Rajasthan Prevention of Mrityu Bhoj Act, 1960
(Act No. 1 of 1960)

Notification No. F(25)/LJ/A/59 dated .8.2.1960 (Published in Rajasthan Gazette Extraordinary Part 4 A Dated 10.2.1960) [Received the assent of the President on the 3rd day of February 1960]

An act to provide for the prevention of Mrityu Bhoj.

Whereas it is expedient in the interest of the general public to provide for the prevention of the holding of Mrityu Bhoj in the State of Rajasthan;

Be it enacted by the Rajasthan State Legislature in the Tenth Year of the Republic of India as follows:

1. Short title, extent and commencement - (1) This Act may be called the Rajasthan Prevention of Mrityu Bhoj Act, 1960.

(2) It extends to the whole of the State of Rajasthan.

(3) It shall come into force at once.

This Act has came into force w.e.f. 10-2-1960 from the date of its publication the Rajasthan Raj-patra, Extraordinary, Part 4-A dated 10-2-1960.

2. Definition - In this Act, unless the subject or context otherwise requires,-

(a) *'Mrityu Bhoj'* means a feast held or given on the occasion of, or in connection with the demise of a person after any time for at any intervals and includes a Nukta, a Mosar and a Chahallum, and

(b) *'holding or giving Mrityu Bhoj'* includes distribution of articles of food, prepared or unprepared, but does not include the feeding of the family people or persons of the pristly order or fagirs in pursuance of the performance of religious or secular rites, not exceeding in the aggregate one hundred person in number.

3. Prohibition of Mrityu Bhoj - No person shall hold or give or join or take part in a Mrityu Bhoj in the State.

4. Punishment for contravention of section 3 - Whoever commits a contravention of the provisions of section 3 or instigates, abets or assists the commission of any such contravention shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine may extend to one thousand rupees, or with both.

5. Power to issue injunction - If a court competent to take cognizance of an offence punishable under section 4 is satisfied that a Mrityu Bhoj in contravention of the provisions of this Act has been arranged or is about to be held or given such court may issue an injunction prohibiting the holding or giving of such Mrityu Bhoj.

6. Punishment for disobedience of injunction under section 5 - Whoever, knowing that an in junction has been issued under section 5, disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

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Any contravention of the signature issued under section 5 of this Act has been made punishable upto one year or five upto Rs. 1000/- or both.

7. Sarpanchas etc. bound to give information - (1) The Sarpanch and every Panch of a Gram Panchayat established under the Rajasthan Panchayat Act 1953 (Rajasthan Act 21 of 1953) and every patwari and lambardar shall be bound to communicate forthwith to the nearest magistrate competent to take cognizance of an offence punishable under section 4 or section 6 any information which he may posses respecting the commission of, or intention to commit, such offence, within the local limits of his jurisdiction.

(2) any such Sarpanch, Panch, Patwari or Lambardar failing to give the information required by sub-section (1) to communicate shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

This section makes it obligatory upon a Sarpanch and every Panch or the Gram Panchayat, Patwari and Lambardar to give information for the offences U/s 5 of 6 to the nearest First Class Magistrate, if he fails to do so he can be also punished and convicted under this section upto 3 month or fine or both.

8. Prohibition of borrowing or lending money - (1) No person shall borrow from, or lend to, any other person money or materials for the purpose of holding or giving a Mrityu Bhoj.

(2) Every agreement for the repayment of a loan advanced with the knowledge or having reason to believe that the loan so advanced will be utilized for the purpose of the holding or giving of a Mrityu Bhoj shall be void and not enforceable in a court of law.

9. Jurisdiction and cognizance of offence - No court other than that of magistrate of the first class shall take cognizance of, or try, or try, any offence punishable under this Act.

10. Limitation for prosecution - No court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed.

11. Power to make rules - (1) The State Government may make rules for the purpose of carrying in to effect the provisions of this Act.

(2) All rules made under this section shall, as soon as may be after they are made, be laid for not less than fourteen days before the House of the State Legislature and shall be subject to such modifications, whether by way to repeal or amendment, as the House may make during the session in which they are so laid.

12. Repeal - The Jaipur prevention of Funeral Feasts Act, 1947 (Jaipur Act LI of 1947) and other corresponding laws in force in any part of the State are hereby repealed.

13. Amendment of section 11, Rajasthan Act 21 of 1953 - (1) After clause 1 of section 11 of the Rajasthan Panchayat Act, 1953 (Rajasthan Act 21 of 1953)]1, the following new clause shall be inserted, namely:-

'(m) has been convicted of an offence punishable under the Rajasthan Prevention of Mrityu Bhoj Act, 1960'.

(2) In clause (ii) of the proviso to the said section of the said Act,-

(i) the word and" occurring between the brackets and letters' (g)' and '(i)' and shall be deleted, and

(ii) after the brackets and letter '(i)', the word, brackets and letter 'and (m)' shall be inserted.

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