



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 6TH NOVEMBER 1946.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

- (1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

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The following Act of the Bombay Legislature having been assented to by the Governor on the 6th November 1946 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XXV OF 1946

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 6th November 1946.)

An Act to provide for the prevention of bigamous marriages among Hindus.

WHEREAS it is expedient to provide for the prevention of bigamous marriages among Hindus; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay Prevention of Hindu Bigamous Marriages Act, 1946. Short title and extent.

(2) It extends to the whole of the Province of Bombay.

2. The provisions of this Act shall apply to Hindus only. Application of Act.

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

(1) "bigamous marriage" means the marriage of a person during the lifetime of his or her spouse, if the marriage of such person with such spouse has not

been dissolved or declared void by a court of competent jurisdiction, or is not void according to the custom or usage of the community to which either of the parties to such marriage belongs.

(2) "Hindu" includes a Sikh, Jain, Buddhist, a follower of the Arya or Brahma Samaj or a convert to Hinduism.

(3) "minor" means any person who is under sixteen years of age.

Bigamous marriages to be void.

4. Notwithstanding any law, custom or usage to the contrary, a bigamous marriage shall be void,—

(a) if it is contracted in this Province after the coming into force of this Act,

(b) if it is contracted beyond the limits of this Province after the coming into force of this Act and either or both the contracting parties to such marriage are domiciled in this Province.

Penalty for bigamous marriage.

5. Notwithstanding any law, custom or usage to the contrary, whoever not being a minor contracts a bigamous marriage which is void under section 4 shall be deemed to have committed an offence under section 494 of the Indian Penal Code.

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Penalty for solemnising bigamous marriage.

6. Whoever performs, conducts or abets any bigamous marriage in this Province shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both, unless he proves that he had reason to believe that the marriage was not a bigamous marriage.

Penalty for person having charge of minor concerned, in bigamous marriage.

7. (1) When a minor contracts a bigamous marriage which is void under section 4, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or otherwise, who does any act to promote the marriage, or permits it to be solemnised or negligently fails to prevent it from being solemnised shall, on conviction, be punishable with imprisonment of either description for a term which may extend to six months or with fine or with both.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor has contracted a bigamous marriage which is void under section 4, the person having charge of such minor, whether as parent or guardian, or in any other capacity, lawful or otherwise, has negligently failed to prevent the marriage from being solemnised.

Jurisdiction under Act.

8. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1893, no court other than that of a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence punishable under section 6 or 7 of this Act.

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Offences under this Act to be cognisable.

9. Offences under this Act shall be cognisable.