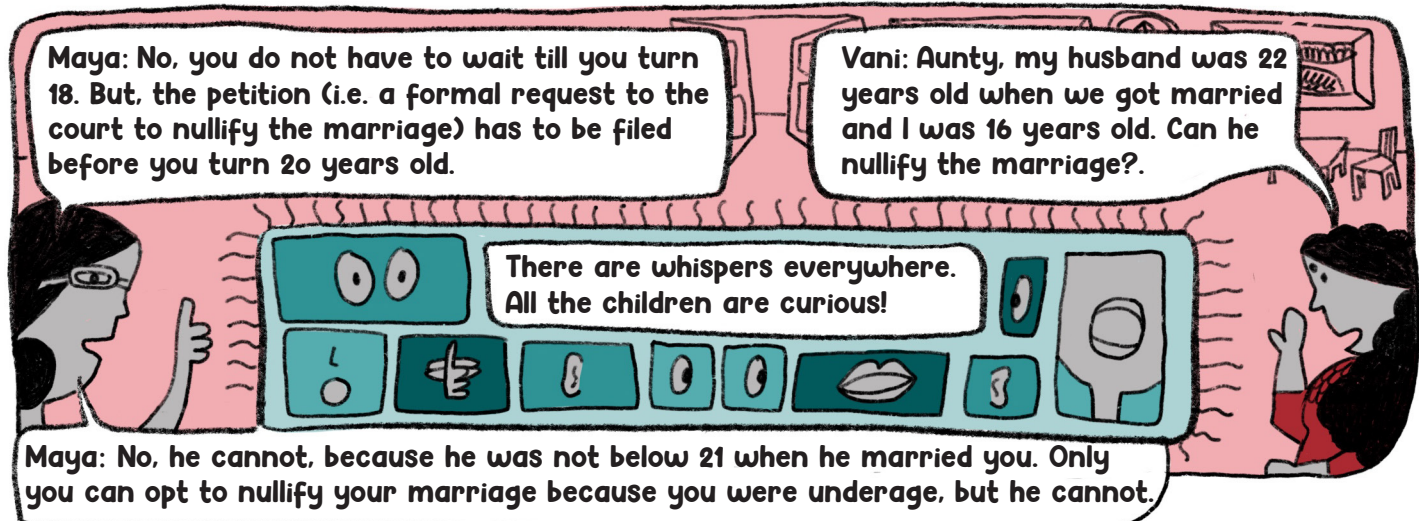
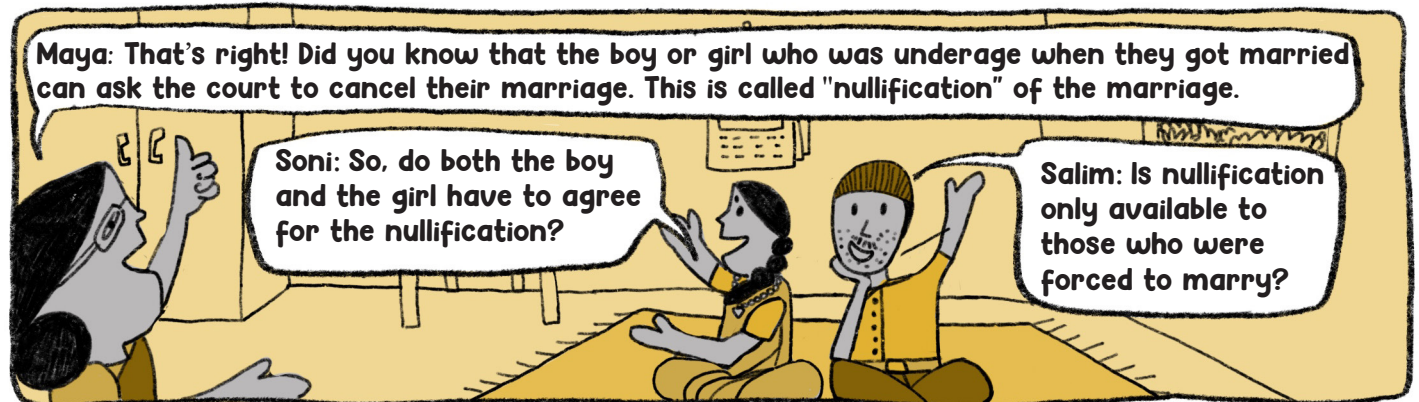
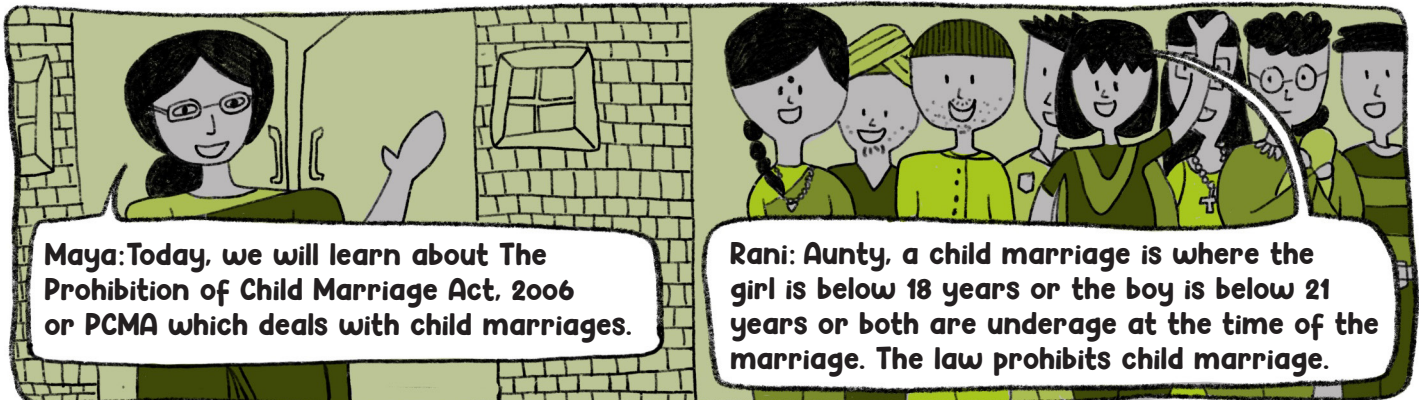


