

19 of 1978, S. 2 & Sel. I
Dep. by et

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) ACT, 1978

NO. 2 OF 1978

[13th March, 1978.]

An Act further to amend the Child Marriage Restraint Act, 1929, and to make certain consequential amendments in the Indian Christian Marriage Act, 1872, and the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Child Marriage Restraint (Amendment) Act, 1978.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

2. In section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the principal Act), for clause (a), the following clause shall be substituted, namely:—
(a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

19 of 1929.

Insertion of new section 7.

3. After section 6 of the principal Act, the following section shall be inserted, namely:—

Offences to be cognizable for certain purposes.

"7. The Code of Criminal Procedure, 1973, shall apply to offences under this Act as if they were cognizable offences—
(a) for the purpose of investigation of such offences; and
(b) for the purposes of matters other than (i) matters referred to in section 42 of that Code, and (ii) the arrest of a person without a warrant or without an order of a Magistrate."

2 of 1974.

Amendment of section 8.

4. In section 8 of the principal Act,—
(a) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted;

5 of 1898.
2 of 1974.

(b) for the words "Presidency Magistrate or a Magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

5. In section 10 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898" the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898,
2 of 1974.

Amendment of section 10.

6. The enactments specified in the Schedule are hereby amended in the manner mentioned therein.

THE SCHEDULE

[See section 6]

Amendment of certain enactments.

| Year | No. | Short title | Amendments |
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|------|-----|-------------|------------|

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|-----|-----|-----|-----|
| (1) | (2) | (3) | (4) |
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In section 60,—

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| 1872 | 15 | The Indian Christian Marriage Act, 1872. | (i) in condition number (1), for the words "eighteen years" and "fifteen years", the words "twenty-one years" and "eighteen years" shall respectively be substituted; |
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| 1955 | 25 | The Hindu Marriage Act, 1955. | (i) In section 5,— |
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(i) in clause (iii), for the words "eighteen years" and "fifteen years", the words "twenty-one years" and "eighteen years" shall respectively be substituted;

(ii) clause (vi) shall be omitted.

(3) In section 12 in sub-section (1) in clause (c), for the words and figure "is required under section 5" the words, figures and brackets "was required under section 5 as it stood immediately before the commencement of the Child Marriage Restraint (Amendment) Act, 1978" shall be substituted.

(4) In section 18,—

(i) for the brackets, letters and word "(v) and (vi)", the word, brackets and letter "and (v)" shall be substituted;

(ii) in clause (b), the word "and" occurring at the end shall be omitted;

(iii) clause (c) shall be omitted.

Vertical text on the left margin, possibly bleed-through or marginal notes.

Main body of text containing detailed amendments and references to various sections and clauses of the principal Act.