

**LAW AREA NAME : WOMAN**  
**SECTION NAME : SOCIAL LAWS**  
**SUB SECTION NAME : CHILD MARRIAGE RESTRAINT**

## **LAW IN BRIEF**

Child marriage is a social evil rampant in the society during the pre-independence times. With the enactment of this Act, it was curtailed to a large extent but is still in vogue in some parts of rural India. This act aims to restrain the performance of child marriages by penalizing those involved in the commission of the offence.

## **LAW IN DETAIL**

The law provides that if a male who is below 21 years of age marries a girl who is below 18 years, he is punishable with simple imprisonment up to 15 days and/or fine of Rs.1000.

If a male who is above 21 years of age marries a girl who is below 18 years of age, he is punishable with simple imprisonment up to 3 months and also fine.

The parents or guardians of the child who are about to solemnize a child marriage are also punishable with 3 months simple imprisonment and fine.

Anybody who conducts or directs the performance of a child marriage is also punishable with imprisonment up to 3 months and also fine.

However, the Act provides that no woman would be punished with imprisonment for an offence under the Act.

## **PROCESS FOR SOLUTION**

### **Complaint Under which Section ?**

Section 7 says that the police may take cognizance of offences under this Act for the purpose of conducting investigation and for making arrests.

Section 8 says that only the Metropolitan Magistrates or the First Class Judicial Magistrates have jurisdiction to try the offences under this Act.

### **Whom to complain / where to complaint?**

Any person who comes to know of child marriages being performed may approach the nearest police station and file an FIR. The offences being cognizable offences, the police may take immediate action without waiting for the permission of any Magistrate.

The case will then be taken up by the Courts with the competent jurisdiction.

### **How to file the Case ?**

Any complaint made under this Act must be made within one year from the date of commission of the offence.

They may approach the competent court for obtaining an injunction prohibiting the marriage arranged or about to be solemnized in violation of the provisions of the Act.

Those who violate the court orders are punishable with imprisonment up to 3 months and/or fine up to Rs.1000.

### **What Next ?**

However, as per the Hindu Marriage Act, once a marriage is solemnized as per rituals, it stands to be lawful even if it has been a child marriage.

In the Amendment Act of 1976, the law was amended to provide a right to a minor girl who was married before she was 15 years old to cancel the marriage after attaining majority. It was made applicable even to muslim girls.

### **ALTERNATE REMEDIES**

The alternative of plea bargaining is available to the accused.