

Prohibition of Child Marriage (Karnataka Amendment) Act, 2016

KARNATAKA

India

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Act 26 of 2017

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Prohibition of Child Marriage (Karnataka Amendment) Act, 2016(Karnataka Act No. 26 of 2017)Statement of Objects and Reasons - Act 26 of 2017. - The High Court of Karnataka in its judgment in Writ Petition No. 11154 of 2006 has directed the State Government to set up a core Committee on prevention of Child Marriages Accordingly the State Government has set up a core Committee headed by Dr. Shivaraj v. Patil, Former Judge of Supreme Court of India.The Core Committee in its report submitted to the Government has recommended consequential amendments to the Prohibition of Child Marriage Act, 2006, (central Act 6 of 2007) in its application to State of Karnataka and State Government has accepted the report of the core committee, for enabling concerned the police officer to take notice or an offence suo-motto and prescribe a period of minimum year imprisonment for offences under section 9,10 and 11, therefore, it is considered necessary to amend sections 3, 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 to provide for,-(a) declaring every child marriage void abinitio;(b) to enhance the penalty under sections 9,10,11 and 13; and(c) for enabling concerned the police officer to take notice of an offence suo-motto.Hence, the Bill.(First Published in the Karnataka Gazette Extra-ordinary on the twenty sixth day of April, 2017)(Received the assent of the President on the twentieth day of April, 2017)An Act to amend the Prohibition of Child Marriage Act, 2006 in its application to the State of Karnataka.Whereas, it is expedient to amend the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007), in its application to State of Karnataka, for the purposes hereinafter appearing;Be it enacted by the Karnataka State Legislature in the sixty-seventh year of the Republic of India, as follows:-

1. Short title and commencement.

(1)This Act may be called the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016.(2)It shall come into force on such a date as the State Government may, by notification in the official Gazette, appoint.

2. Substitution of section 3.

- In the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007) (hereinafter referred to as the principal Act), In section 3, after sub-section (1) the following shall be inserted, namely:-"(1A) Notwithstanding anything contained in sub-section(1) every child marriage solemnized on or after the date of coming into force of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 shall be void abinitio".

3. Amendment of section 9.

- In section 9 of the principal Act, for the words "be punishable with rigorous imprisonment which may extend to two years", the words "be punishable with rigorous imprisonment of not less one year which may extend up to two years" shall be substituted.

4. Amendment of section 10.

- In section 10 of the principal Act, for the words "be punishable with rigorous imprisonment which may extend to two years", the words "be punishable with rigorous imprisonment of not less than one year which may extend up to two years" shall be substituted.

5. Amendment of section 11.

- In section 11 of the principal Act, in sub-section (1),-(a)for the words "be punishable with rigorous imprisonment which may extend to two years", the words "be punishable with a rigorous imprisonment of not less than one year which may extend up to two years" shall be substituted.(b)proviso shall be omitted.

6. Amendment of section 13.

- In section 13 of the principal Act, in sub-section (10),- (a) for the words "of either description for a term which may extend to two years", the words "with a minimum term of one year, which may extend up to two years" shall be substituted.(b)proviso shall be omitted.

7. Insertion of new section 15A.

- In the principal Act, after section 15, the following shall be inserted, namely:-"15A. Police Officer to take cognizance of an offence suo-motto. - Every Police Officer shall take cognizance of an offence committed in his jurisdiction under this Act, suo motto."