

THE ASSAM PROHIBITION OF POLYGAMY BILL, 2025

A BILL

Preamble to prohibit and eliminate practices of polygamy and polygamous marriage in the State of Assam and matters connected therewith and incidental thereto.

It is hereby enacted in the Seventy-sixth Year of the Republic of India as follows: —

Short title,
extent and
commencement 1. (1) This Act may be called the Assam Prohibition of Polygamy Act, 2025.
(2) It extends to the whole of the State of Assam.
(3) It shall come into force at once.

Application of the
Act 2. Nothing contained in this Act shall apply in Sixth Schedule areas and to the members of any Scheduled Tribe within the meaning of clause (25) of Article 366 read with Article 342 of the Constitution of India.

Definitions 3. In this Act, unless the context otherwise requires,
(a) “abet” means inciting or instigating the practice of polygamy or solemnization of polygamous marriage;
(b) “Government” means the Government of Assam.
(c) “ordinarily resident of the state”, means;
(i) a person born in the state of Assam or residing within the territory of the state of Assam; or,
(ii) a voter whose name is in the electoral rolls of the state of Assam; or,
(iii) a person who holds an AADHAR card, or passport, or PAN card with an address having name of a place of the state of Assam; or,
(iv) a person who holds any official document issued by an authority under the Government and which is accepted as a proof of resident in the State of Assam; or,
(v) a person who is in service under the Government of Assam, or in any corporation, institution, local authority or any other body of the Government where Government is a shareholder or providing government fund.


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- (vi) a person who is a registered beneficiary of, or is receiving any benefit from any scheme which is paid out of the funds of the Government; or,
 - (vii) a person who is directly or indirectly, owns any land or immovable property or asset or movable property in the State of Assam; or,
 - (viii) and may include any other condition that the Government may notify, from time to time, in this respect.
- (d) "person" means any person, or individual male or female;
 - (e) "polygamy" means the act of marrying or being married to another person when either of the parties already have a subsisting marriage or a living spouse, from whom he is not legally divorced, or their marriage is not legally annulled or declared void;
 - (f) "polygamous marriage" means solemnization of a marriage in which either of the contracting party had a living spouse or have a subsisting marriage;
 - (g) "prescribed" means prescribed by rules made under the Act;
 - (h) "registration" means the registration of a marriage by an appropriate authority as required by law applicable to the person concerned;
 - (i) "Religious Authority" means any person or authority responsible for the performance of the religious rituals, for solemnization or registration of marriages or divorces and includes a religious institution as defined under the Religious Institutions (Prevention of Misuse) Act, 1988 and in any other law enacted for the said purpose and is in force in the State of Assam, and, also includes any organization, association of persons, society, trust or board, which is either set up with the intention of carrying out religious activity/activities;
 - (j) "solemnization" means the formal act of the performance of a marriage ceremony, by a person following religious and customary rituals;

Central Act
No. 41 of 1988

- (k) "subsisting marriage" means an existing marriage against which no court of law has granted a divorce or pass decree of annulment, or dissolution of the marriage as void or declared illegal by any law for the time being in force;
- (l) "spouse" means either husband or wife in a marriage;
- (m) "witness" means following persons, who;
 - (i) affixes a signature to confirm the performance of a marriage ceremony between two persons; or
 - (ii) includes such persons who affix a signature for the purposes of registration of a marriage; or
 - (iii) any person, and institution or religious authority, which issues the certificate of marriage.

Prohibition of Polygamy

- 4. No person shall marry, if,
 - (i) he has a living spouse; or
 - (ii) he is not legally separated from the other spouse following due procedure of law, after marriage; or
 - (iii) he is a party to a marriage which is not yet dissolved or annulled by a decree of divorce and either has right to appeal or the specified time for appeal has not been expired or is in appeal, or the appeal has been presented but has not yet been dismissed.

Abetment and attempts

- 5. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punishable with the punishment as provided under the Act for the offence of polygamy.

Penalties

- 6. (1) Whoever during the lifetime of his or her spouse or during subsistence of a valid marriage or without having been lawfully divorced from the spouse, or without having being declared the marriage null and void or dissolved contracts a marriage contravening any of the provisions contained in the Act under section 4 shall be guilty of an offence punishable with imprisonment upto 7 years and fine.
- (2) Whoever commits the same offence under subsection (1) with concealment of the former marriage from the person with whom subsequent marriage is contracted shall be guilty of an offence punishable with imprisonment for 10 years and fine.

- (3) Whoever after conviction of an offence under this Act commits the said offence again under this Act shall be punishable with double the punishment provided for such offence for his any subsequent offence.
- (4) The Gaonburah, Village Head, Quazi, parents or the legal Guardians of the contracting party of the polygamous marriage shall if, dishonestly or fraudulently hides, and intentionally takes part in the performance or solemnization of polygamous marriage, shall be punished with imprisonment which may extend to two years and shall be liable to fine which may be extend upto rupees one lakh.
- (5) Any priest or Quazi knowingly and willingly solemnizing any marriage contrary to the provision of section 4 shall on conviction thereof, shall be punished with an imprisonment for a term which may extend upto two years or with fine which may extend upto one lakh fifty thousand.

