



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

EDITORIAL TEAM

EDITORS



Megha Middha

Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmanagarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the

students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

CHILD MARRIAGE: THE INDIAN HISTORICAL AND SOCIETAL CONTEXT

AUTHORED BY- FLORINE M. MUCHOKORE & DR GURPREET KAUR

ABSTRACT

This research is based on 'Child Marriage' on an Indian scale mainly focusing on how regardless of the changes and developments we are now going through as a society for the betterment of the entire human race, we still find countries, leaders, and individuals that turn a blind eye to child marriages, and reported cases are left untended to. In the research, we'll look at reports made by victims from 2019 to the present day (2023), and look at factors such as the historical background, the current status quo, the causes of the problem, the conditions of the places where cases are being reported i.e rural or urban, the action that's being taken by local authorities in those regions/areas, the impact of actions being conducted there, and the problems faced in these places with regards to addressing the issues. The main purpose of this research is to bring to light the negatives of child marriages and where we are falling back as humanity in ignoring the problem, with the aim of at the end of paper not just raising awareness of the problem at hand and gaining sympathy from our audience, but to also create a platform for people to come up with solutions alongside the ones we will provide having seen the challenges at hand, and igniting the needed change globally with the aid of our sample study areas. The research will be carried out from a qualitative approach by analysing the content of reports available online, web search results, and any other available sources of media from newspapers, and documentaries to identify themes, trends, or patterns without quantifying them. The goal is to find the impact this problem has on the livelihoods of the girl child, and if suspicions of this impact being negative are indeed true, policymakers could also come to see this light we would have shed with our research and begin to make extra and more firm measures into place in approaching the challenge at hand.

INTRODUCTION

Child marriage involves marrying off children especially girls before the legal age of marriage. Child marriage has been a deeply rooted problem for centuries, traced back to cultural, social, economic and historical factors. Efforts to combat child marriage in India have been ongoing, with both government and non-governmental organizations working to raise awareness, enforce

existing laws, and create support systems for at-risk children and their families. Legislative measures have been put in place to criminalize child marriage and promote girls' education. However, implementing these measures and changing deeply ingrained cultural norms remains a complex challenge. Addressing child marriage requires a multi-faceted approach involving education, community engagement, economic empowerment, and social change to ensure a safer and more promising future for young girls in India.

Recognizing the harmful consequences of child marriage on children's physical, emotional, and social well-being, concerted efforts are needed from the government, civil society organizations, religious leaders, and communities to eliminate this practice. By promoting education, empowering girls, and challenging archaic norms, India can strive to create a society where the rights and well-being of every child are prioritized and protected, breaking free from the chains of an ancient practice that has no place in a progressive and equitable society. Thus this research paper will explore the historical roots of child marriage, the contributing factors, and the devastating consequences, while also discussing the ongoing efforts to address and eradicate this harmful practice.

STATEMENT OF PROBLEM

Child marriage is a worrying and usually ignored social issue, particularly in the South Asian region, with far-reaching consequences for the well-being and development of children especially the girl child, as they are the major stakeholders in this problem. While various studies have explored the prevalence and consequences of child marriage, there remains a gap in our understanding of the effectiveness of recent interventions aimed at reducing child marriage rates in this region. This study seeks to address this gap by examining the impact of current educational programs by raising awareness, and legal reforms on child marriage rates in select South Asian countries (particularly India) over the past decade. Specifically, it aims to assess whether increased access to girls' education and changes in legal frameworks have resulted in a measurable change in child marriage rates or not; by investigating this aspect, this research contributes valuable insights to the ongoing efforts to combat child marriage and promote gender equality in the country.

OBJECTIVES

1. To analyse the trends and prevalence of child marriage in India over the past 3 years to date using compiled data from official reports and statistical sources.
2. To examine the impact of educational interventions, including access to quality education and girls' empowerment programs, on the incidence of child marriage in the study region i.e., in India.
3. To assess changes in legal frameworks and policy initiatives related to child marriage in the country and determine their influence on the practice especially in affected areas.
4. To identify regional and socio-economic variations in child marriage rates and assess their relationship with educational access, legal reforms, and other contributing factors.
5. To explore the role of cultural and societal norms in perpetuating or challenging child marriage, drawing insights from web searches, media analysis, and qualitative data sources.
6. To provide evidence-based recommendations for policymakers, NGOs, and advocates working to combat child marriage in India, based on the research findings and best practices identified.

