

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 133 OF 2007
WITH
CIVIL APPLICATION (ST) NO. 35428 OF 2013
WITH
CIVIL APPLICATION NO. 175 OF 2014
WITH
CIVIL APPLICATION NO. 56 OF 2018
WITH
CIVIL APPLICATION NO. 57 OF 2018
WITH
CIVIL APPLICATION NO. 59 OF 2008
WITH
CIVIL APPLICATION NO. 87 OF 2009**

Dr. Rajendra Sadanand Burma and Anr.	}	
	}	Petitioners
versus		
The State of Maharashtra and Ors.	}	
	}	Respondents

None for the petitioners.

Mr. A. A. Kumbhakoni, Advocate General with Mr. P. P. Kakade, Government Pleader and Ms. Neha Bhide, 'B' Panel Counsel for respondent nos. 1 to 4 (State).

Mr. Y. R. Mishra with Mr. N. R. Prajapati for respondent no. 6 (UoI).

Mr. Siddhesh Pilankar i/b. Dr. Uday Warunjkar for the petitioner in WP/3589/2011.

Mr. G. V. Deore, Deputy Commissioner, ICDS, Dr. D. Chavan, Assistant Director, Public Health, Dr. Shobhana Tehra, Assistant Director, Health Services and Mr. Pravin Bagde, Law Officer, Health Services, Mumbai present.

**CORAM: DIPANKAR DATTA, CJ
& V. G. BISHT, J.**

DATE: APRIL 25, 2022

P.C.:

1. Pursuant to the earlier order dated 14th March 2022 requiring each of the District Magistrates and Collectors of the 16 districts, having sizable population of members belonging to the tribal community, to conduct survey for ascertaining the number of girl children whose marriages have been solemnized prior to attaining majority, a report is placed before us by Mr. Kumbhakoni, learned Advocate General for Maharashtra. According to him, the report has been prepared by a 3 (three) member committee comprising of the Commissioner, Tribal Research and Training Institute, Pune, who himself is a doctor and also hails from a tribal community, the Deputy Commissioner, Integrated Child Development Services and the Assistant Director, Health Department, who also happens to be a holder of a MBBS degree. Such committee appears to have been constituted in consultation with the learned Advocate General as well as on the advice of the Chief Secretary, State of Maharashtra.

2. We have read the report. It gives the details of girl children whose marriages have been solemnized below the age of 18 years and who have delivered children, who have either been severely affected by malnutrition (SAM) or moderately affected by malnutrition (MAM) or unfortunately passed away. The members, according to Mr. Kumbhakoni, have gone to the extent of submitting that due to timely

intervention by officials attached to the Women and Child Development Department, there has been at least 1541 cases during the last 3 (three) years where child marriages have successfully been prevented.

3. It is indeed for the Government, having regard to the large number of child marriages being solemnized within the tribal community, to sensitize the elders in such community and to make them well aware of the ill-effects of child marriages as well as violations of rights of children as enumerated in multiple legislation, namely, the Prohibition of Child Marriage Act, 2006, the Commissions for Protection of Child Rights Act, 2005, etc. We hope and trust that the Government would not leave any stone unturned to properly implement the provisions of the legislation introduced for the benefit of children, more particularly girl children amongst the tribal community.

4. It has also been pointed out by Mr. Kumbhakoni that despite the order dated 14th March 2022 permitting the petitioners as well as others, who had appeared before the Court and advanced submissions for securing welfare of girl children, not a single suggestion has been received till date. Today, Dr. Warunjikar, learned advocate for one set of petitions is not present. His junior Mr. Pilankar, learned advocate submits that leave note has already been submitted. We also do not find Mr. Gilda, learned senior advocate representing the other set of petitions as well as Mr. Bandu Sane and Dr. Ashish Satav who had addressed the Court on the previous occasion.

5. Mr. Kumbhakoni also informs us that copies of the report of the three-member committee have been sent by email to all concerned. In view thereof, we can only express hope that the petitioners as well as others, who are interested in securing the welfare of the tribal community may respond to such report. They are given one more opportunity to furnish suggestions as permitted by the earlier order dated 14th March 2022, which would be helpful for the Government as well as the three-member committee that has since been constituted to continue with their efforts to sensitize the tribal community about the ill-effects of child marriage and to impress upon the tribal community to sacrifice their age-old customs and practices at least so far as health issues are concerned.

6. List the PIL petition once again on **20th June 2022**.

7. We record the presence of Dr. D. G. Chavan and Mr. G. V. Deore who, we are told, have been relentlessly working in securing the benefits for the tribal community along with Dr. Rajendra Bharud. We appreciate their efforts as well as the efforts of Dr. Rajendra Bharud.

SALUNKE
J V

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by SALUNKE J V
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(V. G. BISHT, J.)

(CHIEF JUSTICE)