

The Child Marriage Restraint Act, 2017

Short title and commencement

This Act may be called the Child Marriage Restraint Act, 2017, and it shall come into force at once.

Definitions

In this Act, a "minor" is a person who, if male, has not reached 21 years of age, and if female, has not reached 18 years. A "guardian" refers to a person appointed under the Guardians and Wards Act, 1890, and includes anyone who maintains the minor. An "adult" is a person who has attained the minimum marriageable age. "Child marriage" means a marriage where either or both parties are minors. "Rules" refers to the rules made under this Act.

Formation of Child Marriage Prevention Committees

The government may establish Child Marriage Prevention Committees at the national, district, upazila, and union levels, consisting of government officials, local representatives, NGO workers, and respected local figures, with their responsibilities determined by rules.

Powers of officials to prevent child marriage

Officials such as Upazila Nirbahi Officers, Executive Magistrates, Women Affairs Officers, Social Welfare Officers, Education Officers, Police Officers, and local government representatives may act upon receiving information to stop or prevent child marriages and take legal steps as required.

Injunction and punishment for violation

Courts may issue injunctions to prevent imminent child marriages upon receiving complaints or information. Violation of such injunctions is punishable by imprisonment up to six months, a fine up to ten thousand taka, or both. Failure to pay the fine may result in one-month imprisonment.

Punishment for false complaint

Anyone making a false complaint under this Act may be punished with imprisonment up to six months, a fine up to thirty thousand taka, or both, and imprisonment for one month in case of fine default.

Punishment for contracting a child marriage

Any adult who contracts a child marriage commits an offence punishable by up to two years' imprisonment, a fine up to one lakh taka, or both. Minors who enter into child marriage may be fined up to fifty thousand taka or detained for one month. If proceedings are already ongoing under another section, the minor may be exempt from punishment. Trials under this clause shall follow provisions of the Children Act, 2013.

Punishment for guardians or others involved

Any person, including parents or guardians, promoting or failing to prevent a minor's marriage

shall be punished with imprisonment from six months up to two years, a fine up to fifty thousand taka, or both. Default of fine may lead to three months' imprisonment.

Punishment for solemnizing a child marriage

Any person who officiates or conducts a child marriage shall be liable to imprisonment between six months and two years, a fine up to fifty thousand taka, or both. Imprisonment for fine default shall not exceed three months.

Exemption on initiative to stop marriage

If a marriage is not solemnized and the accused provides a signed affidavit to not support child marriage in the future and to work against it, the court may exempt them from charges.

Punishment for Marriage Registrars

Marriage Registrars who register child marriages will face imprisonment from six months to two years, a fine up to fifty thousand taka, or both. Their license will be cancelled. This includes registrars under the Muslim Marriages and Divorces (Registration) Act, the Christian Marriage Act, the Special Marriage Act, and the Hindu Marriage Registration Act.

Documents to prove age

Documents to establish age include birth certificate, national ID, school certificates (PSC, JSC, SSC), or passport.

Payment of compensation

Fines collected under this Act are to be paid to the aggrieved minor party, except where otherwise stated. Fines under the minor clause will be deposited into the government treasury.

Nature of offences

Offences under this Act are cognizable, bailable, and non-compoundable.

Trial procedure

Trials under this Act are to be conducted summarily following Chapter XXII of the Code of Criminal Procedure, 1898.

Local inquiry

Courts may conduct local inquiries or instruct government or local officials to do so, to verify complaints. Inquiries must be completed within thirty working days, extendable by fifteen more days with reasons in writing.

Mobile Court applicability

Penalties under this Act may also be imposed by Mobile Courts once the Act is added to the schedule of the Mobile Court Act, 2009.

Time limit for legal action

Courts shall not take cognizance of offences under this Act after two years from the date the offence occurred.

Special provision for best interests of the minor

If the court, with parental or guardian consent, deems it necessary and in the best interest of the minor to allow a marriage under special circumstances, it shall not be deemed an offence.

Power to make rules

The government may make rules for implementation by notification in the official Gazette.

Repeal and savings

The Child Marriage Restraint Act, 1929 is repealed. However, actions taken or cases pending under it shall be deemed valid or be continued as if the Act had not been repealed.

Authentic English text

An official English version of this Act shall be published in the Gazette. In case of conflict, the Bangla version shall prevail.
