

Prohibition of Child Marriage Act, 2006

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Why is it in the news?

Supreme Court held in a recent judgment that the Child marriage act does not intend to punish a male aged between 18 and 21 years for marrying a female adult. Sec 9 of Child Marriage Act is only concerned with punishment for male adult marrying a child.

[The verdict was given in the case where a 17 year male was married to a 21 year old female, and the male contracting party was punished by the High Court]. The bench held that punishing the male for such a marital union on grounds that it amounts to child marriage is against the legislative history of the law. The legislative intent was to punish men who married minor girls.

Provisions of the Act

- Sec 3: Every child marriage, whether solemnized before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage. The petition under this section may be filed at any time but before the child filing the petition completes 2 years of attaining majority.
- Sec 4: While granting a decree under Sec 3, the district court may also make an interim or final order directing the male contracting party to the child marriage to pay maintenance to the female contracting party to the marriage until her remarriage.
- Sec 5: Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

- Sec 9: Whoever, being a male adult above 18 years of age, contracts a child marriage shall be punishable with rigorous imprisonment or with fine or with both.
- Sec 10: Whoever performs, conducts any child marriage shall be punishable with rigorous imprisonment and liable to fine unless he proves that he had reasons to believe that the marriage was not a child marriage.
- Sec 11: Any person associated with the child who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment and also liable to a fine.
- Sec 13: If on an application of the Child Marriage Prohibition Officer or on receipt of information, a Judicial Magistrate of the 1st class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person prohibiting such marriage.
- Sec 15: An offence punishable under this Act shall be cognizable and non-bailable.
- Sec 16: The State Government shall appoint officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area to prevent and create awareness about child marriages.