LIMITATIONS

1. **Data Availability and Reliability:**
 - **Incomplete Data:** Data from reports and web searches may be incomplete or outdated, leading to gaps in the analysis.
 - **Reliability of Web Sources:** Information from websites and online sources may lack accuracy or reliability, as it can be subject to bias or errors.
2. **Sample Bias:**
 - **Selection Bias:** If the compiled data sources are not representative of the entire population or region, the findings may not be generalizable.
3. **Temporal Limitations:**
 - **Time Frame:** The study is limited to a specific time frame, which could impact the ability to capture long-term trends or changes.
4. **Methodological Limitations:**
 - **Data Collection Methods:** The study relies on secondary data sources, which may not provide the depth and nuance that primary data collection methods (e.g., surveys, interviews) can offer.

- **Analysis Constraints:** Depending on the data available, certain analyses or statistical tests may not be feasible.

5. **Cultural and Language Barriers:**

- **Interpreting Cultural Context:** Understanding the cultural nuances and context related to child marriage may be challenging, especially if researchers are not from the studied region.
- **Foreigner:** Trying to interview victims or members of society who are knowledgeable on the ongoing issues within their surroundings will be a huge challenge as I am a foreign student and can only communicate in English hence Interviews are off-topic.
- **Video Sources:** Some of the available video material may be in local (any of the Indian dialects) hence if it has no translation provided with the video, it may be a challenge to get key information from it.

6. **Bias and Subjectivity:**

- **Biased Reporting:** Reports and web sources may contain biases, either intentional or unintentional, which could affect the accuracy of the information.

7. **External Factors:**

- **Policy Changes:** Unforeseen changes in policies or interventions during the study, or soon after can influence the research findings.

8. **Resource Constraints:**

- **Data Access:** Limited access to certain data sources or databases may restrict the comprehensiveness of the study.

9. **Generalizability:**

- **Contextual Differences:** Findings may be specific to the selected region or countries and may not be directly applicable to other regions with different social, cultural, or economic contexts.

10. **Ethical Considerations:**

- **Privacy and Consent:** Ensuring that web data and reports used in the study adhere to ethical guidelines regarding privacy and consent can be challenging

INTRODUCTION

THE HISTORICAL TIMELINE OF CHILD MARRIAGES IN INDIA

Child marriage was a widespread practice in ancient India, particularly during the Vedic period. During this time, it was not uncommon for girls as young as 8 to 10 years old to be married off to older men. The primary motivation behind this practice was to guarantee the security and protection of daughters, as well as to ensure the continuity of lineage through the birth of sons. In this historical context, child marriage was deeply rooted in cultural and societal norms, reflecting the prevailing priorities and values of that era.

During the Medieval Period, the practice of child marriage not only persisted but also expanded its prevalence. During this era, the age of marriage for girls further decreased to as young as 7 to 8 years old. This alarming trend marked a continuation of the deeply ingrained tradition of child marriages, reflecting the enduring influence of cultural and societal norms from previous centuries.

During the British Rule in India, attempts were made by British officials to curtail the practice of child marriage. However, these efforts encountered significant resistance, primarily stemming from deeply ingrained cultural and religious beliefs. In an attempt to address this issue, the British government passed the Child Marriage Restraint Act of 1929, which raised the minimum age of marriage for girls to 12 years. Unfortunately, despite this legislative intervention, the act proved to be largely ineffective in eradicating the practice of child marriage. Cultural traditions and resistance to external influence continued to shape marriage practices in India, underscoring the complexities of addressing this deeply rooted societal issue.

In the post-independence period in India, the government took further steps to address the issue of child marriage. The legal age of marriage for girls was increased to 18 years through the enactment of the Child Marriage Restriction Act of 1976. Despite this progressive legal change, the practice of child marriage persisted and proved difficult to eradicate. Multiple factors contributed to its persistence, including widespread poverty, limited access to education, and deeply entrenched cultural norms that favoured early marriages. These challenges demonstrated the complex and multifaceted nature of the issue, highlighting the need for comprehensive efforts to combat child marriage in India.

