

Indian Majority Act, 1875

9 of 1875

[02 March 1875]

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An Act to amend the law respecting the age of majority: Whereas, in the case of persons domiciled in India it is expedient to prolong the period of nonage, and to attain more uniformity and certainly respecting the age of majority than now exists; It is hereby enacted as follows:-

1. Short Title :-

This Act may be called the [***] Majority Act, 1875. Local extent. 1 [It extends to the whole of India [except the State of Jammu and Kashmir]]; Commencement and operation. and it shall come into force and have effect only on the expiration of three months from the passing thereof.

1. For Statement of Objects and Reasons, see Gaz. of India, 1874, Pt. V, p. 153.

2. Savings :-

Nothing herein contained shall affect-

- (a) The capacity of any person to act in the following matters (namely), marriage, dower, divorce and adoption;

(b) The religion or religious rites and usages of any class of citizens of India; or

(c) The capacity of any person who before this Act comes into force has attained majority under the law applicable to him.

3. Age Of Majority Of Persons Domiciled In India :-

Subject as aforesaid, every minor of whose person or property, or both, a guardian, other than a guardian for a suit within the meaning of 1[Chapter XXXI of the Code of Civil Procedure], has been or shall be appointed or declared by any Court as Justice before the minor has attained the age of eighteen years, and every minor of whose property the superintendence has been or shall be assumed by any Court of Wards before the minor has attained that age shall, notwithstanding anything contained in the Indian Succession Act or in any other enactment, be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.

Subject as aforesaid every other person domiciled in India shall be deemed to have attained his majority when he shall have completed his age of eighteen years and not before.

1. Now see relevant provision in Code of Civil Procedure 1908.

4. Age Of Majority How Computed :-

In computing the age of any person, the day on which he was born is to be included as a whole day, and he shall be deemed to have attained majority, if he falls within the first paragraph of Section 3, at the beginning of the twenty-first anniversary of that day, and if he falls within the second paragraph of Section 3, at the beginning of the eighteenth anniversary of that day.

Illustrations

(a) Z is born in India on the first day of January 1850, and has an Indian domicile. A Court of Justice appoints a guardian of his property. Z attains majority at the first moment of the first day of

January 1871.

(b) Z is born in India on the twenty-ninth day of February 1852, and has an Indian domicile. A guardian of his property is appointed by a Court of Justice. Z attains majority at the first moment of the twenty-eighth day of February 1873.

(c) Z is born on the first day of January 1850. He acquires a domicile in India. No guardian is appointed of his person or property by any Court of Justice, nor is he under the jurisdiction of any Court of Wards. Z attains majority at the first moment of the first day of January 1868.