

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPPIL No.105 of 2022 <u>Shri Vipin Sanghi, C.J.</u> <u>Shri Ramesh Chandra Khulbe, J.</u></p> <p>Mr. Sanpreet Singh Ajmani, learned counsel for the petitioner.</p> <p>Mr. B.P.S. Mer, learned Brief Holder for the State.</p> <p>Mr. Rakesh Thapliyal, learned Asstt. Solicitor General along with Mr. V.K. Kaparuwan, learned Standing Counsel for the Union of India.</p> <p>Issue notice.</p> <p>Learned counsel appears and accepts notice.</p> <p>The petitioner has raised in this Public Interest Litigation an important question concerning the society at large.</p> <p>The submission of the learned counsel for the petitioner is that permitting marriage of girls below the age of maturity leads to their exploitation and, therefore, there should be uniform law with regard to the age of marriage of the girls, irrespective of their religious believes.</p> <p>The Parliament has enacted the Prohibition of Child Marriage Act, 2006. The purpose which is to provide for the prohibition of solemnization of child marriages and for matters connected therewith or incidental thereto. It applies to whole of India and it also applies to all citizens of India without and beyond India. The only exception carved out is in respect of renoncants of the Union Territory of</p>

Pondicherry. The child have been defined to mean a person, who, if a male has not completed twenty-one years of age, and if a female, who has not completed eighteen years of age. The child marriage is defined as a marriage to which either of the contracting parties is a child.

Though in the existing law there is no specific provisions prohibiting child marriages, punishment is prescribed for persons involved in the conduct of a child marriage.

The petitioner has pointed out that the Prohibition of Child Marriage (Amendment) Bill, 2021 has been prepared. The purpose of the bill being as under: -

- “(i) amend the Prohibition of Child Marriage Act, 2006, to reinforce its application overriding all other existing laws, including any custom, usage or practice governing the parties in relation to marriage;
- (ii) bring women at par with men in terms of marriageable age;
- (iii) prohibit child marriage irrespective of any law, custom, usage or practice governing the parties;
- (iv) declare that provisions of the Act shall have overriding effect over every other law, custom, usage or practice governing the parties.”

Let the respondents file their respective counter affidavit and indicate their respective stand with regard to the prohibition of child marriage.

List the matter on 11.10.2022.

(R.C. Khulbe, J.) (Vipin Sanghi, C.J.)

22.07.2022