In the current scenario in India, despite the legal age of marriage being set at 18 years, child marriage persists, particularly in rural and tribal areas. Shockingly, girls below 18 years old still make up a substantial portion, approximately 25%, of married women in the country, as reported by UNICEF. This persistent challenge can be attributed to several factors. One key issue is the lack of effective policy implementation and enforcement, which has allowed child marriage to persist despite legal prohibitions. Additionally, socio-economic factors, including poverty and limited access to education, continue to play a significant role in fuelling child marriage, making it a deeply ingrained societal issue that demands sustained efforts and comprehensive solutions for eradication.

The current situation calls for urgent action in addressing child marriage in India. Stricter enforcement of laws against child marriage is imperative, but it must be complemented by broader social reforms. To combat this deeply rooted issue effectively, we must prioritize better access to education and the empowerment of women. NGOs and government schemes are already making valuable contributions to curbing this social problem, but it will require sustained efforts and increased awareness.

By combining legal measures with comprehensive social reforms, India can hope to eradicate child marriage over time. The empowerment of women improved access to education, and raising awareness about the adverse consequences of child marriage are crucial steps towards creating a society where every child can grow up in a safe and nurturing environment, free from the harmful practice of early marriage.

CAUSES AND THE REGION

As mentioned earlier, child marriage is a severe social problem in India with complex socio-economic causes depending on the region in focus, hence girls below 18 years account for about 25% of married women in India. Below are the leading causes of child marriage in India:

- **Poverty:**

Poverty is a significant cause of child marriage in India as parents from poor economic backgrounds marry off their young daughters to reduce the financial burden at home and due to the belief that early marriage will secure their future. Their financial constraints have a big role in all their decision-making as shall also be seen in the next cause i.e. 'dowry'.

- **Dowry:**

As it is common knowledge, during marriage in India it is the girl and her family that are expected to pay off the dowry, and it's worth is usually dependent on features such as the age of the girl; i.e. the older she is, the higher the demand. As a result, parents marry off their young daughters while the dowry demand is still low since as girls grow older, dowry demands increase which may be too unbearable for many families living below the poverty datum line.

- **Lack of education:**

Lack of education and awareness among girls and their families is an important cause of child marriage. This issue underscores education's critical role in addressing and ultimately preventing child marriage. When girls and their families lack access to quality education, they may not fully comprehend the long-term consequences and risks associated with early marriage. Conversely, educated individuals tend to be more informed about the harms of child marriage. They are better equipped to make informed decisions for themselves and their children, including recognizing the negative effects of early marriage on girls' health, well-being, and future opportunities.

- **Traditional beliefs:**

Traditional and cultural beliefs and practices persistently promote child marriage in India, exerting a significant influence on societal norms. These deep-rooted traditions often lead people to believe that early marriage serves as a means of safeguarding girls, ensuring their security, and guaranteeing the continuity of the family lineage. Within these traditional frameworks, there is a prevailing notion that early marriage is a protective measure for girls, shielding them from potential risks or uncertainties. Additionally, it is perceived as a way to provide financial and social security for young brides. Furthermore, the practice is viewed as a means of upholding family traditions and ensuring the lineage's perpetuation, which is highly regarded in many Indian communities.

- **Gender discrimination:**

Gender discrimination in Indian society is a significant driver of child marriage, perpetuating harmful practices that undermine the rights and well-being of young girls. A prevailing issue is the unequal social status assigned to women, often closely tied to their roles as wives and mothers. This societal construct leads to the early marriage of girls, as

their values and status are often linked to marriage and motherhood. In this context, child marriage is often seen as a way to fulfil the traditional roles and expectations imposed on women, thus reinforcing gender disparities. The practice can be viewed as a means of transitioning girls into their expected roles as wives and mothers as early as possible. This perpetuates a cycle of discrimination, limiting girls' opportunities for education, personal development, and economic independence.

- **Lack of enforcement of laws:**

In India, despite the existence of laws prohibiting child marriage, the weak implementation and enforcement of these laws have allowed the practice to persist. A significant issue contributing to this problem is the lack of strict punishment for those who perform child marriages. This absence of meaningful consequences creates a sense of impunity, encouraging individuals and communities to continue the practice without fear of legal repercussions.

- **Health concerns:**

Misconceptions about the supposed health benefits of child marriage persist in some societies. Some people mistakenly believe that early marriage can promote the physical and mental development of girls. However, the reality stands in stark contrast to these beliefs.

