

L. No. 539/ADM/2020

Date: 07.01.2020

To

Hon'ble Dr. Louis Marandi

Minister

Department of Women, Child Development & Social Security
Govt. of Jharkhand

Sub: Request for State Amendment of Child Marriage Prohibition Act, 2006 to make all marriage below marriageable age void.

Sir,

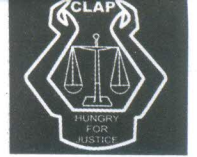
In inviting reference to the above mentioned subject we would like to submit this memorandum to the Government of Jharkhand with a fervent request to consider a proposal for State Amendment of Section 3 of Child Marriage Prohibition Act, 2006 to make all marriages below the permissible marriage age void ab initio. Child Marriage Prohibition Act, 2006 is a Central Law which governs child marriage in India. However in the wake of the confusing concepts like void and voidable provision which are provided by this Act it becomes very easy for an accused to escape from the liabilities. Hence a State Amendment of Section 3 of Child Marriage Prohibition Act, 2006 is desirable to prevent misuse of the Act in the guise of confusion over void and voidable conditions.

It is pertinent to mention here that considering the defect in the law, the Government of Karnataka has made State Amendment of Child Marriage Prohibition Act, 2006 making all the marriages which are below the permissible age of marriage i.e. eighteen years in case of girls and twenty one years in case of boys void ab initio in the year 2017.

The decision of the Karnataka Government to amend the law came in the wake of a case of M/s/ Muthamma Devaya and Budeappa v/s Union of India filed in the High Court of Karnataka wherein the High Court Judges visualized the fatal consequences of the phenomenon of child marriage which is evident in the whole of the Indian Sub Continent. Subsequently in accordance with the terms and conditions passed by the Karnataka High Court, the Karnataka Government appointed the Justice Shivraj Patil Committee in order to evaluate the central law and to develop certain guiding principles which will be helpful to curtail child marriage from the very beginning in the State of Karnataka.

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Based on the recommendations given by the Justice Shivraj Patil Committee, the State of Karnataka made an amendment to Section-3 of Prohibition of Child Marriage, Act, 2006 through Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 which says that any marriage of a child, i.e. a female aged below eighteen years and male below twenty one years is void ab initio.

We, therefore, ardently pray that your good office be kind and gracious enough to look into the matter and take necessary step to insert a provision making all child marriages void by a State Amendment as has been made by State of Karnataka. We are enclosing herewith a copy of The Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 of Karnataka through which the amendment of Chapter 3 of Prohibition of Child Marriage Act, 2006 was made by the State of Karnataka and the Report on Prevention of Child Marriages in the State of Karnataka by the Core Committee headed by Justice Shivraj Patil, Former Judge Supreme Court of India for your ready reference.

We look forward for an appropriate action by the Government of Jharkhand.

With Regards,

Sincerely Yours,

(DR. BIKASH DAS)
PRESIDENT, CLAP,
LEGAL SERVICE INSTITUTE

Encl: As above.

N.B: If your Department is not the nodal agency for the implementation of the Act, kindly forward this Representation to the appropriate department.

(DR. BIKASH DAS)
PRESIDENT, CLAP,
LEGAL SERVICE INSTITUTE

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