# ANNULMENT OF CHILD MARRIAGE UNDER THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

On a bright Saturday, Maya, a representative from an NGO, is organising a legal awareness camp for adolescents in the panchayat office.





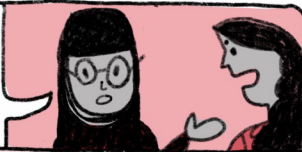
Vani: Can I ask the court to nullify my marriage even if my family does not support me?



Maya: Yes. Vani, you do not need permission from your parents or family members. If you are below 18 years when you approach the court, you need an adult guardian or "next friend" like a relative, social worker, or any adult who can take responsibility for your well-being and care and is supporting you. You can also approach the district Child Welfare Committee for support.



Shabana: Will the police get involved if Vani chooses to nullify her child marriage?



Maya: Nullifying a child marriage is done in a civil court and does not involve the police. But arranging a child marriage, an adult marrying a child and sexual acts with a person below 18 years are crimes. The police can take action against these crimes if it is brought to their attention. Vani will have to speak to a lawyer to understand what may happen in her case.



Ajeet: Ma'am, how is nullifying a marriage different from divorce?



Maya: That's a great question! Nullification is a simpler procedure than a divorce. For a divorce, the person has to give a reason according to the law and religion under which he or she got married. For eg., under Hindu Marriage Act, divorce can be asked if the spouse was cruel or already married to someone else or has been missing for more than seven years. You also have to prove this to the court. For nullification, you only have to prove that you got married when you were a child and you are within the age limit given to nullify it.



## Who can you approach for support to file a nullification petition?

- 1 **District Legal Services Authority** is an office in or near the district court that provides free legal advice and a lawyer.
- 2 **Child Welfare Committee** is a district authority that can order care, protection, and rehabilitation of a child at imminent risk of child marriage or being subjected to violence or neglect by a person they are living with.
- 3 **Child Marriage Prohibition Officer** is a government officer who has the duty to prevent child marriage and help children approach the court for nullification.

## Documents or evidence needed for nullification under the PCMA

- 1 To prove that the marriage took place:
  - **wedding invitations**, preferably with the date
  - **photos** from the wedding
  - **witnesses** who were at the wedding or made arrangements for the wedding and will tell the court when the marriage happened
- 2 To prove that the petitioner was within the age limit to nullify the marriage:
  - **School certificate** or 10th standard marks card, or
  - **Birth certificate**, or
  - Medical test
  - Any other official document accepted by the court.



## What can the Court do?

- 1 Nullify the marriage which will **end the marriage**.
- 2 Order parties to **return any gifts**, money and jewellery exchanged at the time of the wedding.
- 3 Order the husband or his parents to **pay maintenance** to the girl till her remarriage. This usually covers expenses that the girl requires to carry on with her life until she remarries.
- 4 Decide who will have **custody of a child born to the parties** and order maintenance to be paid by the parents or grandparents or guardian. This usually includes money for the basic necessities of life like, food, clothes, shelter, education, medical treatment for the child, until they turn 18 years.
- 5 **Order for residence** of a female party till her remarriage.



### Disclaimer:

The content presented here is for general information. For more information please scan the QR code. For legal advice on your specific circumstances, please consult a qualified lawyer.