

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

বৃহস্পতিবার, ডিসেম্বর ১৪, ২০১৭

Government of the People's Republic of Bangladesh
Ministry of Women and Child Affairs

NOTIFICATION

Date : 26 Augrahayana 1424 BE/10 December 2017 AD

S.R.O. No. 344-Law/2017.—In exercise of the powers conferred by section 22 of the Child Marriage Restraint Act, 2017, the Government is pleased to publish the following English translation of the Act to be called the Authentic English Text of the Act, and it shall be effective from the date on which the Act comes into force under sub-section (2) of section 1 of the Act :

THE CHILD MARRIAGE RESTRAINT ACT, 2017
(Act No. VI of 2017)

An Act to make afresh a time-befitting law by repealing the Child Marriage Restraint Act, 1929

WHEREAS it is expedient and necessary to make afresh a time-befitting law by repealing the Child Marriage Restraint Act, 1929 (Act No.XIX of 1929);

THEREFORE it is hereby enacted as follows :—

1. Short title and commencement.—(1) This Act may be called the Child Marriage Restraint Act, 2017.

(2) It shall come into force at once.

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

- (1) “minor” means, in case of marriage, a person who, if a male, has not completed 21 (twenty-one) years of age, and if a female, has not completed 18 (eighteen) years of age;
- (2) “guardian” means a person who has been appointed or declared to be a guardian, under the Guardians and Wards Act, 1890 (Act No. VIII of 1890) and shall also include the person who bears the maintenance cost of a minor;
- (3) “adult” means, in case of marriage, a person who, if a male, has completed 21 (twenty-one) years of age, and if a female, has completed 18 (eighteen) years of age;
- (4) “child marriage” means a marriage to which either or both of the contracting parties are minor; and
- (5) “rules” means rules made under this Act.

3. Formation of Child Marriage Prevention Committees.—For the prevention of child marriage, the Government may, in such manner as may be prescribed by rules, form Child Marriage Prevention Committees at national, district, upazila and union levels comprising government officials, local people’s representatives, non-government officials and respectable persons at local level and determine the functions of the committees.

4. General powers of certain government officials and local government representatives to prevent child marriage.—Without prejudice to the generality of the provisions of section 5, the Upazila Nirbahi Officer, the Executive Magistrate, the Upazila Women Affairs Officer, the Upazila Social Welfare Officer, the Upazila Primary or Secondary Education Officer, the Officer in Charge of Police Station or the representatives of Local Government shall, upon receiving information about child marriage through a written or oral application made by a person or through any other means, stop the child marriage or may take necessary measures in such manner as may be prescribed by rules to proceed with legal action against such marriage.

5. Injunction against a child marriage and punishment for contravening the injunction.—(1) The Court may, if satisfied, suo-moto or on the basis of a complaint made by a person or on the basis of any information received through any other means, that a child marriage has been arranged or is about to be solemnized, issue an injunction against solemnization of the child marriage.

(2) The Court may, either on its own motion or on the basis of the complainant's application, rescind any order issued under sub-section (1).

(3) Whoever violates the injunction issued under sub-section (1) shall be punished with imprisonment which may extend to 6 (six) months, or with fine which may extend to 10 (ten) thousand Taka, or with both and, in default of payment of the fine, shall be punished with imprisonment which may extend to 1 (one) month.

6. Punishment for making a false complaint.—If any person makes a false complaint under section 5, it shall be an offence, and for making such complaint, he shall be punished with imprisonment which may extend to 6 (six) months, or with fine which may extend to 30 (thirty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 1 (one) month.

7. Punishment for contracting a child marriage.—(1) If any adult, male or female, contracts a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years, or with fine which may extend to 1 (one) lakh Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (three) months.

(2) If any minor, male or female, contracts a child marriage, he shall be punished with detention which may extend to 1 (one) month, or with fine which may extend to 50 (fifty) thousand Taka, or with both :

Provided that if any case is filed against, or penalty imposed upon, a person under section 8, no punishment shall be imposed upon the aforesaid minor, whether male or female.

(3) In case of trial and punishment under sub-section (2), the provisions of the children Act, 2013 (Act No. XXIV of 2013) shall be applicable.

8. Punishment for parent or others concerned in a child marriage.—

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 commit an offence, and for this, be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or with fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (three) months.

