

**JOINT /SELECT  
COMMITTEE REPORTS OF  
LEGISLATIVE ASSEMBLY -  
1949**

**The Child Marriage  
Restraint (Amendment)  
Bill, 1947**

List of Reports of Select Committees presented  
to the Constituent Assembly of India  
(Legislative) in 1949.

S. No.	Short title of the Bill.	Date of presen- tation.	Date of publica- tion.
1.	The Banking Companies Bill, 1948.	1.2.49.	26.2.49.
2.	The Payment of Taxes (Transfer of Property) Bill, 1948.	10.2.49.	26.2.49.
3.	The Public Companies (Limita- tion of Dividends) Bill, 1949.	21.2.49.	16.4.49.
4.	The Chartered Accountants Bill, 1948.	1.3.49.	12.3.49.
5.	The Central Tea Board Bill, 1949.	1.3.49.	12.3.49.
6.	The Indian Penal Code and the Code of Criminal Procedure (Amendment) Bill, 1947.	21.3.49.	16.4.49.
7.	The Ajmer-Merwara Tenancy and Land Records Bill, 1948.	21.3.49.	16.4.49.
8.	The Indian Finance Bill, 1949.	25.3.49.	2.4.49.
9.	The Hindu Marriages Validity Bill, 1948.	25.3.49.	2.4.49.
10.	The Child Marriage Restraint (Amendment) Bill, 1947.	25.3.49.	2.4.49
11.	The Estate Duty Bill, 1948. (FINAL REPORT)	31.3.49.	16.4.49
12.	The Indian Railways (Amendment) Bill, 1949.	28.11.49.	3.12.49
13.	<i>The Indian Judicial Procedure Bill, 1948</i>	<i>28.11.49</i>	<i>3.12.49</i>
14.	The Delhi Road Transport Authority Bill, 1949.	12.12.49.	24.12.49
15.	The Taxation Laws (Extension to Merged States and Amendment) Bill, 1949.	16.12.49.	24.12.49

## CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

### REPORT OF THE SELECT COMMITTEE ON THE THREE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILLS.

We, the undersigned, members of the Select Committee to which the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 3, 4, 5, 6 and 10), the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 2 and 4) and the Bill further to amend the Child Marriage Restraint Act, 1929 (Amendment of sections 10, 11 and 13) were referred, have considered the Bills and the papers noted in the margin\*, and have now the honour to submit this our Report, with the revised Bill drafted by us annexed thereto.

In our opinion, there should be only one Bill covering all the points on which we are agreed, and we have, therefore, prepared a redraft of the three Bills in the form of one consolidated Bill. In the circumstances, we have not thought it desirable to adopt the usual practice of underlining or sidelining such portions of the original Bill or Bills which have undergone any change in our hands, but the notes that follow explain the changes made, if any, in the revised Bill.

*Clause 2.*—We agree that the ages prescribed in the definition of "child" in section 2 (a) of the Child Marriage Restraint Act, 1929, should be raised to twenty and fifteen in the case of males and females respectively.

*Clause 3.*—We agree that the punishment of fine prescribed in section 3 of the Act has not been a sufficient deterrent and, in our opinion, Courts should be vested with power to award simple imprisonment in suitable cases.

*Clause 4.*—Sections 4, 5 and 6 of the Act deal with what are more or less serious offences and, in our opinion, a sentence of imprisonment should be obligatory in such cases.

*Clause 5.*—Section 7 of the Act is being omitted as consequential upon the amendment to section 3 of the Act.

*Clause 6.*—A majority of us is of the opinion that offences under the Act should be made cognizable with the proviso that power to investigate should be vested only in police officers above a certain rank, and that offences under the Act should not be tried summarily.

*Clause 7.*—The proposed amendment of section 10 of the Act is consequential upon the amendments proposed in the preceding sections of the Act.

*Clause 8.*—In view of the changes that we are proposing in the Act, the provision as regards the power of the court to take security from complainants should be omitted as unnecessary.

The provisions suggested by the mover of the three Bills as regards marriages between females below the age of eighteen and males above the age of forty-five are, in our opinion, both undesirable and unworkable. We have, therefore, eliminated those provisions from the revised Bill.

We also do not agree with the provision for the execution of bonds as security for preventing consummation of marriages in certain cases.

We feel that provision relating to registration of marriages should be made not in this Bill but elsewhere, and no provision in this regard has therefore been included in the revised Bill.

2. These Bills were published in Part V of the Gazette of India, dated 22nd February, 1947, and 21st February, 1948, respectively. The Child Marriage Restraint (Amendment) Bill (Amendment of sections 8, 4, 5, 6 and 10) was also published as follows:—

*In English*

<i>Gazette</i>	<i>Date</i>
Fort St. George Gazette . . . . .	27-5-47
Bombay Government Gazette . . . . .	5-6-47
Calcutta Gazette . . . . .	—
United Provinces Government Gazette . . . . .	31-5-47
East Punjab Government Gazette . . . . .	6th, 13th and 20th June, 1947
Central Provinces and Berar Gazette . . . . .	23-5-47
Assam Gazette . . . . .	2-7-47
Bihar Gazette . . . . .	4-6-47
Orissa Gazette . . . . .	6-6-47
Coorg Gazette . . . . .	2-6-47

*In the Indian languages*

<i>Province</i>	<i>Language</i>	<i>Date</i>
Madras . . . . .	Tamil	3-6-47
	Telugu	
	Kanarese	
	Malayalam	
Bombay . . . . .	Marathi	3-7-47
	Gujarathi	10-7-47
	Kanarese	3-7-47
	Hindustani	9-10-47

8. We think that the Bill has not been so altered as to require circulation under Rule 49(5) of the Rules of Procedure and Conduct of Business, and we recommend that it be passed as now revised.