In truth, child marriage often has detrimental effects on the health and well-being of young girls. Physically, girls who marry early are at a higher risk of experiencing health problems, including complications during pregnancy and childbirth due to their bodies not being fully developed. Additionally, they may face a higher likelihood of contracting sexually transmitted infections (STIs) because they often lack information about safe sexual practices. Mentally, child marriage can lead to emotional and psychological stress for young brides, as they may not be emotionally prepared for the responsibilities of marriage and motherhood. They are often forced to abandon their education and personal aspirations, which can lead to feelings of disempowerment and dependency.

- **Cultural norms:**

In certain communities and regions in India, child marriage persists as an accepted social and cultural norm, deeply entrenched in tradition. This enduring practice is often perpetuated because it has been followed for generations and is deeply ingrained in the

fabric of these societies. Cultural norms and traditions hold immense influence over individuals and communities, shaping their perceptions and behaviors. In such contexts, child marriage is viewed as a customary practice that upholds social order and aligns with long-standing beliefs and values. The pressure to conform to these norms can be overwhelming, making it challenging to challenge or change the practice.

○ **Lack of opportunities:**

In several Indian families and communities, the dearth of opportunities and autonomy for girls can lead parents to make the difficult decision to marry off their daughters at a young age. This situation often arises from a complex interplay of social, economic, and cultural factors. Limited access to education and employment opportunities for girls can limit their prospects for personal and economic independence. In such circumstances, early marriage may be perceived as a way to secure a girl's future, especially in families facing financial hardships. Additionally, societal expectations and traditional gender roles can pressure families into arranging early marriages for their daughters, as it aligns with established norms and expectations. This practice underscores the importance of addressing broader issues related to gender equality, education, and economic empowerment.

RESEARCH QUESTIONS

1. Has access to education for the girl child made measurable changes in raising awareness on the issue of child marriage?
2. Has the recent legal framework made an impact in curbing the issue of child marriage and holding instigators of child marriage accountable for their actions?
3. What can be done to stop the influence of religion and its impact on child marriage?
4. What can be done to raise awareness in the rural areas where most people are still backward and illiterate and still consider child marriage as a societal and cultural norm?

RESEARCH METHODOLOGY SAMPLE

SURVEY

An online survey will be conducted in four states: West Bengal, Assam, Telangana and Rajasthan to determine whether there have been changes in the rates of child marriage or whether the legal framework and policies have been effective in the mentioned area over the past three years.

The survey will also examine whether there have been girl empowerment programs and

awareness campaigns in the specified areas over the past three years.

The survey will target victims of child marriage, survivors of child marriage and parents.

The survey will be conducted in the form of a questionnaire to reach a large population.

CASE STUDIES AND INTERPRETATION

CASE 1

Vimla said she regrets getting married at 18, and becoming a mother at 19 and then at 23. According to her, **raising the age bar for women from 18 to 21** is a good decision. Her son was born with heart issues and she has had to spend a lot of time and money to get him healthy. "I expected my husband to be a better person." He passed away, and Vimla with two grown kids at the age of 38, has had to undergo many hardships in life, all by herself.

Figure 1 <https://indianexpress.com/article/lifestyle/life-style/married-teenager-forced-to-marry-women-marriageable-age-union-cabinet-child-marriage-7727625/>

Interpretation of the first case draws down to the question of the minimum marriage age for girls in India, currently set at 18, brings to light a pressing concern: are our existing legal standards regarding marriage still relevant in today's rapidly evolving society? The age threshold of 18 may have made sense in an era where a simple rural life, centred around farming and communal support, could suffice for survival. However, the modern landscape presents an entirely different scenario. In today's world, individuals are expected not only to secure a basic education but often to pursue tertiary education to meet the evolving standards of their communities and address the growing economic challenges. This changing dynamic means that young people are required to invest more time and effort in their personal development before contemplating marriage. Consequently, there is a growing need to re-evaluate the minimum marriage age in India, as it may no longer align with the realities and demands of the contemporary era, where education and economic self-sufficiency are paramount for a successful and sustainable life.

