

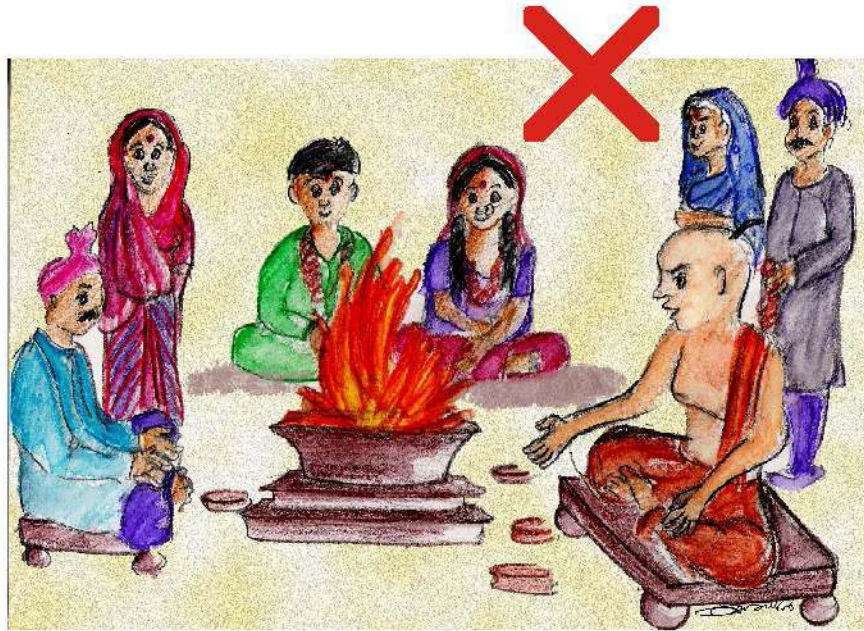
## CHAPTER VII

### CHILD MARRIAGE

Sheila was a teacher in a local school. She was extremely worried and distressed since the moment she came to know that one of her students named Chunni, a little girl who was barely 8 years old, was getting married on the day of Akshaya Tritiya, along with many other minor children in a mass marriage ceremony and sought Meera Didi's aid and advice on the issue. On hearing this Meera didi decided to immediately meet Chunni's parents. On reaching her place, she asked all the elders of the house and tried to confirm whether such marriage was actually going to take place? On hearing this, Chunni's father happily informed her that his daughter is fortunate enough to get a good family to be married in to. On learning this, Meera didi told Chunni's parents CHILD MARRIAGE is not only illegal but also adversely affects the health of the children.

#### **Child marriage is prohibited:**

The Prohibition of Child Marriage Act, 2006 prohibits solemnization of marriage of a boy who is less than 21 years of age and a girl who is less than 18 years of age.



**Right of a child who is married to get the marriage annulled:**

- The Law gives a right to a party who was a child at the time of his/her marriage to get the marriage declared as a nullity. If the child is less than 18 years of age and wants to file get the marriage annulled then such petition may be filed through his/her next friend/guardian along with a Child Marriage Prohibition Officer. However if he/she has to file petition for obtaining a decree of nullity after attaining the age of 18, then they can file the petition on their own.
- On such marriage being declared a nullity, the money, valuable, ornaments and other gifts exchanged between the parties have to be returned.
- The court may also pass an interim or final order to the husband or his parent/guardian if the husband is less than 18 years of age, to pay maintenance to the wife till her remarriage.

- If any children are born from such marriage, the Court can also decide on their custody, keeping in mind their best interests. It is to be noted that children born from child marriages are legitimate.

### **Who can be punished for child marriage?**

- A man who is above 18 years of age and marries a girl who is less than 18 years of age can be punished with two years of rigorous imprisonment or with fine which may extend to one lakh rupees or with both.
- The person who performs, conducts or abets child marriage can be punished with two years of rigorous imprisonment or with fine which may extend to one lakh rupees or with both.
- Any person who promotes or permits child marriage can also be punished with two years of rigorous imprisonment or with fine which may extend to one lakh rupees or with both. However, no woman can be punished with imprisonment.

### **Power of the Magistrate to issue injunction prohibiting child marriage:**

On receiving an information that a child marriage is about to be arranged or solemnized, he can issue an injunction against any person prohibiting such a marriage.

A Magistrate can issue injunction in the following cases:

- On a complaint being filed by person who knows or has any reason to believe that such marriage is about to be conducted, or by an NGO.
- If an application is made by a Child Marriage Prohibition Officer.
- Or even on his own when he receives reliable information about such marriage or to prevent solemnization of mass marriages on certain days like Akshaya Tritiya.

Any person who knowingly disobeys such injunction may be punished with two years of rigorous imprisonment or with fine which may extend to one lakh rupees or with both, but no woman can be punished with imprisonment.

### **Ill-effects of Child marriage:**

- Serious health hazards.
- HIV , Anaemia , gynecological problems.
- Pregnancy is a leading cause of death and disability among young women aged 15 to 19.
- Stops the educational, social and economic growth of girls.

Meera didi was finally able to convince Chunni's parents that they should let their daughter finish her education first, so that she could become self-dependant and confident in life and make them proud parents. Marriage is a beautiful institution, but one should be wise and mature enough to understand, appreciate and enjoy marital relationship. It is therefore extremely important that marriage is solemnized at the right age, i.e. the girl and the boy should at least be 18 and 21 years of age respectively.