\*TEK CHAND.

\*THAKUR DAS BHARGAVA.

\*P. D. HIMATSINGKA.

KRISHNA CHANDRA SHARMA.

D. VELAYUDHAN.

P. KUNHIRAMAN.

DESHBANDHU GUPTA.

\*B. PATTABHI SITARAMAYYA.

BEGUM AIZAZ RASUL.

**NEW DELHI;**

*The 25th March 1949.*

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\*Subject to a Minute of Dissent.

## MINUTES OF DISSENT

### I

I sign this report subject to my dissent in regard to the offence being made cognizable; as is proposed in clause 9A.

TEK CHAND.

NEW DELHI;  
The 25th March, 1949.

### II

I regret my inability to convince the majority of the Select Committee to agree to the proposition that a man of 45 years or more should not be allowed to marry a girl of less than eighteen years without his being answerable for his act in a Court of Law. The difficulty of correctly establishing the age is common to many crimes and this difficulty alone should not deter us from giving the lead to the country, in this matter. I fully appreciate the point of view that the age of eighteen is not sufficiently protective and it ought to be increased for the fixation of this age might unconsciously lead to the conclusion that marriages of old men with girls over eighteen are looked upon with favour by the Society at large. This view however laudable does not fully take into consideration that the law is very cautious in seeing that fullest liberty is allowed to majors and that when criminal liability is being created in respect of any act the utmost limits of liberty of action ought to be allowed unless such liberty destroys the protection sought to be given to those to whom the Society thinks it ought to be given in public interest. As a first measure of reform in this direction I believe the step suggested by me stands all these tests and the ages given in the Bill viz , 45 or more for males and eighteen or less for females are the maximum and the minimum which ought to be accepted for penalising unequal marriages.

THAKUR DAS BHARGAVA.

NEW DELHI;  
The 25th March, 1949.

I also agree with the above.

P. D. HIMATSINGKA.

NEW DELHI;  
The 25th March, 1949.

### III

I sign subject to my dissent in regard to the offence being made cognizable.

B. PATTABHI SITARAMAYYA.

NEW DELHI;  
The 25th March, 1949.

A  
BILL

*further to amend the Child Marriage Restraint Act, 1929.*

WHEREAS it is expedient further to amend the Child Marriage Restraint Act, 1929 (XIX of 1929), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

**1. Short title.**—This Act may be called the Child Marriage Restraint (Amendment) Act, 1949.

**2. Amendment of section 2, Act XIX of 1929.**—In clause (a) of section 2 of the Child Marriage Restraint Act, 1929 (hereinafter referred to as the said Act), for the words "eighteen" and "fourteen" the words "twenty" and "fifteen" shall respectively be substituted.

**3. Amendment of section 3, Act XIX of 1929.**—In section 3 of the said Act, for the words "shall be punishable with fine which may extend to one thousand rupees" the words "shall be punishable with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both" shall be substituted.

**4. Amendment of sections 4, 5 and 6, Act XIX of 1929.**—In sections 4, 5 and 6 of the said Act, for the words "simple imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both", the words "simple imprisonment which may extend to three months and shall also be liable to fine" shall be substituted.

**5. Omission of section 7, Act XIX of 1929.**—Section 7 of the said Act shall be omitted.

**6. Insertion of new section 9A in Act XIX of 1929.**—After section 9 of the said Act, the following new section shall be inserted, namely:—

"9A. *Nature of, and investigation into, offences under this Act.*—(1) All offences under this Act shall be cognizable, bailable and non-compoundable;

Provided that notwithstanding anything contained in Chapter XIX of the Code of Criminal Procedure, 1898 (V of 1898), no police officer below the rank of a circle inspector of police shall investigate any offence under this Act.

(2) Nothing contained in Chapter XXII of the Code of Criminal Procedure, 1898, shall apply in the trial of any offence under this Act."

**7. Substitution of new section for section 10, Act XIX of 1929.**—For section 10 of the said Act, the following section shall be substituted, namely:—

"10. *Preliminary inquiries into offences.*—Any court, on receipt of a complaint of an offence of which it is authorised to take cognizance, shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898 (V of 1898), either itself make an inquiry under section 202 of that Code or direct a Magistrate subordinate to it to make such inquiry."

**8. Omission of section 11, Act XIX of 1929.**—Section 11 of the said Act shall be omitted.

THE CONSTITUENT ASSEMBLY OF INDIA  
(LEGISLATIVE).

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BILL

further to amend the Child Marriage Restraint Act, 1929.

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*(As revised by the Select Committee)*