

ACT No. XIX OF 1938.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 9th
April, 1938.)

An Act further to amend the Child Marriage Restraint
Act, 1929.

XIX of 1929. WHEREAS it is expedient further to amend the
Child Marriage Restraint Act, 1929; It is
hereby enacted as follows :—

1. This Act may be called the Child Marriage Res- Short title
traint (Second Amendment) Act, 1938.

XIX of 1929. 2. In clause (c) of section 2 of the Child Marriage Amendment of
Restraint Act, 1929 (hereinafter referred to as the said section 2, Act
Act), between the words "is" and "thereby" the XIX of 1929.
words "or is about to be" shall be inserted.

3. In section 8 of the said Act for the words "District Amendment of
Magistrate" the words "Magistrate of the first class" section 8, Act
shall be substituted. XIX of 1929.

4. For section 9 of the said Act the following shall Substitution
be substituted, namely :— of new section
for section 9,
Act XIX of
1929.

"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."

5. For sub-section (1) of section 11 of the said Amendment of
Act the following shall be substituted, namely :— section 11,
Act XIX of
1929.

"(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,

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Child Marriage Restraint (Second Amend- [ACT XIX
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writing, at any time after examining the complainant and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898, and if ^{v of 1998.} such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed.” ;

Insertion of
new section
12 in Act XIX
of 1929.

Power to issue
injunction
prohibiting
marriage in
contravention
of this Act.

6. The following section shall be added as section 12 of the said Act, namely :—

- “ 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 solemnised, 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

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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 rupees, or with both :

Provided that no woman shall be punishable with imprisonment. ”