Responsibility of
Village Head,
Gaonburah and
parent

7.

- (1) The Gaonburah or Village Head or Quazi of the concerned village or area as the case may be in which either of the contracting parties are ordinarily resident or where such polygamous marriage has been solemnized or under contemplation to be solemnized, shall immediately inform the jurisdictional police officer, on receipt of any such information regarding performance of polygamous marriage or contemplation of any such polygamous marriage in the concerned village or area or any other village or nearby area as the case may be.
- (2) The parents or legal guardian of the contracting party of polygamous marriage, as soon as they come to know about solemnization of such polygamous marriage or contemplation of such polygamous marriage by any of their wards shall inform the same to the nearest police station.
- (3) If any Gaonburah or village head or Quazi or parent or legal guardian, if found willfully hiding or neglecting or unreasonably delaying to furnish the information to police about solemnization of polygamous marriage by any of the contracting party in contravention to the provisions of sub-section (1) and section (2) mentioned above shall be liable under section 4 and 5 of the Act.

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- Special Provision 8. Notwithstanding anything contained in this Act,
- (i) Any person who, before the commencement of this Act, has been ordinarily residing in the State of Assam and who willingly and knowingly enters into a polygamous marriage, outside the State of Assam, after the commencement of this Act, shall also be punishable under the provisions of this Act.
 - (ii) Any person, not being an ordinarily resident of the State of Assam, who being married outside the State of Assam, performs a polygamous marriage within the territorial jurisdiction of the State of Assam, shall also be punishable under this Act.
- Effect of Conviction 9. Any person who has been convicted by a court of law under this Act,
- (i) shall not be entitled for any public employment and appointment, funded or aided by the Government of Assam,
 - (ii) cannot receive or claim benefits under any scheme funded or aided by the Government of Assam, and
 - (iii) cannot contest in any election in the State of Assam for Panchayati Raj Institutions, Urban Local Bodies (Municipalities), and any other such elections.
- Role of Police Officials 10. (1) On receipt of an information from any sources or from the persons as mentioned under section (7) and/or from any other person that the polygamous marriage, is likely to occur, the Officer-in-Charge of the jurisdictional Police Station, shall either visit the spot in person, or depute an officer not below the rank of Sub-Inspector,
- (2) It shall be the duty of the police-officer to announce to the persons assembled for the performance of such polygamous marriage that it is illegal, under the provisions of the Act and shall endeavour to prevent such polygamous marriage by dispersing the gathering, and explaining to them that it is a punishable offence under the provisions of this Act.


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Power to enter
inspect, search
and detain

11. (1) For the purpose of enforcing the provisions of the Act, a Police Officer not below the rank of Sub Inspector or any persons authorized in this behalf by the State Government by notification, published in the Official Gazette shall have the power to enter and inspect any premises within the local jurisdictional limit of such person where he has reason to believe that an offence under this Act has been or is likely to be committed.
- (2) Every person in occupation of any such premises as mentioned in sub section (1) above shall allow the Police Officer not below the rank of Sub-Inspector or authorised person in this behalf by the State Government to enter and assess the premises as he may require for the aforesaid purposes and shall answer any question put to him by the Police Officer or by the authorized person as the case may be to the best of his knowledge or belief.
- (3) A Police Officer not below the rank of Sub-Inspector or any officer so authorised in this behalf by the State Government as the case may be, if is of the opinion that an offence under this Act has been committed or is likely to be committed may seize any material which have been or likely to be used for such offences from the premises who inspected and may detain or arrest any person suspected to have or committed or likely to commit such offence.

Offences to be
cognizable

12. Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, an offence punishable under this Act shall be cognizable.

Central Act No.
46 of 2023

Court in which
cases to be
brought

13. All cases relating to polygamy shall be placed before such court within the limit of whose jurisdiction the offender or accused resides at the time of the solemnization of polygamous marriage or where the polygamous marriage has been solemnized.

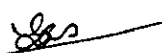
Officers
exercising powers
under this Act to
be public servant

14. All officers and other persons exercising powers under this Act shall be deemed to be public servant within the meaning of sub-section (28) of section (2) of the Bharatiya Nyaya Sanhita, 2023.

Central Act
No. 45 of 2023

Protection of
persons acting in
good faith

15. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.


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Compensation to the victim	16.	(1) The State Government shall by notification published in the Official Gazette designate an authority for considering compensation to victim women of polygamous marriage. (2) The victim women shall approach to the designated authority in such form and in such manner as may be prescribed for claiming such compensation. (3) The designated authority shall consider the application of victim women following such procedure and allow such compensation as may be prescribed.
Savings	17	The Act shall not apply to the following, polygamous marriages, if they entered prior to the commencement of this Act and, (i) duly registered under any State authority competent to do so under the provisions of any law in force in the State of Assam, as required by law; or (ii) duly registered under any institute or body under any customary law, along with valid proof of the same.
Power to make rules	18.	The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.
Overriding effect	19.	Notwithstanding anything inconsistent therewith contained in any other law for the time being in force the provisions of this Act shall have effect and prevail.

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