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RESTRICTION OF CHILD MARRIAGE IN INDIA: FACT AND FICTION

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ABSTRACT

Child Marriage is one of the biggest banes that exist in Indian society. While research shows that Child Marriages was a custom in India, there were also reasons for it that made it valid at that time. However those reasons are no longer relevant. Under various Articles in the Constitution of India, children have a right to childhood that is free of responsibilities. Moreover marriage is a contract and any person below the age of 18 years is considered to not have the mental capacity or maturity to get into one. Despite all the above reasons, India has not yet been able to totally stop child marriages. This paper focuses on the origin of child marriage and the restrictions placed over the years. It also speaks about the amendments and the flaws in the system. Apart from the Laws being weak, a major part of the society still believes that it isn't wrong. This is why more awareness and stringent laws need to be created.

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INTRODUCTION

The origin of the custom of child marriage is uncertain and ambiguous and it is not found as to the specific time period in which this social evil was manifested in.¹

Ancient Hindu law was an uncodified law and under that, according to

- a. Mitakshara, the capacity to marriage was attained at the age of seventeen years.
- b. Dayabhaga, when the person turned sixteen years old.

*“Marriage before the age of majority is a plightful reality of many young women across the globe.”*²

The reformist movement against child marriage had begun and had been inspired during the British rule in India by the customs and thoughts that had been followed by the British.

The first law commissioner, who had drafted the Penal Code in 1846, had first conceived the idea of making sexual intercourse between the husband and the wife, below 10 years, an offence.³

After the landmark case of *‘Queen Empress v. Huree Mohun Mythee’*⁴,

“In which an 11 year old girl had died due to the injuries she had received by sexual intercourse with her 35 year old husband. The movement against child marriage picked up soon after.”

This led to a series of amendments. For instance, in 1891, the age of consent for sexual intercourse was raised from 10 years to 12 years by the Criminal Law (Amendment) Act, 1891.⁵ Towards the end of last century, there was a lot of public attention that was being directed towards the improvement of the nation as a whole. Therefore, in 1929, the Criminal Law (Amendment) Act⁶ raised the age of consent again from 12 to 13 years in case of married girls.

In the year 1927, multiple bills were introduced against the age aspect of child marriage as well as child marriage. Rai Sahib Harbilas Sarada was one person who introduced a Bill. This Bill

¹Child Marriage, Child Marriage is a Violation of Human Rights but is All Too Common, UNICEF, April 2020, <https://data.unicef.org/topic/child-protection/child-marriage/>

² Dr. Vandana, Child Marriage Under Hindu Personal Law: Factum Valet or An Issue For Protection of Human Rights Of Women, Vol.1, ILI Law Review, 2017.

³ Dr. Vandana; CHILD MARRIAGE UNDER HINDU PERSONAL LAW: FACTUM VALET OR AN ISSUE FOR PROTECTION OF HUMAN RIGHTS OF WOMEN; Volume 1; Pg. no 147.

⁴ ILR 1891 Cal 49.

⁵ Act 10, Criminal Law (Amendment) Act, 1891.

⁶ Criminal Law (Amendment) Act, 1929.

was introduced to restrain the validation of child marriages among Hindus, by declaring such marriages invalid when either of the parties was below the prescribed age. The Bill finally got formed into the Child Marriage Restraint Act, 1929⁷. This act was popularly called the ‘Sarda Act’. It was named after the person who had proposed such a Bill.

Further to the passing of this act, multiple amendments were made and finally this act was repealed and replaced with the Prohibition of Child Marriage Act, 2006.⁸

Apart from the acts that have been passed, there are judgements that also support the restriction of child marriage in India. Over the years there has also been a conflict with regards to whether this act shall prevail over the personal laws of various religions. Judgements have been passed but there is no specific judgement by the Supreme Court to settle this point. Thus, the state of ambiguity and irregularity is not resolved yet.

The paper will also discuss the relation of the Prohibition of Child Marriage Act, 2006 with the personal laws of every religion. Child marriage manifests itself as a grave social evil which not only infringes upon the rights of the child cherished by various UN instruments⁹ but also violates the Constitutional commitment contained in the directives principles of the Constitution of India.¹⁰

RESEARCH OBJECTIVE

The purpose of studying this topic and for writing this research paper is to have a better understanding on the Restriction of Child Marriage in India: Fact and Fiction.

