

Oaths

ACT No. V. OF 1840

(Rep., Act 10 of 1873)

*Passed by the Right Hon'ble the Governor General of India in Council,
On the 24th of February, 1840.*

An Act concerning the Oaths and Declarations of Hindoos and Mahometans.

I. WHEREAS obstruction to justice, and other inconveniences has arisen in consequence of persons of the Hindoo or Mahometan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to the forms which are repugnant to their consciences or feelings ;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the Territories of the East India Company shall make affirmation to the following effect :-

“ I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the Whole truth, and nothing but the truth.”

II. And it is hereby enacted, that if any person making such affirmation as aforesaid shall willfully and falsely state any matter or thing which if the same had been sworn before the passing of this Act would have amounted to perjury, every such offender shall be subject in all Courts to the same punishment to which persons convicted of perjury were subject before the passing of this Act.

III. And it is hereby enacted, that any person causing or procuring another to commit the offence defined in the second Section of this Act shall be subject in all Courts to the same punishment to which persons convicted of subornation of perjury were subject before the passing of the Act.

IV. And it is hereby provided, that this Act shall not extend to any Declaration made under the authority of Act No. XXI. of 1837, nor to any Declaration or Affirmation made in any of Her Majesty's Courts of Justice.
