Diksha Rane, PA

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 133 OF 2007**
**WITH**
**CIVIL APPLICATION NO. 59 OF 2008**
**WITH**
**CIVIL APPLICATION NO. 57 OF 2018**
**WITH**
**CIVIL APPLICATION NO. 56 OF 2018**
**WITH**
**CIVIL APPLICATION ST. NO. 35428 OF 2013**

Dr. Rajendra Sadanand Burma and anr. .. Petitioners
Vs.
The State of Maharashtra and ors. .. Respondents

**WITH**
**CIVIL APPLICATION NO. 87 OF 2009**
**IN**
**PUBLIC INTEREST LITIGATION NO. 133 OF 2007**

Bandu Sampatro Sane .. Applicant

In the matter between

Dr. Rajendra Sadanand Burma and anr. .. Petitioners
Vs.
The State of Maharashtra and ors. .. Respondents

**WITH**
**CIVIL APPLICATION NO. 175 OF 2014**
**IN**
**PUBLIC INTEREST LITIGATION NO. 133 OF 2007**

Malgaonkar Bhushan Pandurang .. Applicant

In the matter between

Dr. Rajendra Sadanand Burma and anr. .. Petitioners
Vs.
The State of Maharashtra and ors. .. Respondents

Mr. J. T. Gilda, Senior Advocate, for the Petitioner in PIL/133/2007.
Mr. A. A. Kumbhakoni, Advocate General a/w. Mr. P. P. Kakade, GP a/w. Ms. Neha Bhide "B" Panel Counsel for the State.
Dr. Uday Warunjikar a/w. Ms. Gargi Warunjikar, for Petitioner in WP/3589/2011.
Mr. Y. R. Mishra a/w. Mr. N.R. Prajapati a/w Mr. Shailendra Mishra, Mr. Dharmesh Joshi, for UOI- Respondent No.6.
Mr. Bandu Sane, Applicant in-person present in CAI/87/0009.
Dr. Ashish Satav, Representative of NGO is present through VC.

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**CORAM: DIPANKAR DATTA, CJ &**
**M. S. KARNIK, J.**

**DATE: MARCH 14, 2022**

**P.C.:**

1. During the course of the hearing on January 27, 2022, learned Advocate General, Shri. Kumbhakoni, for the State of Maharashtra tendered compliance report of the short and long term action plans for Melghat for our consideration. Some of the suggestions which needed immediate attention are reflected in our order dated January 27, 2022. One of the applicants, Shri Bandu Sane had made several suggestions which are under consideration of the State.

2. When the matter was called out today, learned senior advocate Shri Gilda, appearing on behalf of the petitioners, once again impressed upon us the need to alleviate the sufferings of the tribal population. We have also heard Dr. Warunjikar, Shri Sane and Dr. Ashish Satav, who have advanced submissions and given valuable suggestions in support of cause of the tribal population. Learned Advocate

General reiterated the State's positive approach in finding out appropriate solution to this humanitarian concern at the earliest and assured us that the State is taking every possible measure in this direction. Learned Advocate General emphasized that the State is not at all looking at this Public Interest Litigation (PIL) as an adversarial one and shares the concern expressed by the parties appearing.

3. The parties are *ad idem* that the immediate concern is to control the mortality rate amongst the tribals. The suggestions made by learned counsel and parties appearing in person are valuable and the response of the learned Advocate General appearing on behalf of the State is positive. We, therefore suggested, that this concern can best be tackled by consolidating all the suggestions that the parties have to offer, which in turn could be submitted to this Court and also a copy thereof be handed over to the learned Advocate General for the State to take appropriate action. We have been assured that these suggestions would be handed over to Shri Gilda or Dr. Warunjikar in the first instance, whereupon either of them could do the needful in consolidating these suggestions and measures best suited to remedy the situation.

4. During the course of the hearing, we had indicated that one of the major causes of high mortality rate of infants and pregnant and lactating mothers in the tribal areas is the unusually high number of child marriages. As a result, the girl child is subjected to multiple pregnancies even before she attains majority. Child marriages adversely affect the well-being of the girl child and the consequences can be

disastrous; looked at it from the point of view that even malnutrition is also a matter of grave concern. Undoubtedly, the traditions and customs of the tribal population need to be preserved, but surely not before sensitizing them about the laws that provide for the legal age for marriage. They also need to be sensitized as regards the consequences of a child marriage on the health and well-being of a girl child.

5. We, therefore, find it appropriate that there must be a comprehensive report on record in this regard, so as to enable us to take this burning issue further. Hence, we direct the District Magistrates/Collectors of the Districts predominantly comprising tribal belts to submit separate reports or a consolidated report, as the case may be, to this Court after carrying out a survey as regards the number of girl children whose marriages have been solemnized prior to attaining majority in their respective Districts so as to enable us to take this cause forward.

6. We have requested Dr. Warunjikar to identify such Districts where child marriages amongst the tribals are in vogue. It is pointed out that the following Districts comprise of tribal blocks:

> "Thane, Palghar, Raigad, Nashik, Dhule, Nandurbar, Bhadara, Chandrapur, Gadchiroli, Gondia, Amaravati and Yavatmal."

The District Magistrates/Collectors of such Districts are directed to conduct a survey in the light of what we have stated above and submit report(s) on or before April 8, 2022.

7. It would be open for the District Magistrates/Collectors to take the assistance of the applicants appearing in this PIL or any one concerned/social workers/NGOs from the Districts who are well conversant with the issues relating to the tribal cause.

8. Stand over to **April 8, 2022**.

**(M. S. KARNIK, J.)** **(CHIEF JUSTICE)**