The main objectives of this research paper are as follows:

1. To understand the concept of Child Marriage in India
2. The find out and observe the development of laws restricting child marriage
3. To find out the flaws in these laws and what is lacking and why it has not been implemented properly.
4. To understand what can be done to implement such laws to its full potential to completely restrict child marriage in India.

⁷ Child Marriage Restraint Act, 1929.

⁸ Prohibition of Child Marriage Act, 2006

⁹ Universal Declaration of Human Rights (1948); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966); UN Convention on Elimination of All Forms of Discrimination Against Women (1979); UN Convention on the Rights of the Child (1989).

¹⁰ Constitution of India, 1950 art 39(f):– “The State shall direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditional of freedom and dignity”.

RESEARCH QUESTIONS

The paper will attempt to answer the following questions, bases on which research for the following paper has been conducted. The questions are as follows:

1. What are the laws that have been enacted over the years restricting child marriage in India?
2. What are the developments that have taken place over the years?
3. What are the flaws in the laws, proving as to why child marriage has not been completely removed or prohibited in India?
4. What are the developments that are needed to be taken to implement the restriction of Child Marriage in India?

CHAPTER I - CHILD MARRIAGE IN INDIA

HISTORY:

The concept of Child Marriage dates back to pre-colonial era, however the first case with regards to it was in the year 1885, known as the Rukhmabai case. In the city of Bombay, when Rukhmabai, a child bride who was then a 22 year old highly educated woman, decided to refuse to join her then husband, he then filed a suit for restitution of conjugal right. These rights were a remedy introduced by the British. Nevertheless, she contested against the suit which created a division in public opinion.

The suit was initially dismissed by a single judge¹¹, who criticized the remedy. The order was then reversed¹² in the appeal.

*'This dismissal was, however, appealed and the case was ultimately settled out of Court. However, Rukhmabai's controversial stance sparked unprecedented public debate, and she went on to become a leading voice against child marriage'.*¹³

The question on child marriage was brought up again in 1891, post the death of an 11-year-old girl. Her death was found to have been caused by injuries inflicted upon her in the process of sexual intercourse by her 35-year-old husband. The Court held that *"rape law did not apply*

¹¹ Dadaji Bhikaji v. Rukhmabai, ILR (1885) 9 Bom 529.

¹² Dadaji Bhikaji v. Rukhmabai, ILR (1886) 10 Bom 30.1.

¹³ SUDHIR CHANDRA, ENSLAVED DAUGHTERS: COLONIALISM, LAW AND WOMEN'S RIGHTS 15-41 (Oxford University Press, 1998).

during marriage after the age of 10 years.”¹⁴ The case led to the legislation of the “Age of Consent Act, 1891”¹⁵ which raised the “minimum age of marriage of a girl to 12 years.”¹⁶

CURRENT:

As per UNICEF report of 2019, a yearly data plan is collected and compiled to form the ‘Ending of Child Marriage – A profile of Progress in India’¹⁷. The key facts that the report states that is:

1. One in three of the world’s child brides lives’ in India. Out of the country’s 223 million child marriages, 102 million are married before the age of 15 years.
2. Over Half of India’s Child brides live in: Bihar, Uttar Pradesh, West Bengal, Maharashtra and Madhya Pradesh.
3. India ranks 4th amongst the eight South Asian Countries in terms of the prevalence of Child Marriage.
4. It was also found that more than 40% children were married in their childhood. This varies from a percentage of 43% in Bihar and 42% in West Bengal in comparison to a 2% rate in Lakshadweep.
5. This is usually in occurrence with certain factors such as poor household, different levels of education, customs and religious based.

The report also stated that, the practice of child marriage is less prevalent in today’s world in comparison to past generations. The progress has been accelerating. However, the progress needs to be four times faster than the current pace to reduce child marriage to 1 in 20 marriages by 2030 compared to one in four as seen today.

ANALYSIS BETWEEN THE ORIGIN OF CHILD MARRIAGE AND THE CURRENT SYSTEM

¹⁴ *id.* 1.

¹⁵ Age of Consent Act, 1891.

¹⁶ Sunil Gupta; Court of India- Past to Present: Review of a Judicial Dreambook; (2017) 2 SCC J-1.

