

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 10TH DAY OF NOVEMBER 2010

PRESENT

THE HON'BLE MR.J.S.KHEHAR, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE A.S.BOPANNA

WRIT PETITION NO.11154/2006(GM-RES-PIL)

Between :

1. Ms Muthamma Devaya
Aged 35 Years
R/O C-1306, Cassia Block, Brigade
Millennium, Puthenahalli Main Road
J P Nagar VII Phase
Bangalore-560078
2. Mr K Budiappa
Aged 44 Years
R/At C/O R.B. Lambani
Behind M.G.M.K. School Muddebihal
Bijapur 586212

... Petitioners

(By Sri Sheelaramanathan, Adv..)

And :

1. The Union of India
Ministry of Home
North Block
New Delhi
Represented by the Secretary to Govt.
2. The Ministry of Women and
Child Development

Union of India
Shastri Bhawan,
Dr.Rajendra Pd Road
New Delhi
Rep.by the Secretary to the Govt.

3. The Ministry of Law
Union of India
4th Floor, A Wing
Shastri Bhawan, Dr.Rajendra Pd.Road
New Delhi
Rep. by the Secretary to the Govt.
4. Ministry of Home
IInd Floor
Vidhana Soudha
Bangalore-560001
Rep. by the Secretary to the Govt.of
Karnataka.
5. The Ministry of Human Resource
Development, Government Of Karnataka
Vidhana Soudha
Bangalore-560001
Rep. by the Secretary to Govt.of
Karnataka
6. The Law Secretary
The Ministry of Law
Government of Karnataka
Vidhana Soudha
Bangalore-560001
7. The Ministry of Women And Child Development
Government Of Karnataka
M.S.Building, Ambedkar Road
Bangalore
Rep. By the Secretary to the Govt.
of Karnataka.

8. The Ministry Of Social Welfare
Government Of Karnataka
M.S.Building
Ambedkar Road
Bangalore
Rep. By The Secretary To The
Govt. Of Karnataka.

... Respondents

(By H R Amaravathi, Adv. for R1 to R3
Sri Basavaraj Kareddy, Prl GA for R4 to 8)

This writ petition is filed under articles 226 and 227 of the constitution of india praying to direct the respondents to investigate the incident of child marriage dated 18.5.2006 at Javalgiri Village at Sindhanur Tq., Which was participated by the Chief Minister of Karnataka and to act as per the mandate of the laws and declared policy of the state vide Annex.P.

This Writ Petition coming on for orders this day, Chief Justice passed the following order:

ORDER

The narration of facts in the present writ petition is heart rendering. The photographs appended to the writ petition have been a cause of deep distress to us. The photographs reveal, the marriage of minor girls, not yet in their teens, to fully grown men. In one of the photographs, the girl has been made to stand on a chair, so that she could garland her tall and fully grown groom. Forced marriage of the girl child, one realises, is one of the manifestations of cruelty, possibly without

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any equivalent comparison. It seems that the practice is common place in ^{this} ~~the~~ part of the world. It may have remained unchecked for a variety of reasons including, poverty, lack of education, culture and ignorance. We are of the view that allowing the evil to continue without redressing it, would make us a party to the disgraceful activity.

2. As a first step, we feel a Core Committee needs to be constituted, which will expose the extent to which the practice is in vogue. It would suggest ways and means to root it out from our Society. And also, prevent it, to the extent possible, so that who have not fallen prey to it can be saved.

3. Having been assisted by the learned counsel for the rival parties, we are satisfied, in constituting the following Core Committee, for the broad objectives narrated above.

1. Hon'ble Dr. Justice Shivaraj V. Patil,
Former Judge, Supreme Court of India
- Chairman
2. The Secretary to Government, Department
of Revenue, State of Karnataka
- Ex-Officio Member

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3. Secretary to Government, Department of Women and Child Welfare, State of Karnataka,
– Ex-Officio Member
4. Chairperson, Karnataka Child Rights Commission, Bangalore.
– Ex-Officio Member

The Director, Department of Women and Child Welfare, Government of Karnataka, shall assist the Committee as its Member-Secretary. Needless to mention that Core Committee shall be competent to formulate its own procedure, as also, the area of its jurisdiction, around the broad objectives narrated above.

4. The Chairman of the Core Committee shall be provided with office accommodation, as also, Secretarial Staff in the same building in which, the Secretary, Department of Revenue, Government of Karnataka has his office. The Chairman of the Core Committee shall be provided with adequate transport facilities, commensurate with the office held by him, as also, monthly remuneration ordinarily fixed for a retired

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Hon'ble Judge of the Hon'ble Supreme Court of India.
The necessary Government Order, providing for the
aforesaid facilities shall be issued, within one week from
today. All the aforesaid facilities shall be made available,
so as to ensure the commencement of activities at the
hands of the Core Committee on or before 1.12.2010. A
copy of the instant order, be, furnished to the learned
counsel for the rival parties under the signature of the
Court Officer attached to this Bench.

5. With the constitution of Core committee, the
instant writ petition stands disposed of. It shall be open
to the petitioner to air all further grievances to the Core
Committee, if the petitioner is so advised, in accordance
with law.

Sd/-
Chief Justice

Sd/-
Judge

Sk/-
Index : Yes/No.