CASE 2

"Sometimes, when the others are not at home, I read my old school books and hold my baby and cry," said Komal, who was forced to drop out of school and get married at age 16. © UNFPA/Rajat Ray

Figure 2 <https://www.unfpa.org/news/dependent-deprived-child-brides-india-tell-their-stories>

The preceding passage is drawn from the heart-wrenching story of a young girl named Komal from Madhya Pradesh/Rajasthan, India who was tragically compelled into child marriage at the tender age of 16. Her story highlights the grim reality of how such marriages rob children of their

youth, depriving them of essential opportunities for education and personal growth. It is a stark reminder that child marriages not only curtail the freedoms of these young individuals but also shed light on the passivity of the community, which often stands by silently, treating this distressing practice as normal. In addition, this narrative underscores a critical truth: childbearing is a responsibility best suited for adults, not children. The emotional and physical toll placed upon young brides can be devastating, emphasizing the urgent need to address and eradicate child marriages as a societal concern that impacts the lives of innocent children

CASE 3

Assam to relaunch drive against child marriage in September

More than 3,000 people were picked up during the first crackdown in February

August 11, 2023 04:57 pm | Updated 04:21 pm IST - 00/AAHWT

THE HINDU BUREAU

Figure 3 <https://www.thehindu.com/news/national/other-states/assam-to-relaunch-drive-against-child-marriage-in-september/article67255276.ece>

The above-mentioned excerpt, sourced from The Hindu Bureau and dating back to February 2023, sheds light on a disheartening reality. In that month alone, over 3,000 individuals were apprehended for their involvement in orchestrating child marriages within the region of Assam. This sobering statistic serves as a stark indicator of the urgency required to address the pervasive issue of child marriages within our society. The magnitude of these arrests underscores the gravity of the problem and the need for concerted action at both the community and institutional levels to combat this deeply rooted social ill. It serves as a poignant reminder that child marriages persist as a pressing concern, one that demands our collective efforts and commitment to protect the rights and well-being of our most vulnerable youth.

CASE 4

Child marriage valid if 'child' doesn't declare it void at 18: Punjab and Haryana HC

The Punjab and Haryana High Court division bench has ruled that a child marriage would become valid if no steps are taken by the 'child' to declare the marriage void on attaining the age of 18.

Figure 4 <https://www.indiatoday.in/law/story/child-marriage-valid-not-void-at-18-punjab-haryana-high-court-1854827-2021-09-20>

The legal perspective presented in the aforementioned case attempts to address child marriage by stipulating that a marriage is considered valid unless the child involved declares it void upon

reaching the age of 18. However, this approach raises critical questions about the law's inadvertent consequences. Does this legal stance unintentionally condone child marriages, potentially undermining the very purpose of protecting vulnerable children? Moreover, does it risk turning a blind eye to countless voiceless young girls who may be trapped in oppressive situations, too afraid to speak out due to the intimidation they face when entering into such marriages? These are pressing concerns that call for a thorough examination of the legal framework surrounding child marriages, emphasizing the need to strike a balance between recognizing the agency of individuals as they mature and safeguarding the rights and well-being of those who may be coerced or silenced within such unions.

Child marriage is not just a deeply infuriating act that stirs the emotions of those who empathize with its victims; it is a grievous infringement upon the rights of these young individuals. Victims of child marriage are denied their fundamental right to have a say in one of the most significant decisions of their lives. They are not consulted about their opinions regarding the marriage or allowed to express their aspirations for their futures, whether it be education or any other personal goals. Tragically, they often find themselves voiceless in the face of this injustice, silenced by intimidation or the fear of being labelled as dishonest. Furthermore, the current legal framework in many parts of India, including Punjab and Haryana, appears to be ambiguous and inadequate in both protecting these victims and eradicating the practice. This heart-wrenching reality underscores the urgent need for comprehensive legal reforms, support systems, and societal awareness campaigns to safeguard the rights of these young individuals and ensure that child marriages become a relic of the past, never to rob another child of their future.

LEGAL FRAMEWORK

Prohibition of Child Marriage Act, 2006

In an earnest effort to combat the alarming rise in marriages involving minors, where brides are often below 18 years of age and grooms below 21, the Prohibition of Child Marriage Act, of 2006, was enacted with noble intentions. Its primary objectives were to prohibit such child marriages, safeguard the rights and interests of young individuals coerced into these unions, and impose penalties, including fines and imprisonment, on those responsible for promoting or conducting such marriages. Additionally, it sought to raise awareness about the devastating consequences of child marriages. However, it is disheartening to note that, despite the existence of this legislation, the reported cases of child marriages have continued to increase each year, as revealed by data from the National Crime Records Bureau (NCRB). For instance, the numbers of

cases registered under the 'Prohibition of Child Marriage Act, 2006' for the years 2017, 2018, 2019, 2020, and 2021 stand at 395, 501, 523, 785, and 1050, respectively¹. This increase in reported cases, while a sign of heightened awareness among citizens about the detrimental nature of child marriages, should not be misconstrued as a victory in combating the issue. Instead, it serves as a stark reminder that the focus should now shift towards rigorous enforcement of the law, given the significant challenges indicated by these alarming statistics.