¹⁷ United Nations Children’s Fund, ‘Ending Child Marriage: A profile of child marriage in India’, UNICEF, New York, 2019, <https://data.unicef.org/resources/ending-child-marriage-a-profile-of-progress-in-india/>.

Child marriage was a custom in the olden days. The term custom means “any practice that had been followed for a number of years.” While analyzing the origin of child marriage along with the changes in the reason behind it, the following points were noticed:

1. In the past, child marriage was also considered as a bond or an agreement between two families. The children of royal families were betrothed to each other as an agreement that the kingdoms shall unite as one.
2. This practice was prevalent to ensure either the safety of their kingdom or as a repayment for an act or service done.
3. In fact, in a study on the Mughal Empire it was noticed that the “*average age of marriage was 14 years for a girl and 18 years for a boy*”¹⁸.

Basically, back then the reason for marriage was to maintain ties with other kingdoms.

However this changed over the years and the reasons that it is still prevalent in India is due to the following point:

1. Girls were considered as a burden to the family
2. Many did not believe in educating the girl child and felt getting her married at a younger age would save money
3. Economic Status

These are some of the main reasons for the continued prevalence of child marriages. While it has not been completely removed from the system, it has reduced to a large extent. The creation of Laws and Acts, Right to Education for All, various movements that uplift the girl child along with schemes to encourage families to educate their daughter as well etc. have contributed to a large extent in the reduction of this practice.

It has been a long and difficult process to educate and convince our Society that the origin and reasons for Child Marriages is no longer relevant in this time and age. Society at large is being made aware of importance of Education and good health which would equip people to lead a better life.

CHAPTER II - RESTRICTION

CHILD MARRIAGE RESTRAINT ACT, 1929

¹⁸ Baburnama , p. 35. Among Timurids, brides could also be of same age or even older to groom as was the case with Babur's aunt, Khub-nigar who was a year elder to her husband. (Humayun Nama) Pg. 253.

Post the cases that had taken place with regards to the horrors of child marriage, the Child Marriage Restrain Act, 1929¹⁹ was the first attempt made by the colonial government to secure a preventive approach rather than a stringent prohibitive approach. This limited the effectiveness of the act.

The first documented definition of child marriage was stated in the act. The act stated that:

*‘Any girl below the age of 14 years and any boy below the age of 18 years comes under the scope of Child Marriage’*²⁰irrespective of either parties religion.

One of the methods used to discourage the continuance of Child Marriage, the act set a fine of Rs. 1000 for any man, who is between the age of 18 and 21 years who chooses to marry or is married to a girl below the age of 14 years.²¹

If the man was above the age of 21 years, he would be subject to either 30 days of simple imprisonment, a fine of Rs. 1000 or both.²²

The act did not only penalize the man but also laid down a corresponding liability to the parents of the girl along with the person solemnizing such a marriage.²³

It can be concluded that the purpose of the act was only aimed at preventing the child marriage from taking place and not the eradication of such a system or considering such a marriage void or voidable.

In 1949, the Child Marriage Restraint Act further amended the minimum age of the parties and also increased the level of punishment for violation of the same.

For females, the age was increased from 12 years to 15 years, whereas the age remained the same for male (18 years). If a male between the age of 18 and 21 years marries a girl below the age of 15 years, they shall be punished for 15 days of simple imprisonment or with a fine of Rs. 1000 or both. If the man is above the age of 21 years, he shall be punished with 3 months of simple imprisonment along with an unspecified amount as fine. However, this does not only apply to the male but also to the parents or guardian of the girl who is being married.

CHILD MARRIAGE RESTRAIN ACT, 1978

¹⁹ Child Marriage Restraint Act, 1929.

²⁰ Section 3, Child Marriage Restraint Act, 1929.

²¹ Section 4, Child Marriage Restraint Act, 1929.

²² Section 5, Child Marriage Restraint Act, 1929.

²³ Section 6, Child Marriage Restraint Act, 1929.

In the year 1978, the age was amended to what the current age of majority is which is 18 years for females and 21 years for male.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

The Preamble of the PCMA states that it is “*An Act to provide for the prohibition of solemnization of child marriages and for matters connected therewith or incidental thereto*”. To this end, the Act provides for the appointment of Child Marriage Prohibition Officers by the State Governments and empowers them to prevent and prosecute the solemnization of child marriages. Additionally, they are mandated to create awareness as to the evils of the practice of child marriage.

