

KARNATAKA ACT NO. 31 OF 2004
THE CHILD MARRIAGE RESTRAINT (KARNATAKA AMENDMENT) ACT, 2004
Arrangement of Sections

Sections:

1. Short title and commencement
2. Insertion of new sections 13 to 14

STATEMENT OF OBJECTS AND REASONS

It is considered necessary to provide for prevention of child marriages, by appointment of child marriage prevention officer under the child marriage Restraint Act, 1929 (Central Act 19 of 1929) by amending the central Act and to empower the State Government to make rules for the above purpose.

Hence the Bill.

(LA Bill No.15 of 2004)

(Entry 5 of list III of the Constitution of India)

KARNATAKA ACT NO. 31 OF 2004

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THE CHILD MARRIAGE RESTRAINT (KARNATAKA AMENDMENT) ACT, 2004

(Received the assent of the President on the seventeenth day of August, 2004)

An Act further to amend the Child Marriage Restraint Act, 1929 in its application to the State of Karnataka.

Whereas it is expedient further to amend the Child Marriage Restraint Act, 1929 (Central Act 19 of 1929) in its application to the State of Karnataka for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the Fifty fifth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Child Marriage Restraint (Karnataka Amendment) Act, 2004.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Insertion of new sections 13 to 14.- After section 12 of the Child Marriage Restraint Act, 1929 (Central Act 19 of 1929), the following sections shall be inserted, namely:-

“13. Child Marriage Prevention Officer.- (1) The State Government may, by notification, appoint an officer to be the Child Marriage Prevention Officer for the whole state or for such part thereof as may be specified in the notification.

(2) It shall be the duty of the Child Marriage Prevention officer,-

- (i) to prevent marriages being performed in contravention of the provisions of this Act by taking such action under this Act as he deems fit;
- (ii) to collect evidence for the effective prosecutions of persons contravening provisions of this Act; and
- (iii) to discharge such other functions as may be assigned to him by the State Government.

(3) The State Government may, by notification invest the Child Marriage Prevention Officer with such powers of a Police Officer as may be specified in the notification and the Child Marriage Prevention Officer shall exercise such powers subject to such restrictions and conditions as may be specified in the notification.

(4) The State Government may associate with each Child Marriage Prevention Officer a non-official advisory body consisting of not more than five Social Workers, of whom at least two shall be women workers known in the area within the jurisdiction of the officer, for the purposes of advising and assisting him in the performance of his duties and discharge of functions under this Act.

(5) Terms and conditions of appointment of persons on the advisory body shall be such as may be prescribed.

13A. Child Marriage Prevention Officer appointed under the Act to be public servant.- The Child Marriage Prevention Officer appointed under section 13, shall be deemed to be a public servant within the meaning of section 21 of the Penal Code 1860 (Central Act XLV of 1860).

13B. Protection of action taken in good faith.- No suit or other legal proceedings shall lie against the Child Marriage Prevention Officer in respect of anything which is in good faith done under this Act or the rules made thereunder.

14. Power to make rules.- (1) The State Government, may after previous publication by notification make rules, for carrying out the purposes of the Act.

(2) In particulars and without prejudice to the generality of the foregoing provision, such rules may provide for all matters expressly required or allowed by this Act to be prescribed by rules.

(3) Every rule made under this Act shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in Session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making modification in the rule or both the Houses agree that rule should not be made the rule thereafter, shall have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

By order and in the name of the Governor of Karnataka

G. DAKSHINA MOORTHY

Secretary to Government

Department of Parliamentary Affairs and Legislation