Religion Focused acts

In India, a country known for its cultural and religious diversity, the government has taken steps over the decades to address the issue of child marriages through various legislative acts. One such act is the Hindu Marriage Act of 1956, which emerged as a response to early social reform movements in the country. It was also influenced by international pressure from India's newfound allies in the global community who advocated for aligning Indian laws with international standards and conventions, especially those related to child rights and the prevention of child marriages, viewing such practices as violations of human rights.

The Hindu Marriage Act of 1956 aimed to combat child marriages by setting clear guidelines. It emphasized the importance of informed consent from all parties involved, established penalties for violators, promoted social awareness, and sought to align Indian laws with international conventions. However, a notable issue remains within the act – gender inequality. Despite addressing several critical aspects of child marriages, the act displays a gender bias in the minimum marriageable age. It sets the minimum age for women at 18 and for men at 21, thereby indicating a disparity in how the two genders are perceived. This discrepancy raises concerns about the potential undermining of women's aspirations and opportunities for personal growth, implying that they must prioritize marriage over achieving their goals, qualifications, and dreams. It highlights the need for a more equitable approach to marriage legislation, one that promotes gender equality and ensures that both genders have the same opportunities to pursue their paths before considering marriage.

According to Dr.Sudhir Kakar, a Psychoanalyst in GOA “...child marriages come from that, it is said that a girl should be married immediately after her first menstruation when she can conceive...”.²

¹ <https://pib.gov.in/PressReleaselframePage.aspx?PRID=1947773>

² <https://www.youtube.com/watch?v=AWrCOWucyMk>

Another significant legal framework that addresses child marriages in India is **The Muslim Personal Law**. This body of law discourages child marriages and has served as a model for setting minimum ages for marriage in many countries. The Muslim Personal Law draws upon Islamic principles and traditions, considering factors such as consent, maturity, and sound judgment as essential in determining the readiness for marriage. It emphasizes the importance of the minimum age of marriage being contingent on the maturity, consent, and free will of both parties involved, ensuring the protection of their rights. Additionally, it acknowledges that the appropriate age for marriage may vary depending on social and cultural factors within different communities.

However, a potential weakness in this legal framework lies in its approach to defining maturity. Unlike some other laws that set a fixed age for marriage, the Muslim Personal Law does not specify a particular age at which an individual is considered mature enough for marriage. Instead, it relies on a subjective assessment of an individual's readiness for marriage. While this approach allows for flexibility in considering social and cultural variations, it can pose challenges for policymakers who may struggle to determine a universally acceptable age, especially for females. Nevertheless, the Muslim Personal Law's emphasis on consent, maturity, and free will remains crucial to discouraging child marriages and promoting responsible unions within the Muslim community.

Furthermore, the **Indian Christian Marriage Act of 1872** presents another illustration of legal principles indirectly discouraging child marriages. This historical legislation outlines specific rules and regulations pertaining to Christian marriages within India. Interestingly, the act, akin to the Muslim Personal Law, refrains from specifying a particular age at which individuals are deemed suitable for marriage. Instead, it operates on the basis of general principles embedded within the act that implicitly discourage child marriages. Unlike some laws that lay out clear and firm methods for punishing perpetrators of child marriages, the Indian Christian Marriage Act of 1872 does not delineate explicit penalties for such actions.

This approach, while leaving room for interpretation and flexibility, may also pose challenges in terms of enforcement and consistency in preventing child marriages. Nevertheless, the act, by emphasizing the importance of responsible and consensual unions, contributes to the broader objective of discouraging early and forced marriages within the Christian community in India.

Conclusively, when examining religiously focused acts that address child marriages in India, it becomes evident that there is a pressing need for reform. The bias in defining the age of maturity and the unequal treatment of genders are glaring issues that require attention. The idea that one gender should be afforded more time to develop and lead a free life before committing to marriage is a reflection of deeply ingrained stereotypes and societal norms that demand reevaluation. Furthermore, it is noteworthy that, despite the variations among religious laws, there is a common thread of disapproval toward early child marriages. Given this shared sentiment, it raises the question of whether it would be more effective and organized for the government to establish a unified and universal act applicable to all religions. Such an act, aligned with human rights and international law standards, could help mitigate disorder and streamline the monitoring and enforcement of regulations surrounding child marriages. It would not only underscore the commitment to safeguarding the rights and well-being of young individuals but also contribute to a more harmonious and equitable society where all are given the opportunity to grow, develop, and make informed choices about their futures, irrespective of gender or religious affiliation. The time has come to address these issues comprehensively and ensure that the rights of children are protected above all else.

