

The Buddhists' Polyandrous Marriages Prohibition Act, 1998 (1941 A. D.)

JAMMU & KASHMIR

India

The Buddhists' Polyandrous Marriages Prohibition Act, 1998 (1941 A. D.)

Act 2 of 1998

- Published on 3 May 1941
- Commenced on 3 May 1941
- [This is the version of this document from 3 May 1941.]
- [Note: The original publication document is not available and this content could not be verified.]

The Buddhists' Polyandrous Marriages Prohibition Act, 1998 (1941 A. D.) Act No. 2 of 1998 Preamble. - Whereas the Buddhist community has represented 3rd May, 1941/21st Baisakh, 1998 and published in Government Gazette dated 23rd Sawan, 1998. An Act to abolish polyandrous marriages among Buddhists. Preamble. - Whereas the Buddhist community has represented the necessity of prohibiting and penalising the solemnisation of polyandrous marriages among Buddhists and to declare such marriages as invalid ; and whereas it is expedient to provide for prohibiting and penalising such marriages and to declare them invalid; it is hereby enacted as follows :-

Chapter I Preliminary

1. Short title and extent and application.

(1) This Act may be cited as the 'Buddhists' Polyandrous Marriages Prohibition Act, 1998. (2) It extends to the whole of the Jammu and Kashmir State and applies to all Buddhist subjects of His Highness the Maharaja Bahadur in or outside the State.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "Buddhist" means a person who professes the Buddhist faith or religion ; (b) "polyandrous marriage" means a marriage in which all the brothers in a family jointly marry a single wife ; (c) "Phursak" means a husband chosen as such by a woman who is already married with the concurrence of her formerly wedded husband

or husbands ;(d)"contracting party to a marriage" means either of the parties whose marriage is or is about to be solemnised ; and(e)"minor" means a person of either sex who is under eighteen years of age.

Chapter II

Of Polyandrous Marriages

3. Punishment for contracting a polyandrous marriage or keeping a phursak.

- Any Buddhist, of or above the age of eighteen years, who, after the commencement of this Act, contracts a polyandrous marriage or keeps or abets the keeping of a phursak shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

4. Punishment for performing, conducting or directing a polyandrous marriage.

- Whoever performs, conducts or directs any polyandrous marriage shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to two hundred rupees, or with both.

5. Punishment for parent or guardian concerned in a polyandrous marriage.

(1)Where a minor contracts a polyandrous marriage, any person having charge of such minor whether as parent or guardian or in any other capacity, who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punishable with imprisonment of either description for a term which may extend to three years, or with fine which may extend to five hundred rupees, 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 polyandrous marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnised.

6. Exemption of woman from imprisonment.

- Notwithstanding anything contained in sections 3, 4 and 5, no woman shall be punishable with imprisonment.

7. Invalidity of polyandrous marriages.

- Any polyandrous marriage contracted or solemnised after the enforcement of this Act shall be void.

Chapter III

Procedure

8. Procedure.

- Notwithstanding anything contained in the Code of Criminal Procedure, all offences under this Act shall be cognisable and bailable and shall be triable by any Criminal Court not below that of a [Judicial Magistrate] [Substituted by Act No. XL of 1966 for 'a Magistrate'.] of the first class.