

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH DECEMBER, 2025

Bill No. XXIV of 2025

THE PROHIBITION OF CHILD MARRIAGE
(AMENDMENT) BILL, 2025

A

BILL

further to amend the Prohibition of Child Marriage Act, 2006.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Child Marriage (Amendment) Act, 2025.

Short title and
commencement.

- 5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of
section 2.

2. In section 2 of the Prohibition of Child Marriage Act, 2006, for clause (a), the following shall be substituted, namely:—

6 of 2007.

“(a) “child” means a person who has not completed eighteen years of age;”

STATEMENT OF OBJECTS AND REASONS

The Prohibition of Child Marriage Act (PCMA), 2006 was enacted with the objective of preventing child marriages and protecting the rights of children, particularly girls, from early and forced marriages. The current Act defines a child as a male under 21 years of age and a female under 18 years of age. Section 3 of the PCMA allows any party who got married as a child to seek annulment of the marriage as long as the petition is filed within two years of attaining majority. While there is a different age limit for marriage in PCMA, under the Majority Act, 1875, majority is attained on completing 18 years of age. A literal reading of the provisions of PCMA suggest that both male and female parties can seek annulment of marriage before they attain 20 years of age. The issues arises whether the male party can annul the marriage at 23 years or 20 years due to the gender-based difference in the minimum age of marriage.

Judicial pronouncements have revealed a divergence of views. The Punjab and Haryana High Court and the Karnataka High Court, in separate rulings, held that marriages between consenting individuals above the age of 18—even when one party is below 21—are valid. In 2011, the Madras High Court in *T. Sivakumar Vs. The Inspector of Police* held that a literal interpretation will create an unfair disadvantage for males married at 20 years, who despite being married below the legal age, would not be able to annul the marriage and thus interpreted the age limit for annulment of marriage at 23 years. The Allahabad High Court in *Sanjay Chaudhary* has countered this by reasoning that male parties entering the marriage after attaining 18 years cannot claim ignorance of law. It opined that having same age limit, *i.e.* within 20 years of age, to file a nullity petition is aligned with the principle of gender equality. But the Allahabad High Court felt bound by the Supreme Court observations in *Independent Thought Vs. UOI* (2017) which mentioned that men could file annulment petition till the age of 23 years. As a result, the Allahabad High Court annulled the marriage and the aggrieved wife has filed an appeal in the Supreme Court.

In the *Independent Thought* case, the issue before the Supreme Court was not the age limit for filing nullity petition under PCMA. Its observations that a male child can get the marriage annulled before attaining the age of 23 years results in substantive unfair disadvantage giving males more time than females to exit child marriage, leaving wives unprotected and disproportionately affected which undermines the central objective of PCMA to protect and advance the status of women.

This differential treatment in defining legal age of marriage is inconsistent with the constitutional mandate of equality and equal protection under Article 14. The age of eighteen years is recognized in Indian law as the age of majority under the Majority Act, 1875, conferring full civil and legal capacity, including the right to vote (*Representation of the People Act, 1951*), to enter into contracts (*Indian Contract Act, 1872*), to be tried as an adult (*Juvenile Justice Act, 2015*), and to be recruited into the armed forces. There is no rational justification for maintaining a higher minimum marriage age for boys when the law otherwise recognizes them as full adults at eighteen.

This amendment seeks to bring uniformity in the legal minimum age of marriage for all genders at eighteen years, consistent with evolving societal norms, international human rights obligations and constitutional principles of equality. The amendment also seeks to remove ambiguity and ensure uniform enforcement of child marriage laws across jurisdictions.

Hence, this Bill.

A.D. SINGH.

ANNEXURE

EXTRACTS FROM THE PROHIBITION OF CHILD MARRIAGE ACT, 2006
(6 OF 2007)

* * * * *

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) “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;

* * * * *

RAJYA SABHA

A

BILL

further to amend the Prohibition of Child Marriage Act, 2006

(Shri A. D. Singh, M.P.)