

be made before or after the 25th July, 1930,¹ and whether such acquisitions be the ordinary or the extraordinary result of such learning ; and

- (c) "learning" means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life.

Gains of learning not to be held not to be separate property of acquirer merely for certain reasons.

3. Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains of learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of—

- (a) his learning having been, in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or
- (b) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof.

Savings.

4. This Act shall not be deemed in any way to affect—

- (a) the terms or incidents of any transfer of property made or effected before the 25th July, 1930,¹
- (b) the validity, invalidity, effect or consequences of anything already suffered or done before the said date,
- (c) any right or liability created under a partition, or an agreement for a partition, of joint family property made before the said date, or
- (d) any remedy or proceeding in respect of such right or liability ; or to render invalid or in any way affect anything done before the said date in any proceeding pending in a Court on the said date ; and any such remedy and any such proceeding as is herein referred to may be enforced, instituted or continued, as the case may be, as if this Act had not been passed.

C.—MUHAMMADAN.

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THE KAZIS ACT.

[INDIA ACT XII, 1880.] (9th July, 1880.)

Preamble.

Whereas by the preamble to Act No. XI of 1864² it was (among other things) declared that it was inexpedient that the appointment of the *Kāzi-ul-*

¹ Date of commencement of this Act.

² Namely, the Native Law Officers Act, being an Act to repeal the law relating to the offices of Hindu and Muhammadan Law Officers and to the offices of *Kāzi ul-Kuṭat* and of *Kāzi*, and to abolish the former office.

Kuzâat, or of City, Town or Pargana *Kâzis*, 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 [* * * *]¹ the presence of *Kâzis* 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 *Kâzi*; It is hereby enacted as follows:—

1. The President of the Union may, by notification, extend² this Act to the whole or any part of the Union of Burma. Local extent.

2. Whenever it appears to the President of the Union that any considerable number of the Muhammadans resident in any local area desire that one or more *Kâzis* should be appointed for such local area, the President of the Union may, if he 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 *Kâzis* for such local area. Power to appoint *Kâzis* for any local area.

If any question arises whether any person has been rightly appointed *Kâzi* under this section, the decision thereof by the President of the Union shall be conclusive.

The President of the Union may, if he thinks fit, suspend or remove any *Kâzi* 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 President of the Union unfit, or personally incapable, to discharge the duties of the office.

3. Any *Kâzi* appointed under this Act may appoint one or more persons as his *nâib* or *nâibs* to act in his place in all or any of the matters appertaining to his office throughout the whole or any portion of the local area for which he is appointed, and may suspend or remove any *nâib* so appointed. Nâib *Kâzis*.

When any *Kâzi* is suspended or removed under section 2, his *nâib* or *nâibs* (if any) shall be deemed to be suspended or removed, as the case may be.

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

(a) to confer any judicial or administrative powers on any *Kâzi* or *Nâib Kâzi* appointed hereunder; or

¹ The words "in some parts of British India" were omitted by the Union of Burma Adaptation of Laws) Order, 1948.

² This Act has been extended to the Akyab district; see Burma Rules and Orders Manual.

- (b) to render the presence of a *Kâzi* or *Nâib Kâzi* 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 *Kâzi*.

THE MUSSALMAN WAKF VALIDATING ACT.

[INDIA ACT VI, 1913.] (7th March, 1913.)

1. * * * * *

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context,—

- (1) “wakf” means the permanent dedication by a person professing the Mussalman faith of any property for any purpose recognized by the Mussalman law as religious, pious or charitable;
- (2) “Hanafi Mussalman” means a follower of the Mussalman faith who conforms to the tenets and doctrines of the Hanafi school of Mussalman law.

Power of Mussalmans to create certain wakfs.

3. It shall be lawful for any person professing the Mussalman faith to create a wakf, which in all other respects is in accordance with the provisions of Mussalman law, for the following among other purposes:—

- (a) for the maintenance and support wholly or partially of his family, children or descendants, and
- (b) where the person creating a wakf is a Hanafi Mussalman, also for his own maintenance and support during his lifetime or for the payment of his debts out of the rents and profits of the property dedicated:

Provided that the ultimate benefit is in such cases expressly or impliedly reserved for the poor or for any other purpose recognized by the Mussalman law as a religious, pious or charitable purpose of a permanent character.

Wakfs not to be invalid by reason of remoteness of benefit to poor, etc.

4. No such wakf shall be deemed to be invalid merely because the benefit reserved therein for the poor or other religious, pious or charitable purpose of a permanent nature is postponed until after the extinction of the family, children or descendants of the person creating the wakf.

Saving of local and sectarian custom.

5. Nothing in this Act shall affect any custom or usage whether local or prevalent among Mussalmans of any particular class or sect.

Act to apply retrospectively.

6. This Act shall apply also to wakfs created before the 7th March, 1913.¹

¹ Date of commencement of this Act.