

CHILD MARRIAGE



Girl children as victims of – Child Marriage

- **Child marriage** - legitimizes human rights violations of girl children – under the guise of **culture**, honour, **tradition**, & religion.
- It robs her of her right to education and all other choices in life.
- Has grave consequences for girls' **reproductive** and **sexual health**, impeding their overall development and well-being.
- Becomes a causative factor for high maternal and neonatal mortality, the birth of low-birth-weight babies / physically or mentally deformed babies.
- Hence requires a holistic response with a supportive legal framework from **Governments** & Social actions from **families** and **communities**

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

“**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;

“Child marriage” means a marriage in which either of the contracting parties is a child

☐ **"minor"** - means a person who has not completed the age of **18**

- Offences to be **cognizable** and **non-bailable**

persons who are liable to be punished under the Act:

- *All those adults who are responsible for performing a child marriage*
- *A person who is above 18 years of age and has entered into to a child marriage*
- *Persons who aided, abetted, attended, or had knowledge of child marriage but have not made an effort to prevent it or report the matter*

Punishments:

- ☐ Rigorous imprisonment which may extend to **2 years**
- ☐ Shall also be liable to a fine which may extend to **one lakh rupees**
- ☐ If a person who has committed an offence under the Act - happens to be a **woman** she will be exempted from imprisonment.

❖ Even when the **male party to the marriage** is defined as a child when he has not completed 21 years of age he could also be punished under this Act if he is over 18 years of age and marries a girl who is under 18 (section

9). If the marriage is consummated, then there is also a possibility of getting prosecuted under the POCSO act

It is the duty of the State Government to nominate at least one person in each District as 'Child Marriage Prohibition Officer', with powers to act under this Act.

The legality of child marriage: *A child marriage is voidable at the option of a party to the marriage who happened to be a child at the time of the marriage, by petitioning in the court for the declaration of the marriage as null and void, provided such a petition is made in the following manner: If the petitioner happens to be a minor, he or she could petition through a guardian or a next friend along with the Child Marriage Prohibition Officer.*

If the petitioner has crossed 18 years of age, he or she could file a petition independently, provided it is done within the period of two years after attaining the age of majority.

*Otherwise, the marriage remains valid even though the persons responsible for it could be punished under this act. **A Child Marriage could be declared void at any point in time** – when a child had been enticed without the knowledge of*

his or her guardian, compelled by force, deceit, or when a child was found to be sold for the purpose of marriage.

There is an attempt to raise the minimum age for marriage for a female from 18 to 21 – but implementation is yet to happen.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

<https://www.iccwtnispncanarc.org/upload/pdf/9590410353The%20prohibition%20of%20child%20Marriage%20Act.pdf>

Author: MINISTRY OF LAW AND JUSTICE

NATIONAL STRATEGY DOCUMENT ON PREVENTION OF CHILD MARRIAGE

<https://www.iccwtnispncanarc.org/upload/pdf/936457624Strategychildmarriage.pdf>

Author: MINISTRY OF WOMEN AND CHILD DEVELOPMENT, 2013

HANDBOOK ON CHILD MARRIAGE PROHIBITION ACT ,2006

<https://www.iccwtnispncanarc.org/upload/pdf/723966688Child-Marriage-handbook.pdf>

AUTHOR: MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
ENDING CHILD MARRIAGE AND ADOLESCENT EMPOWERMENT

[HTTPS://WWW.UNICEF.ORG/INDIA/WHAT-WE-DO/END-CHILD-MARRIAGE](https://www.unicef.org/india/what-we-do/end-child-marriage)

AUTHOR: UNICEF INDIA

CHILD MARRIAGE AND ITS IMPACT ON HEALTH: A STUDY OF PERCEPTION AND ATTITUDE IN NEPAL

[HTTPS://WWW.JOHR.ORG/ARTICLE/88951-CHILD-MARRIAGE-AND-ITS-IMPACT-ON-HEALTH-A-STUDY-OF-PERCEPTIONS-AND-ATTITUDES-IN-NEPAL](https://www.joghr.org/article/88951-child-marriage-and-its-impact-on-health-a-study-of-perceptions-and-attitudes-in-nepal)

AUTHOR: JOURNAL OF GLOBAL HEALTH REPORT

YOUNGER AGE IN ADOLESCENT PREGNANCIES IS ASSOCIATED WITH HIGHER RISK OF ADVERSE OUTCOMES

[HTTPS://PMC.NCBI.NLM.NIH.GOV/ARTICLES/PMC8391576/](https://pmc.ncbi.nlm.nih.gov/articles/PMC8391576/)

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