9. Punishment for solemnizing or conducting a child marriage.—

If any person solemnizes or conducts a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or with fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of fine, shall be punished with imprisonment which may extend to 3 (three) months.

10. Exemption from accusation on condition of initiatives to stop child marriage.—

Notwithstanding anything contained in any other provision of this Act, where a child marriage is initiated but not solemnized, and the accused submits, in the manner prescribed by rules, an affidavit or bond stating that he shall not be involved in a child marriage in future and take initiatives to prevent child marriage in his locality, then the court, if it thinks to be fit, may exempt him from the charge framed against him.

11. Punishment of Marriage Registrar for registering a child marriage, cancellation of license.—

If any Marriage Registrar registers a child marriage, it shall be an offence, and for this, he shall be punished with imprisonment which may extend to 2 (two) years but not less than 6 (six) months, or with

fine which may extend to 50 (fifty) thousand Taka, or with both, and in default of payment of the fine, shall be punished with imprisonment which may extend to 3 (Three) months, and his license or appointment shall be cancelled.

Explanation : For the purpose of this section, “Marriage Registrar” means a Nikah Registrar licensed under the Muslim Marriages and Divorces (Registration) Act, 1974 (Act No LII of 1974) and a Marriage Registrar appointed under the Christian Marriage Act, 1872 (Act No. XV of 1872), the Special Marriage Act, 1872 (Act No. III of 1872) and the Hindu Marriage Registration Act, 2012 (Act No. XL of 2012).

12. Documents to prove age.—For the purpose of proving age of a male or female who is in marriage or intends to contract a marriage, the birth certificate, national identity card, secondary school certificate or an equivalent certificate, junior school certificate or an equivalent certificate, primary school certificate or an equivalent certificate or passport shall be considered as a legal document.

13. Payment of compensation.—(1) Money realized under this Act from imposition of fine shall be paid as compensation to the aggrieved party.

Explanation : For the purpose of sub-section (1), “aggrieved party” means the party of a child marriage who is a minor.

(2) Notwithstanding anything contained in sub-section (1), fine realized under sub-section (2) of section 7 shall be deposited to the government treasury.

14. Offences to be cognizable, bailable and non-compoundable.—The offences committed under this Act shall be cognizable, bailable and non-compoundable.

15. Procedure of trial.—Trial of an offence under this Act shall be conducted in a summary way and in this behalf, the procedure laid down in Chapter XXII of the Code of Criminal Procedure, 1898 (Act No. V of 1898) shall be applicable.

16. Local inquiry.—Notwithstanding anything contained in any other law for the time being in force, the court may, in case of disposal of a complaint or any proceedings, make local inquiry of its own to ascertain the truth of the incidence, or may direct any government official or any representative of local government or any other person to make such inquiry, and such an inquiry shall have to be completed within 30 (thirty) working days :

Provided that if such an inquiry can not be completed within the aforesaid time limit on reasonable grounds, the inquiry shall be completed within an additional period of 15 (fifteen) working days for reasons to be recorded in writing and the court shall be informed thereof in writing.

17. Applicability of Mobile Court Act, 2009.—Notwithstanding anything contained in any other law for the time being in force, the Mobile Court may impose penalty for the offences committed under this Act, subject to inclusion of this Act in the Schedule of the Mobile Court Act, 2009 (Act No. LIX of 2009).

18. Mode of taking cognizance of offences.—No court shall take cognizance of an offence under this Act after the expiry of 2 (two) years from the date on which the offence is alleged to have been committed.

19. Special provision.—Notwithstanding anything contained in any other provision of this Act, if a marriage is solemnized in such manner and under such special circumstances as may be prescribed by rules in the best interests of the minor, at the directions of the court and with consent of the parents or the guardian of the minor, as the case may be, it shall not be deemed to be an offence under this Act.

20. Power to make rules.—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

21. Repeal and savings.—(1) The Child Marriage Restraint Act, 1929 (Act No. XIX of 1929), hereinafter referred to as the said Act, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1),—

- (a) any act done or action taken under the said Act shall be deemed to have been done or taken under this Act;
- (b) any case filed or any proceedings pending with a court under the said Act shall be disposed of in such manner as if the said Act had not been repealed.

22. Publication of authentic English text.—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English text of the Bangla text of this Act.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

By order of the President

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