

**GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:2190
ANSWERED ON:06.08.2010
NCW RECOMMENDATIONS ON MARRIAGEABLE AGE
Ganeshamurthi Shri A.

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether the Hindu Marriage Act, 1955 and the Prohibition of Child Marriage Act, 2006 do not term marriage of a girl below 18 years and boy below 21 years as "illegal" but recognized such union as void and avoidable;
- (b) if so, whether the National Commission for Women (NCW) has requested the Government to consider bringing uniformity in the marriageable age and age of consent for girls in all the laws;
- (c) if so, the response of the Government thereto; and
- (d) the time by when the final decision is likely to be taken by the Government in this regard?

Answer

MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH)

(a) Clause (iii) of section 5 of the Hindu Marriage Act, 1955 provides that the bridegroom shall have completed the age of 21 years and the bride, the age of 18 years at the time of marriage. A marriage solemnized in contravention of said clause (iii) of section 5 is not void under the provisions of section 11 or voidable under the provisions of section 12 of the said Act.

However, under clause (a) of section 18 of the said Act provides that any person who solemnizes the marriage in contravention of said clause (iii) of section 5 is punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Section 2 and 3 of the Prohibition of Child Marriage Act, 2006, provides that any marriage between a girl below 18 years and boy below 21 years is voidable at the option of the contracting party who was a child at the time of marriage.

(b) No Sir.

(c) & (d) Does not arise.