FEMINIST IDEOLOGY

Feminists have been instrumental in opposing this destructive practice from the movement's inception to the present. We examine the evolving feminism's perspectives, tactics, and contributions to the conversation on child marriage.

The custom of marrying off girls before they are of legal consent has been known as child marriage, and it has always been a major problem with significant consequences for women's rights and gender equality. Feminist ideology, which promotes girls' autonomy, agency, and independence from early, forced marriage, has been instrumental in opposing this practice.

During the late 1800s and early 1900s, first-wave feminism started to develop. Early feminists like Elizabeth Cady Stanton and Susan B. Anthony began educating people about the effects of child marriage on women's rights. They maintained that underage marriage restricted the chances available to girls and upheld the patriarchal rule.

THE IMPACT OF NGOS

Non-governmental organizations (NGOs) play a crucial role in addressing social issues like child marriages, often serving as advocates and providing support to affected communities. However, they can encounter limitations when it comes to influencing policy decisions or having a significant presence in policy-making discussions. In many cases, their ability to effect change is amplified when they form partnerships with statutory bodies that hold influence within the parliament or government. This partnership allows them to have influence on those who have a seat at the table during policy discussions and enhances their capacity to advocate for meaningful reforms. Unfortunately, not all NGOs, especially grassroots ones with limited resources, have the opportunity to engage in such partnerships. Consequently, the ability of NGOs to make substantial strides in the battle against child marriages can be constrained, highlighting the need for broader support and collaboration to tackle this pervasive issue effectively.

Taking an indigenous approach to combat early child marriages, we find an inspiring example in the Aarambh in Bhopal (AIB) organization based in Bhopal. Initially established as a ChildLine organization focused on providing support to homeless and abused children, Aarambh has expanded its mission to tackle the issue of early child marriages. In this crucial endeavour, the organization collaborates closely with various stakeholders, including the Women and Children's Welfare Office, the Special Juvenile Police Unit, and the local police in charge within its jurisdiction. Additionally, the organization works in partnership with the Office of the Police Commissioner to create a comprehensive and coordinated response to the challenge of early child marriages. Through this collaborative effort, Aarambh exemplifies the power of grassroots organizations and community engagement in addressing complex social issues and safeguarding the rights and well-being of children.

CONCLUSION

Conclusively, the exploration of child marriages in India throughout this paper underscores the enduring challenges in effectively addressing this cruel practice. While education and awareness campaigns are vital initial steps, they represent just one facet of the complex issue at hand. The real test lies in enforcing existing laws, ensuring compliance with these regulations, and holding those who deviate accountable. Moreover, there is a pressing need for comprehensive legal reform to align existing laws with contemporary standards, emphasizing the principles of equality and freedom. The journey toward eradicating child marriages in India is far from over. It demands

sustained commitment, collaboration among stakeholders, and a relentless pursuit of justice and social progress for the nation's most vulnerable children. Only through such dedicated efforts can we hope to bring about lasting change and create a future where every child can thrive, free from the shackles of early and forced marriage.

REFERENCES

- <https://indianexpress.com/article/lifestyle/life-style/married-teenager-forced-to-marry-women-marriageable-age-union-cabinet-child-marriage-7727625/>
- <https://www.indiatoday.in/law/story/child-marriage-valid-not-void-at-18-punjab-haryana-high-court-1854827-2021-09-20>
- <https://www.thehindu.com/news/national/other-states/assam-to-relaunch-drive-against-child-marriage-in-september/article67255276.ece>
- <https://www.unfpa.org/news/dependent-deprived-child-brides-india-tell-their-stories>
- <https://www.youtube.com/watch?v=AWrC0WucyMk>
- *Indian Christian Marriage Act, 1872*
- *National Crime Records Bureau (NCRB)*
- *Prohibition of Child Marriage Act, 2006*
- *The Hindu Marriage Act, 1956*
- *The Muslim Personal Law*

IJLRA