

Punjab Marriage Restraint (Amendment) Act 2015

The “**Child Marriage Restraint (Punjab Amendment) Ordinance, 1971**” has been amended by the “**Punjab Marriage Restraint (Amendment) Act 2015**”. It updates the definition of the Union Council, increases the terms of imprisonment and fines, and increases the powers of the Family Court.

Section 2, "Definitions", of the previous act made all definitions subject to the condition “unless there is anything repugnant in the subject or context”, and defined "Union Council" as “the Union Council or the Town Committee constituted under the Law relating to Local Government for the time being in force”. The amendment removes the condition, and redefines Union Council as “a Union Council, Municipal Committee, Cantonment Board, a Union Administration or, in case of absence of any of these local governments in a local area, any other comparable body constituted under any law relating to the local governments or local authorities”.

The new act further amends the sections 4, 5, 6 and 9 of the previous act:

Section 4. Punishment for male adult above eighteen years of age marrying a child.

Whoever, being a male above eighteen years of age, contracts child marriage shall be punishable with simple imprisonment which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both.

Section 5. Punishment for solemnizing a child marriage.

Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to six month, or with fine which may extend to fifty thousand rupees, or with both, unless he proves that he had reason to believe that the marriage was not a child marriage.

Section 6. Punishment for parent or guardian concerned in a child marriage.

(1) 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 be punishable with simple imprisonment which may extend to six months, or with fine which may extend to fifty thousand rupees, or with both: provided that no woman shall be punishable with imprisonment.

The punishments specified in Section 4 have been changed to “six months” and “fifty thousand rupees”.

In sections 5 and 6, the expressions “one month or with fine which may extend to one thousand rupees, or with both”, has been substituted with the words “six months and fine of fifty thousand rupees”.

Section 9. Mode of taking cognizance of offence.

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.

Section 9 has been replaced with “**9. Cognizance of offence and trial**”, which allows the Family Court to exercise “the powers of a Judicial Magistrate of the first class” in conducting a trial after the Union Council forwards a complaint.