As defined under the Prohibition of Child Marriage Act, 2006, a child is “*a person who, if male, has not completed twenty-one years of age, and if female, has not completed eighteen years of age*”²⁴. Hence, child marriage is essentially the marriage in which either of the contracting parties is a child²⁵. Whatever definition used in the act is in accordance with the Indian Majority Act, 1875.²⁶

Section 12 of the act provided that a child marriage is void when the child in question is taken or enticed out of the keeping of the lawful guardian, is compelled or deceitfully induced to go from some place or is sold or trafficked or used for immoral purposes.²⁷

HINDU MARRIAGE ACT, 1955

Under section 5(iii)²⁸ of the Hindu Marriage Act 1955, the age of majority or the minimum age for marriage is 18 years for females and 21 years for males (for Hindus). This is with amendment to the Child Marriage Restriction Act, 1978.

As of now, the penalty that has to be dealt with by both the parties is 2 years rigorous imprisonment or a fine up to Rs. 1 Lakh or both.²⁹

CHAPTER III - IMPLEMENTATION

²⁴ Section 2(b), Prohibition of Child Marriage Act, 2006.

²⁵ Section 2(f), Prohibition of Child Marriage Act, 2006.

²⁶ Indian Majority Act, 1875.

²⁷ Section 12, Prohibition of Child Marriage Act, 2006.

²⁸ Section 5(iii), Hindu Marriage Act, 1955

²⁹ Section 18(a), Hindu Marriage Act 1955.

FLAWS WITH THE SYSTEM

In India, the laws regarding child marriage are termed as inadequate. Even though the legislature seeks to discourage child marriage, no steps have been taken to ban the continuation of child marriage in India.

This line of critique is most appropriate in terms of the validity of child marriages, a controversial question of law that has caused outrage amongst women and child activists³⁰ and distinct judicial discomfort.³¹

Historically, child marriages have been considered legally valid. From the outset, the legislative intention appears to have been to make participation in a child marriage punishable, without disturbing the actual validity of the marriage. This position has been consistently upheld by the judiciary. For instance, in the initial Child Marriage Restraint Act (1891), the judgment of **Venkatacharyula v. Rangacharyula**,³² the Madras High Court indicated that the minority of the parties would not affect the validity of the marriage.³³ This position was accorded legislative sanction with the enactment of the Child Marriage Restraint Act in 1929. Though the punishments were made more rigorous over time, the Act remained silent on the validity of a child marriage, implying that irrespective of the punishment of the concerned persons, a marriage contracted in violation of its provisions would remain valid. This conclusion received judicial recognition on a number of occasions. In the case of **Munshi Ram v. Emperor**³⁴ commenting on the Child Marriage Restraint Act, the Court noted that:

“The Act aims at and deals restraint of the performance of the marriage. It has nothing to do with the validity or invalidity of the marriage. The question of validity and invalidity of the marriage is beyond the scope of the Child Marriage Restraint Act, 1929”.

Similarly, in the case of **Moti v. Beni**³⁵ which involved the custody of a girl of 13 years, who was married to one Moti. The District Magistrate had ordered that since the girl was only 13,

³⁰Sana Shakil, *Child Marriage not Void, but Voidable*, THE TIMES OF INDIA, 2nd November 2013, available at: <http://timesofindia.indiatimes.com/city/delhi/Child-marriage-not-void-but-voidable-Court/articleshow/25141870.cms>, (20th October 2020).

³¹ Court on its own Motion (*Lajja Devi*) v. *State*, (2013) CriLJ 3458, where the Court acknowledged its inability to declare certain child marriages invalid.

³² *Venkatacharyula v. Rangacharyula*, (1891) ILR Madras 316.

³³ In this case, the marriage of a girl was solemnized without the consent of her father, after her mother had falsely informed the priest that the father's consent had been obtained. The Court, however, held that if all the relevant ceremonies had been duly conducted, it would be a valid marriage, notwithstanding the minority or other incapacitation of the parties.

³⁴ *Munshi Ram v. Emperor*, (1936) AIR All 111.

³⁵ *Moti v. Beni*, AIR 1936 All 852.

she could not be legally married and the proper custodian was her mother, and not her husband. The High Court, however, reversed this order, and, while criticizing the lower Court for acting without jurisdiction, remarked:

“It is true that celebration of this marriage may have contravened the provisions of the Child Marriage Restraint Act, 1929; but marriage of a child is not declared by the Child Marriage Restraint Act, 1929 to be an invalid marriage. The Act merely imposes certain penalties on persons bringing about such marriages”.

