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SC Judgement on Prohibition of Child Marriage Act, 2006

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Why in News

The Supreme Court in a recent judgement has held that **the Prohibition of Child Marriage Act, 2006** does not intend to punish a male aged between 18 and 21 years for marrying a “female adult”.

The case concerned a boy who married a 21-year-old woman when he was 17 years old.

Key Points

- The Court interpreted **Section 9 of the Act** and ruled that neither does the provision punish a child for marrying a woman nor a woman for marrying a male child.
The provision **does not punish even a female adult for marrying a male child** because in Indian society, decisions regarding marriage are usually taken by the family members of the bride and groom, and women generally have little say in the matter.
- The **sole objective** of the provision is **to punish a man for marrying a minor girl**.
- It also said that the 2006 Act also gives an option for prospective grooms who are between 18 and 21 years old to opt out of marriages.

The Prohibition of Child Marriage Act, 2006

- The law seeks to prevent child marriages by making certain actions punishable and by appointing certain authorities responsible for the prevention and prohibition of child marriages.

- **Definitions under the Act**
 - **“Child”** means a person who, if a **male, has not completed twenty-one years** of age, and if a **female, has not completed eighteen years of age.**
 - **“Child marriage”** means a marriage to which either of the contracting parties is a child.
 - **“Minor”** means a person who has not **attained his majority** under the provisions of the Majority Act, 1875. As per the Majority Act, 1875, **every person domiciled in India** attain the age of majority on his **completing the age of eighteen years.**
- Child marriage is an offence punishable with **rigorous imprisonment**, which may extend to **2 years**, or with fine up to **Rs.1 Lakh, or both.** The offences under the Act are **cognisable and non-bailable.**
- **Persons who can be punished under the Law include**
 - Whoever performs, conducts or directs or abets any child marriage.
 - A male adult above 18 years marrying a child (Section 9).
 - Any person having charge of the child, including – parent or guardian, any member of an organisation or association, promoting, permitting, participating in a child marriage.

Source: TH