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न्याय प्रणाली के अंतर्गत  
 नंबर 13965 के तहत जारी  
 दिनांक 1/5/24  
 न्यायिक अधिकारी न्यायिक  
 प्रशासन विभाग  
 राजस्थान उच्च न्यायालय, जयपुर

1.5.24

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राजस्थान उच्च न्यायालय पीठ, जयपुर 20688  
Certified Copy of Order Date..... 30/4/24  
30/4/24 A

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IN THE HIGH COURT OF JUDICATURE FOR

RAJASTHAN, AT JAIPUR BENCH, JAIPUR

D.B. PUBLIC INTEREST LITIGATION PETITION

NO. 682 /2024

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Petitioner

1. Just Rights for Children Alliance  
having its Head Office at W-34,  
Pocket W, Phase II, Okhla  
Industrial Estate, New Delhi-110020  
through its authorized signatory -  
Mr. Om Prakash.

Mobile - 9899699210

Email Id -

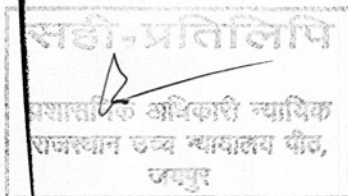
pal.omprakash1@gmail.com

2. Bachpan Bachao Andolan, L-6,  
Kalkaji New Delhi- 110019 through  
its authorised signatory Mr. Manish  
Sharma.

Mobile - 9953333921

Email - info@bba.org.in

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2 Copies Received

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SUNDREE DEVI SHARMA  
OATH COMMISSIONER  
RAJASTHAN HIGH COURT BENCH  
JAIPUR

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- Respondent :
1. State of Rajasthan, through its Chief Secretary, Government of Rajasthan, Secretariat, C-Scheme, Jaipur
  2. Department of Women and Child Development, Government of Rajasthan, Government Secretariat, Jaipur through its Secretary.
  3. Director General of Police, Rajasthan, Police Head Quarter, Lal Kothi, Jaipur
  4. Rajasthan State Commission for Protection of Child Right, Jaipur (RSCPCR), Government of Rajasthan, Lal Kothi, Gandhi Nagar Mod, Tonk Road, Jaipur Rajasthan-302015 through its President.
  5. National Commission for Protection of Child Rights, 5th Floor Chanderlok Building, 36



सही प्रतिलिपि  
 प्रशासनिक अधिकारी न्यायिक  
 राजस्थान उच्च न्यायालय पीठ,  
 जयपुर

*[Handwritten signature]*

**SUNDREE DEVI SHARMA**  
**OATH COMMISSIONER**  
**RAJASTHAN HIGH COURT BENCH**  
**JAIPUR**

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Janpath New Delhi-110001

through its President.

**D.B PUBLIC INTEREST LITIGATION PETITION UNDER  
ARTICLE 226 OF THE CONSTITUTION OF INDIA AND  
RULE 385E OF CHAPTER XXIIA OF THE RAJASTHAN  
HIGH COURT RULES, 1952 SEEKING URGENT  
INTERVENTION OF THIS HON'BLE COURT TO  
PREVENT THE SOLEMNIZATION OF CHILD  
MARRIAGES DURING THE FESTIVAL OF AKSHAYA  
TRITYA, (ALSO KNOWN AS AKHA TEEJ) IN VARIOUS  
PARTS OF RAJASTHAN.**

(2)



सम-प्रतिलिपि  
प्रशासनिक अधिकारी न्यायिक  
राजस्थान उच्च न्यायालय पीठ,  
जयपुर

रीख  
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मील  
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**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 6821/2024

Just Rights For Children Alliance

----Petitioner

Versus

State Of Rajasthan & Ors.

----Respondents

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For Petitioner(s) : Mr. R.P. Singh, Sr. Adv. with  
Mr. Vagish Kumar Singh  
Mr. Anupam Bhargava  
Ms. Rachna Tyagi  
Ms. Taruna Panwar  
Ms. Tanvi Chaudhary  
Mr. Bhuwan Ribhu through VC  
Ms. Shashi through VC

For Respondent(s) : Mr. B.S. Chhaba, AAG with  
Mr. Avinash Choudhary  
Mr. Brijendra Singh Nathawat  
Mr. Pawar Kiran K, Deputy Director  
DCR, SJED

