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## Child Marriage Prohibition Act, 2006

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The Parliament has passed a law to prohibit the child marriage and this law is called "The Prohibition of Child Marriage Act, 2006". This Act extends to the whole of India except the state of Jammu and Kashmir. According to 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.

Every child marriage which is solemnized before or after the commencement of this Act, shall be voidable at the option of the contracting party who was the child at the time of the marriage. A contracting party to the marriage who was a child at the time of the marriage should file a petition in the District Court for annulling a child marriage by a decree of nullity. If the contracting party is a minor at the time for filing the petition, it may be filed through her or his parent or guardian or next friend along with the Child Marriage Prohibition Officer. A child who is a contracting party can file a petition at any time but before she or he completes two years after attaining majority. The Magistrate, while granting a decree of nullity, shall make an order directing both parties to the marriage and their parents or their guardian to return to the other party, his or her parents or guardian, the money, valuables, ornaments, other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money.

If the male contracting party to the marriage is a minor, the Court may also ask his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage. This amount of maintenance can be paid monthly or in lump sum as the Court directs. If any child/children are born out of child marriage, these children are considered legitimate children. And the custody of such child/children will be

made by the District Court in the best interest of the child and the Court may also make an order to give maintenance to the child or children. If the male contracting party is a minor, the maintenance to the child should be paid by the parent or guardian of the male child.

Any male adult who is above 18 years of age contracts a child marriage shall be punishable with rigorous imprisonment, upto two years or with fine upto one lakh rupees or both. Section 10 of the Act provides that if any person performs, conducts, directs or abets child marriage shall be punishable with rigorous imprisonment upto two years and a fine upto one lakh rupees. If any person having charge of the child, as parent, or guardian in any other capacity, lawful or unlawful, including any member or an organization or association of persons promotes or permits the solemnization of child marriages shall be punished with rigorous imprisonment upto two years and with a fine upto one lakh rupees.

In certain circumstances the marriage of the minor child becomes void. Such circumstances are:

- Where a child being the minor -
- a) is taken or enticed out of the keeping of the lawful guardian, or
  - b) by force compelled, or by any deceitful means induced to go from any place, or
  - c) is sold for the purpose of marriage, and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes.

Child marriage is an offence which is cognizable and non-bailable. If any child marriage has been arranged or is about to be solemnized, any person, or the Child Marriage Prohibition Officer can file a complaint to Judicial Magistrate of the first class or a Metropolitan Magistrate about it. Such Magistrate shall issue an injunction against any person or a member of an association or an association of persons prohibiting such marriage.