

AS INTRODUCED IN THE RAJYA SABHA
ON THE 8TH DECEMBER, 2006.

Bill No. CI of 2006

THE CHILD MARRIAGE (ABOLITION) AND MISCELLANEOUS
PROVISIONS BILL, 2006

A

BILL

to provide for abolition of child marriages and for compulsory registration of all marriages and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Abolition of Child Marriage and Miscellaneous Provisions Act, 2006.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

5 (3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(b) "child" means a person who has not attained the age of eighteen years;

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

(d) "prescribed" means prescribed by rules made under this Act.

- Abolition of Child Marriage. **3.** (1) Child marriage is hereby abolished.
(2) No person shall marry his or her children below the age of eighteen years.
- Registration of Marriages. **4.** (1) All the marriages solemnized in the country after the commencement of this Act shall be registered within a fortnight of the solemnization of marriage in such manner as may be prescribed.
(2) It shall be the responsibility of the parents to get the marriage of their children registered with the designated authority.
- Authority for Registration of Marriages. **5.** The appropriate Government shall, by notification in the Official Gazette, designate an authority or an officer for registration of marriages, where no such authority or office exists in each district within its jurisdiction.
- Certificate of Marriage Registration. **6.** After the registration of marriage under the provisions of this Act, a marriage certificate shall be issued to the parents giving such details as may be prescribed.
- Penalty. **7.** (1) Whoever contravenes the provisions of this Act shall be punishable with imprisonment for a term which may extend to one year and a fine which may extend to one lakh rupees.
(2) Marriages solemnized in contravention of the provisions of this Act shall,—
(a) be void; and
(b) not be registered; and
(c) debar the person from the benefits of various schemes of the appropriate Government.
- Overriding effect of the Act. **8.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.
- Power to make rules. **9.** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Child marriages have been prevalent in various parts of the country for a long time because people have no knowledge of the implications of such marriages. The parents of the children usually think that a girl is not safe in their houses after a certain age and because of which, their honour and lives are always at danger. Due to the economic progress and awareness many people have started changing their minds but due to poverty and ignorance many perform such marriages which are harmful and affect the physiological, psychological and emotional development of their children. The early marriage also has several health complications and contributes to the rising population. The Government has, recently, abolished the child labour in the country, therefore, it will be in the fitness of things that the child marriages are also completely abolished so that children are properly looked after and provided education for their development. Alongwith the abolition of the child marriages, registration of all the marriages performed in the country should also be made compulsory. As children of today are future for tomorrow, child marriages should be discouraged and at the same time it is also necessary that parents who indulge in such a practice are punished with fine and imprisonment.

Hence this Bill.

SHOBHANA BHARTIA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. These rules will relate to matters of details only. The delegation of legislative power is, therefore, of a normal character.

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(Shrimati Shobhana Bhartia, M.P.)