

**THE KHYBER PAKHTUNKHWA PREVENTION OF HINDUS BIGAMOUS
MARRIAGES ACT, 1946.**

(ACT IV OF 1947).

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Application of Act.
3. Definitions.
4. Bigamous marriages to be void.
5. Penalty for bigamous marriage.
6. Penalty for solemnizing bigamous marriage.
7. Penalty for person having charge of minor concerned in bigamous marriage.
8. Jurisdiction under Act.
9. Offences under this Act to be cognizable.

**THE ¹[KHYBER PAKHTUNKHWA] PREVENTION OF
HINDUS BIGAMOUS MARRIAGES ACT, 1946.**

(ACT IV OF 1947).

**(Received the assent of the Governor-General on the
(6th March, 1947).**

An Act,

to provide for the prevention of bigamous marriages among Hindus

WHEREAS it is expedient to provide for the prevention of marriage among Hindus, it is hereby enacted as follows: — Preamble.

1. (1) This Act may be called the ²[Khyber Pakhtunkhwa] Prevention of Hindus Bigamous Marriages Act, 1946. Short title, extent and commencement.

(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa].

(3) It shall come into force at once.

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 — Definitions.

(1) "bigamous marriage" means the marriage of a person during the life time 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) "Minor" means any person who is under sixteen years of age.

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

(a) if it is contracted in ⁴[Khyber Pakhtunkhwa] after the coming into force of this Act;

(b) if it is contracted beyond the limits of ⁵[Khyber Pakhtunkhwa] after the coming into force of this Act and

¹. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.
². Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.
³. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.
⁴. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.
⁵. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

either or both the contracting parties to such marriage are domiciled in ¹[Khyber Pakhtunkhwa].

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 ²[Pakistan Penal Code 1860].

Penalty for bigamous marriage.

6. Whoever performs, conducts or abets any bigamous marriage in ³[Khyber Pakhtunkhwa] 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 solemnizing 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.

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

(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.

8. Notwithstanding anything contained in Section 190 of the Code of Criminal Procedure, 1898, no court other than that of a ⁴[Judicial 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.

Jurisdiction under Act.

9. Offences under this Act shall be cognizable.

Offense under this Act to be cognizable.

¹. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

². Substituted by Act No. XLV of 1960.

³. Subs vide the Khyber Pakhtunkhwa Act. IV of 2011.

⁴. Subs vide Khyber Pakhtunkhwa Ord. XVIII of 2001.