days from the date on which notice of an intended marriage has been given under section 12, the marriage may be solemnized unless it has been objected to under sub-section (2).

Part IV, sec. 11, page 16.

(2) Any person may, before the expiration of thirty days from the giving of any notice of an intended marriage, object to the marriage on the ground that it would contravene one or more of the conditions prescribed in clauses (1), (2), (3), (4) and (5) of section 10.

(3) The nature of the objection made shall be recorded in writing by the Registrar in the Hindu Civil Marriage Notice Book, 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.

(14)

15. Procedure on receipt of objection.—(1) If an objection is made under section 14 to an intended marriage, the Registrar shall not allow the marriage to be solemnized until the expiration of thirty days from the receipt of such objection, if there is a court of competent jurisdiction open at the time, or, if no such court is open at the time, until the expiration of thirty days from the opening of such a court.

Part IV, sec. 12, page 17.

(2) The person objecting to the intended marriage may file a suit in the District Court having local jurisdiction (or in any other Court empowered in this behalf by the Provincial Government and having such jurisdiction)* for a declaration that such marriage contravenes one or more of the conditions prescribed in clauses (1), (2), (3), (4) and (5) of section 10 and the court in which such suit is filed shall thereupon give the person presenting it a certificate to the effect that such suit has been filed.

**Dr. Ambedkar's remarks in his personal copy by blue pencil— 'omitted, unnecessary. See new definition of District Court.*—Ed.

is open at the time within thirty days from the opening of such a Court, the marriage shall not be solemnized until the decision of such court has been given and the period allowed by law for appeal from such decision has elapsed, or, if there is an appeal from such decision, until the decision of the appellate court has been given.

(4) If such certificate is not lodged in the manner and within the period laid down in sub-section (3), or if the decision of the court is that the marriage does not contravene any of the conditions specified in section 8, the marriage may be solemnized by the Registrar to whom the notice of marriage has been given.

(5) If the decision of the court is that the marriage contravenes any of the conditions specified in section 8, the marriage shall not be solemnized.

(16)

16. Power of court to fine when objection not reasonable.—If it appears to the court before which the suit is filed that the objection was not reasonable and *bona fide*, it may impose on the person objecting a fine not exceeding one thousand rupees and award it or any part thereof to the parties to the intended marriage.

(17)

17. Declaration by parties and witnesses.—(1) Before the marriage is solemnized, the parties and three witnesses, shall, in the presence of the Registrar, sign a declaration in the form specified in the Fifth Schedule and where either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her guardian, except in the case of a widow.

(2) Every declaration made under sub-section (1) shall be countersigned by the Registrar.

(3) If the certificate referred to in sub-section (2) is lodged with the Registrar within thirty days from the receipt by him of the objection, if there is a court of competent jurisdiction open at the time or if no such court is open at the time within thirty days from the opening of such a Court, the marriage shall not be solemnized until the decision of such Court has been given and the period allowed by law for appeal from such decision has elapsed or if there is an appeal from such decision, until the decision of the appellate court has been given.

(4) If such certificate is not lodged in the manner and within the period laid down in sub-section (3), or if the decision of the court is that the marriage does not contravene any of the conditions prescribed in clauses (1), (2), (3), (4) and (5) of section 10, the marriage may be solemnized by the Registrar to whom the notice of marriage has been given.

(5) If the decision of the court is that the marriage contravenes any of the conditions prescribed in clauses (1), (2), (3), (4) and (5) of section 10, the marriage shall not be solemnized.

(15)

16. Power of court to fine when objection not reasonable.—If it appears to the court before which the suit is filed that the objection was not reasonable and *bonafide,* it may impose on the person objecting a fine not exceeding one thousand rupees and award it or any part thereof to the parties to the intended marriage.

Part IV, sec. 13, page 17.

(16)

17. Declaration by parties and witnesses.—(1) Before the marriage is solemnized, the parties and three witnesses, shall, in the presence of the Registrar, sign a declaration in the form specified in the Fourth Schedule and where either party has not completed the age of twenty-one years, the declaration shall also be signed by his or her guardian, except in the case of a widow.

Part IV, sec. 14, page 17.

(2) Every declaration made under sub-section (1) shall be countersigned by the Registrar.

(17)