

The Infant Marriages Prevention Act, 1985 (1928 A.D.)

JAMMU & KASHMIR

India

The Infant Marriages Prevention Act, 1985 (1928 A.D.)

Rule

THE-INFANT-MARRIAGES-PREVENTION-ACT-1985-1928-A-D of 1928

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The Infant Marriages Prevention Act, 1985 (1928 A.D.) Act No. 1 of Svt. 1985 [Sanctioned by his highness the Maharaja Bahadur under endorsement No. 2265, dated the 22nd May, 1928, and No. 304, dated the 14th June, 1928, from the Secretary to the Cabinet and published in the Government Gazette dated 8th Har, 1985.] An Act to prevent Infant Marriages in the State of Jammu and Kashmir Preamble. - Whereas it is expedient to prevent infant marriages in the State of Jammu and Kashmir ; his highness is pleased to enact as follows

1. Short title.

(1) This act may be called "The Infant Marriages Prevention Act. 1985". (2) Extent and commencement. - It shall extend to the whole of the State of Jammu and Kashmir [and it applies also to State Subjects and servants of the State in any part of India] [Inserted by Act III of Svt. 2002.] and shall be brought into force from first Bhadon, 1985. (3) Exemptions. - [The Government] [Substituted by Act VII of Svt. 2001 for 'His Highness'.] may, by notification in the Jammu and Kashmir Government Gazette, exempt any community or class of persons or any class of marriages from all or any of the provisions of this Act.

2. Definitions.

- For the purposes of this Act, - (1) "infant girl" means a girl who has not completed [eighteen years] [Substituted by Act XXII of 1978, Sections 2, 3.] of age ; (2) "infant boy" means a boy who has not completed [twenty one years] [Substituted by Act XXII of 1978, Sections 2, 3.] of age ; and (3) "infant marriage," means the marriage of an infant girl or of an infant boy or between an infant girl and an infant boy.

3. Punishment for marrying an infant girl.

- Any man who having completed [twenty one years] [Substituted by Act XXII of 1978, Sections 2, 3.] of age marries an infant girl shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

4. Punishment for causing infant marriage.

- Any person who causes the marriage of an infant girl or of an infant boy, or who knowingly aids and abets within the meaning of the [Ranbir Penal Code such a marriage, shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.] [Section 7 omitted by Act II of Svt. 1992 which was to take effect from the date of enforcement of the Infant Marriage Prevention Act (I of 1985.)]Exception. - The bride and the bridegroom are not liable to punishment under this section.

5. Punishment for an old man marrying an infant girl.

- Any man who having completed fifty years of age marries an infant girl shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.

6. Punishment for causing marriage of an infant girl with an old man.

- Any person who causes the marriage of an infant girl with a man who has completed fifty years of age or who knowingly aids and abets within the meaning of the [Ranbir Penal Code such a marriage, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.] [Section 7 omitted by Act II of Svt. 1992 which was to take effect from the date of enforcement of the Infant Marriage Prevention Act (I of 1985.)]Exception. - The bride is not liable to punishment under this section.[7. Omitted.] [Section 7 omitted by Act II of Svt. 1992 which was to take effect from the date of enforcement of the Infant Marriage Prevention Act (I of 1985.)]

8. Court competent to try offences under the Act.

- No Court inferior to that of a [Judicial Magistrate] [Substituted by Act XL of 1966 for 'Magistrate.'] of the first class shall try any offence punishable under this Act.

9. [Mode of taking cognizance of offences. [Sections 9, 10 and 11 inserted by Act III of Svt. 2002.]

- 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.

10. Power to take security from complainant.

- When the Court takes cognizance of any offence under this Act upon a complaint made to it, it may at any time after examining the complainant and before issuing process for compelling the attendance of the accused, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1989 ; and if such security is not furnished within such time as the Court may fix, the complaint shall be dismissed.

11. Power to issue injunction prohibiting marriage in contravention of this Act.

(1)Notwithstanding anything to the contrary in this Act, the Court may, if satisfied from information laid before it through a complaint or otherwise that an infant marriage in contravention of this Act has been arranged or is about to be solemnised, issue an injunction against any of the persons mentioned in sections 3, 4, 5 and 6 of this Act prohibiting such marriage.(2)No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.(3)The Court may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made under sub-section (1).(4)Where such application is received, the Court shall afford the applicant an early opportunity of appearing before it either in person or by pleader, and if the Court rejects the application wholly or in part, it shall record its reasons for so doing.(5)Whoever, knowing that an injunction has been issued against him under sub-section (1) of this section, disobeys such injunction, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to Rs. 1,000 or with both:Provided that, no woman shall be punished with imprisonment.]