

**The Oaths Act, 1873**  
( ACT NO. X OF 1873 )

**An Act to consolidate the law relating to Judicial Oaths, and for other purposes.**

Preamble

WHEREAS it is expedient to consolidate the law relating to judicial oaths, affirmations and declarations, and to repeal the law relating to official oaths, affirmations and declarations; It is hereby enacted as follows:–

**CHAPTER I**  
**PRELIMINARY**

<b>Short title</b>	1. This Act may be called the Oaths Act, 1873.
<b>Local extent</b>	It extends to the whole of <sup>1</sup> [Bangladesh].
<b>[Repealed]</b>	2. [Repealed by the Repealing Act, 1873 (Act No. XII of 1873).]
<b>Saving of certain oaths and affirmations</b>	3. Nothing herein contained applies to proceedings before Courts Martial, or to oaths, affirmations or declarations prescribed by or under any law President's warrants or for the time being in force.

**CHAPTER II**  
**AUTHORITY TO ADMINISTER OATHS AND AFFIRMATIONS**

<b>Authority to administer oaths and affirmations</b>	4. The following Courts and persons are authorized to administer, by themselves or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the powers imposed or conferred upon them respectively by law:–  (a) all Courts and persons having by law or consent of parties authority to receive evidence;
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(b) the Commanding Officer of any military, naval, or air force station or ship occupied by troops in the service of <sup>2</sup>[the Republic]:

Provided

(1) that the oath or affirmation be administered within the limits of the station, and

(2) that the oath or affirmation be such as a Justice of the Peace is competent to administer in <sup>3</sup>[Bangladesh].

### CHAPTER III

#### PERSONS BY WHOM OATHS OR AFFIRMATIONS MUST BE MADE

**Oaths or affirmations to be made by - witnesses**

5. Oaths or affirmations shall be made by the following persons:—

(a) all witnesses, that is to say, all persons who may lawfully be examined, or give, or be required to give, evidence by or before any Court or person having by law or consent of parties authority to examine such persons or to receive evidence;

**interpreters**

(b) interpreters of questions put to, and evidence given by, witnesses; and

**jurors**

(c) jurors:

Provided that where the witness is a child under twelve years of age, and the Court or person having authority to examine such witness is of opinion that, though he understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation, the foregoing provisions of this section and the provisions of section 6 shall not apply to such witness, but in any such case the absence of an oath or affirmation shall not render inadmissible any evidence given by such witness nor affect the obligation of the witness to state the truth.

Nothing herein contained shall render it lawful to administer, in a criminal proceeding, an oath or affirmation to the accused person, or necessary to administer to the official interpreter of any Court, after he has entered on the execution of the duties of his office, an oath or affirmation that he will faithfully discharge those duties.