

The Hindu Widows' Marriage Act

MAHARASHTRA

India

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Act 1 of 1347

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The Hindu Widows' Marriage Act(Hyderabad Act No. 1 of 1347 Fasli)(Received the assent of His Exalted Highness the Nizam on 12th Azar, 1347 F.)Whereas it is expedient to enact a law validating the remarriage of Hindu widows; it is hereby enacted as follows:-

1. Short title, commencement and extent.

- This Act may be called "the Hindu Widows' Marriage Act"; and it shall come into force in the whole of the [Hyderabad area of the State of Maharashtra] [Substituted by A. O., 1956 and 1960.] from the [date of its publication in the [Official Gazette] [Published in the Official Gazette, dated 17th Bhaman, 1347 F.].

2. Remarriage of Hindu widow and her issue's rights of inheritance.

- Notwithstanding an interpretation of the Hindu Law or the existence of any custom to the contrary, every Hindu widow may remarry any Hindu whom she could have married in accordance with the provisions of the Hindu Law if that were her first marriage. Such remarriage shall not be deemed invalid and the issue born of her shall have the same rights of inheritance as could be enjoyed by the Punar Bhava Putra under the Hindu Law.

3. Performance of ceremonies, etc., for remarriage of widow.

- The words used, ceremonies performed or stipulations made which are considered sufficient to constitute a valid marriage of an unmarried Hindu woman shall also be considered sufficient to constitute a marriage of a Hindu shall be declared invalid on ceremonies or stipulations do not apply. But in a sect where such marriage is, according to custom, deemed to be consummated in any other manner the provisions of this section shall have no effect on such custom.

4. Widow under sixteen years of age not to remarry.

- Notwithstanding anything contained in this Act, no widow under sixteen years of age shall re-marry, nor shall her guardian, if any, cause her to marry. Explanation. - For purposes of this section a widow who has completed the sixteenth year of her age shall be deemed to be a major.

5. Extinction of rights of widow in property of deceased husband.

- The remarriage of a widow shall have the effect of extinguishing all the rights enjoyed by her in the property of the deceased husband as a widow under the provisions of the Hindu Law, and the other legal heirs shall inherit the property of her deceased husband as if she were dead; but this shall have no effect where according to the custom of a sect the rights of a widow are not extinguished on remarriage.

6. Saving of rights of widow in other property.

- Except as is specified in section 5, no widow shall on account of remarriage be deprived of any such property or lose any of her rights as may otherwise be vested in her; and every widow who remarries shall have the same rights as regards inheritance in the property of her second husband as she would have had, if that were her first marriage.