

THE CHILD MARRIAGE RESTRAINT ACT, 1929

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THE CHILD MARRIAGE RESTRAINT ACT, 1929

ACT NO. XIX OF 1929

[1st October, 1929]

An Act to restrain the solemnization of child marriages.*

WHEREAS it is expedient to restrain the solemnization of child marriages;

It is hereby enacted as follows:—

1.(1) This Act may be called the Child Marriage Restraint Act, 1929.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh and applies to all citizens of Bangladesh wherever they may be.

(3) It shall come into force on the 1st day of April, 1930.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions

¹[(a) "child" means a person who, if a male, is under twenty-one years of age, and if a female, is under eighteen years of age;]

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party" to a marriage means either of the parties whose marriage is or is about to be thereby solemnized; and

* Throughout this Act, except otherwise provided, the words "Bangladesh" and "Taka" were substituted, for the words "Pakistan" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹ Clause (a) was substituted, for clause (a) by section 2 of the Child Marriage Restraint (Amendment) Ordinance, 1984 (Ordinance No. XXXVIII of 1984).

¹[(d) "minor" means a person who, if a male, is under twenty-one years of age, and if a female, is under eighteen years of age.]

3. [*Omitted by the Child Marriage Restraint (Amendment) Ordinance, 1984 (Ordinance No. XXXVIII of 1984), section 3.*]

Punishment for male adult above twenty-one years of age or female adult above eighteen years of age marrying a child

²**4.** Whoever, being a male above twenty-one years of age, or being a female above eighteen years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand Taka, or with both.]

Punishment for solemnizing a child marriage

5. Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand Taka, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

Punishment for parent or guardian concerned in a child marriage

6. (1) Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to one thousand Taka, or with both:

Provided that no woman shall be punishable with imprisonment.

¹ Clause (d) was substituted, for clause (d) by section 2 of the Child Marriage Restraint (Amendment) Ordinance, 1984 (Ordinance No. XXXVIII of 1984).

² Section 4 was substituted, for section 4 by section 4 of the Child Marriage Restraint (Amendment) Ordinance, 1984 (Ordinance No. XXXVIII of 1984).

(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 child marriage, the person having charge of such minor has negligently failed to prevent the marriage from being solemnized.

7. Notwithstanding anything contained in section 25 of the General Clauses Act, 1897, or section 64 of the ¹[Penal Code], a Court sentencing an offender under section 3 shall not be competent to direct that, in default of payment of the imposed, he shall undergo any term of imprisonment.

Imprisonment not to be awarded for offences under section 3

8. Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1898, no Court other than of a Magistrate of the first class shall take cognizance of, or try, any offence under this Act.

Jurisdiction under this Act

9. 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.

Mode of taking cognizance of offences

10. The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898, either itself make an inquiry under section 202 of that Code, or direct a Magistrate of the first class subordinate to it to make such inquiry.

Preliminary inquiries into offences under this Act

11. (1) When the Court takes cognizance of any offence under this Act upon a complaint made to it, it may for reasons to be recorded in writing, at any time after examining the complainant before issuing process for compelling the attendance of without sureties, for a sum not exceeding one hundred Taka, as security for the payment of any compensation which the complainant may be directed to pay

Power to take security from complainant

¹ The words "Penal Code" were substituted, for the words "Pakistan Penal Code" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

under section 250 of the Code of Criminal Procedure, 1898, and if such security is not furnished within such reasonable time as the Court may fix the complaint shall be dismissed.

(2) A bond taken under this section shall be deemed to be a bond taken under the Code of Criminal Procedure, 1898, and Chapter XLII of that Code apply accordingly.

Power to issue injunction prohibiting marriage in contravention of this Act

12. (1) Notwithstanding anything to the contrary contained in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that a child marriage in contravention of this Act has been arranged or is about to be solemnized, issue an injunction against any of the persons mentioned in sections 3,4,5, and 6 of this Act prohibiting such marriage.

(2) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.

(3) The Court may either on its own motion or on the application of any person aggrieved rescind or alter any order made under sub-section (1).

(4) Where such an application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader; and if the Court rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(5) Whoever knowing that an injunction has been issued against him under sub-section (1) of this section disobeys such injunction shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand Taka, or with both:

Provided that no woman shall be punishable with imprisonment.