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**HON'BLE MR. JUSTICE PANKAJ BHANDARI  
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

Order

01/05/2024

1. Issue notice to the respondents.
2. Mr. B.S. Chhaba, AAG, has put in appearance on behalf of respondent Nos.1 to 4.
3. Office is directed to issue notice to respondent No.5. Rule is made returnable by 02.07.2024.
4. Counsel for the respondent Nos.1 to 4 seeks time to file reply. Reply be filed within a period of four weeks.
5. Heard on application for interim relief.
6. It is contended by Mr. R.P. Singh, Sr. Adv, counsel for the petitioner that inspite of applicability of The Prohibition of Child



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प्रशासनिक अधिकारी न्यायिक  
राजस्थान उच्च न्यायालय घोट,  
जायपुर

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Marriage Act, 2006, child marriages are still continuing in the State. In this regard, our attention has been drawn to the National Family Health Survey-5 report published by the Ministry of Health & Family Affair. As per the report, the percentage of women aged 20-24 years who have married before attaining 18 years of age is 25.4%. From the report, it is revealed that the percentage of women aged 20-24 years who have married before attaining 18 years of age in urban areas is 15.1% and in rural areas is 28.3%.

7. It is also contended that a masked list has been annexed with the public interest litigation, wherein details of child marriages and their scheduled dates have been provided. In this regard, it is argued that marriage of children from serial number 47 to 54 has already taken place. It is argued by counsel that a report should be called from the respondents with regard to action taken to prevent child marriages, which have been performed in the State. A report should also be called from the Child Marriage Prohibition Officer with regard to child marriages which had taken place in his jurisdiction and the efforts taken by him in preventing the same. It is also prayed that children mentioned in the list annexed from serial Nos.1 to 46 are not married yet and respondents should ensure that the child marriage is not performed. A further prayer is also made that all the authorities including *Panch* and *Sarpanch* should be directed to ensure that child marriages do not take place in their respective areas.

8. Mr. B.S. Chhaba, AAG, states that State has made various efforts including publication of Child Helpline No. 1098 wherein anyone can complaint with regard to child abuse and child



सती-प्रतिषेध  
 प्रशासनिक सहायक न्यायिक  
 राजस्थान उच्च न्यायालय पीठ,  
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marriages. It is argued that authorities are doing their best to prevent child marriages in the State.

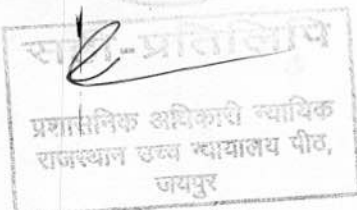
9. We have considered the contentions.

10. The figures as mentioned in the National Family Health Survey-5 report are alarming. On survey of women aged 20-24 years, it was revealed that a total of 25.4% of women were married before the age of 18 years. As per this report, women aged 15-19 years, were already mothers or were pregnant at the time of survey and that figure is also 3.7%. From the report, it is also revealed that majority of the marriages are taking place in rural areas.

11. In spite of The Prohibition of Child Marriage Act, 2006 being in force, child marriages are still taking place in the State. Though there is reduction in number of child marriages because of efforts put in by the State authorities, still a lot is required to be done.

12. As per Rajasthan Panchayati Raj Rules, 1996, a duty is cast upon *Sarpanch* to restrain child marriages. Thus, as an interim measure, we would direct the State to call for the report with regard to investigation done to prevent child marriages, which have taken place in the State and also to keep a hawk eye on the list which has been annexed with the public interest litigation. The respondents should also ensure that no child marriages take place within the State. *Sarpanch* and *panch* should be sensitised and should be informed that they will be held responsible under Section 11 of The Prohibition of Child Marriage Act, 2006, if they negligently fail to prevent child marriage from being solemnized.

13. Registrar(Judicial) is directed to send a copy of this order by fax and e-mail to the Chief Secretary as well as to the District



Magistrates of the State, who are required to circulate the said order amongst the Panch and Sarpanch and other authorities to ensure that no child marriage is performed in the State.

14. List this matter on 02.07.2024.

Sd-  
(SHUBHA MEHTA),J

HEENA/197

Sd-  
(PANKAJ BHANDARI),J

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सही प्रतिलिपि  
प्रशासनिक अधिकारी न्यायिक  
राजस्थान उच्च न्यायालय पीठ,  
जयपुर

1.5.24



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