This position was repeated by the Orissa High Court in 1961³⁶ when the Court categorically stated that the Child Marriage Restraint Act does not invalidate a marriage despite it being solemnized in contravention with the provisions of the Act.

The enactment of the Hindu Marriage Act, 1955 did little to question the validity of child marriages. Though Section 5(iii) prescribes the age limit for a valid marriage, a marriage solemnized in contravention of the same is neither void nor voidable under Section 11³⁷ and Section 12³⁸ of Hindu Marriage Act, 1955. The only legal consequence for the violation of Section 5(iii) is punishment under Section 18(a) of the Act.³⁹

“The validity of child marriages under the Act has been repeatedly recognized by Courts.”⁴⁰

Judges have continuously questioned that the legislature, in its wisdom, has omitted incorporating any provision dealing with the invalidity of child marriages, and it is not the duty of the Court to fill the legislative gap.⁴¹

The validity of child marriages has been recognized in other proceedings as well. For instance, in a bigamy proceeding under “Section 494 of the Penal Code, 1860”⁴², the defendant pleaded before the “Bench of the Andhra Pradesh High Court”⁴³ that his first marriage was a nullified since it had been contracted when he and his wife were 13 and 9 years of age respectively. Considering the scheme of the Act, the Court observed that neither Section 11 nor Section 12

³⁶ *Birupakshya Das v. Khajubehare*, AIR 1961 Ori 104.

³⁷ As per Section 11 of the HMA, only those marriages solemnized in contravention with Section 5(i), 5(iv) or 5(v) are declared to be void.

³⁸ Section 12, HMA refers to a number of grounds, relating *inter alia* to impotency and mental capacity. However, it does not mention the age criterion.

³⁹ Section 18(a), HMA prescribes for “every person who procures a marriage for himself or herself in contravention of Section 5(iii) a punishment of rigorous imprisonment of up to 2 years, or fine up to Rs. 1 lakh, or both.

⁴⁰ *Kalawati v. Devi Ram*, AIR 1961 HP 1; *Ma Hari v. Director of Consolidation*, (1969) AIR All 623.

⁴¹ *Premi v. Dayaran*, AIR 1965 HP 15.

⁴² Section 494 of Indian Penal Code, 1860.

⁴³ *Venkata Ramana v. State*, AIR 1977 AP 43.

makes any reference to the violation of the age rule. Consequently, it held that the silence of the legislature about the legal effect of the violation of Section 5(iii), save for punishment under Section 18, clearly indicates the absence of legislative intent to nullify child marriages. The validity of a child marriage with respect to the Hindu Marriage Act was subsequently recognized by the Apex Court in “*Smt. Lila Gupta v. Laxmi Narain*,”⁴⁴ and more recently, by the “Delhi High Court, which stated that its judgment was based on public policy, and that the legislature was conscious of the fact that if marriages performed in contravention of the age restriction are made void or voidable, it could lead to serious consequences and exploitation of women.”⁴⁵

The enactment of the Prohibition of Child Marriage Act certainly raised hopes of a more aggressive legislative stance towards child marriages. In a significant departure from the earlier position, a child marriage has been made voidable at the option of the child contracting party. However, “it is clear from the scheme of the Act that the legislature has limited itself to voidable and has stopped short of declaring child marriages void.”⁴⁶ The implication is that a child marriage, once solemnized, shall remain valid, subject to the acquiescence of the child party. This legal position has been expressly recognized by the Law Commission, which states that:

“The law, however, does not make a marriage invalid whether it is performed when the child is an infant or later at puberty or adolescence.”

Further, in declaring such marriages are only voidable, the legislature has effectively placed the burden of eradicating child marriage upon child parties themselves. Though Section 3(2) provides in the case of a minor child party that a petition may be presented by the child's guardian or next friend along with the Child Marriage Prohibition Officer, it is clear that the initial burden is upon the child to not only be aware of his or her right, but also to come forward with the intention to exercise the same.

In light of the widespread illiteracy and poor socioeconomic conditions prevalent in India, the viability of such a mechanism does not inspire confidence. In such a situation, it is impractical and unfair to expect the child to possess the means and capacity to approach the Court.

⁴⁴ *Smt. Lila Gupta v. Laxmi Narain*, (1978) 3 SCC 258.

⁴⁵ *Manish Singh v. Govt. of NCT of Delhi*, (2006) 1 HLR 303.

⁴⁶ There is, however, a limited set of circumstances under which a child marriage shall be void. S. 12 of the PCMA prescribes that if a child, being a minor, is (*inter alia*) sold for the purpose of marriage or married in the course of trafficking and so on, such marriage shall be null and void.

CHAPTER IV – ANALYSIS AND CONCLUSION

What can be understood from the above information that has been provided, it is widely clear that the Prohibition of Child Marriages Act is filled with space for confusion as well as contradiction. Even though the Law is constantly developing to meet the changes of society it seems to have skipped this concept. The fact that Child Marriage in the 21st Century has still not been made void speaks a lot. Child Marriage is in fact a barrier to a child's Right to Life as getting married at such a young age also places a lot of responsibilities on the child to act or behave in a particular manner.

There does not seem to be many differences between the Child Marriage Restraint Act which was repealed by the Prohibition of Child Marriage Act. It does not have the capability of preventing the continuation of Child Marriage in India.⁴⁷ The present data⁴⁸ that has been collected by UNICEF, which talks about the rapid pace at which child marriage is increasing, only testifies the weakness of law before this social level.

In the current scenario, the act permits child marriage and essentially lays a base for child abuse by failing to nullify or invalidate these marriages. These acts have failed to observe and tackle the main issue that underlies the basis of child marriage in India.

SUGGESTIONS OR METHODS TO INVALIDATE CHILD MARRIAGE

1. The first method or step to invalidating child marriage is to get the legislative to give a definite meaning of what constitutes a child marriage and after this has been clarified, declare child marriage VOID and not just voidable.⁴⁹
2. These steps would require a substantial amount of political power or will, but this would lead to a long term gain of eradicating child marriage. Another main issue is the constant difference between 'child' and 'majority'. Once there is a constant definition for who is considered a child (both male and female below the age of 18 years)⁵⁰ and who comes

⁴⁷ A recent survey reported that the PCMA had brought about only around 400 convictions in 2012. See, Sana Shakil, *Child Marriage not Void, but Voidable*, THE TIMES OF INDIA, 2nd November 2013, available at: <http://timesofindia.indiatimes.com/city/delhi/Child-marriage-not-void-but-voidable-Court/articleshow/25141870.cms>, (12th September 2020).

⁴⁸ *id.* 18.

⁴⁹ The Law Commission has recommended (at p. 43) that marriages of parties under the age of 16 should be made void, and those between 16 and 18 years of age be made voidable. Considering the present rampancy of child marriages, this is indeed a useful *via media* for the legislature to consider. However, the authors believe that this would continue to be a half-baked approach, and ultimately that if the age of marriage is to be harmonized with *at least* the age of majority, the legislature would do well to adopt this approach right from the outset.

⁵⁰ "There is no scientific reason for the difference in age of marriage between boys and girls." Law Commission Report, p. 45. This also finds support in Article 1 of the UN Convention on the Rights of the Child [Convention

under the ambit of major, there won't be a clash of definitions as seen under the prohibition of child marriage act.

3. Since, the concept of child marriage comes under a different category of Family Law, it has been suggested that there is a harmonized definition of child amongst all personal laws creating uniformity at least with regards laws related to child marriage. This is with reference to the case of '*Court on its motion (Lajja Devi) v. State*⁵¹ where it was decided by the Delhi High Court the Prohibition of Child Marriage Act shall override all personal laws.
4. This will highlight the importance of preventing child marriages irrespective of any such social or religious differences.
5. The only possible and viable solution is to make amendments to the current acts which have not officially made child marriage void. Only when action is taken, there can be a fear against the consequences. The main problem as to why child marriage has not been curbed is due to the fact that it has not been considered as void and only as voidable making it considerable under the wishes of the child and the respective guardian.
6. Stricter implementation of the schemes that have been created to promote education for the all.

on the Rights of the Child, Art. 1, *entered into force* Sept. 2, 1990, 1577 UNTS 3] as per which a child is defined as any person below the age of 18.

⁵¹ Court on its own Motion (*Lajja Devi*) v. State, (2013) Cri LJ 3458.