

**INTERNATIONAL JOURNAL OF LAW**  
**MANAGEMENT & HUMANITIES**

**[ISSN 2581-5369]**

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**Volume 5 | Issue 3**

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**2022**

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# Child Marriage in India: A Social Legal Analysis

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## ABSTRACT

*Marriage, as a way of generating a family through which society can continue to exist from generation to generation, is the most important social institutions. This social process is expressed through rituals and symbols. In India, on the other hand, 45 percent of females under the age of 18 are married. With 74.5 percent of children under the age of 18 married, Niger tops the world, followed by Chad, Mali, Bangladesh, Guinea, and the Central African Republic, with 71.5, 70.6, 66.62, 63.1, and 57 percent, respectively. The majority of females who marry before they turn 18 come from impoverished or below-poverty-line (BPL) homes, with both their families and themselves being illiterate. Domestic abuse (beatings, slaps, or threats) and health concerns are implicated in the majority of these child marriages, and it affects more than 80% of girls physically and mentally.*

*Pregnant girls under the age of 18 are more likely to experience problems, and there have been reports of deaths, early births, and other complications during childbirth. Girls under the age of 15 had a five-fold higher chance of dying following childbirth than women in their 20s. Fertility is very high among young persons under the age of 18. In child brides, feelings of hopelessness, helplessness, and severe depression are common prodrome of sexual assault and post-abrasion stress disorder.*

*For decades in India, children have been married. Their numbers have recently decreased as a result of the adoption and implementation of several anti-practice regulations. Child marriage is particularly widespread in tribal parts of Tamil Nadu. This study questioned 153 girls who were married before they became 18 years old. 65 percent of the sample married between the ages of 17 and 18, 28 percent between the ages of 15 and 16, and 7.2 percent between the ages of 13 and 14. The reasons for the child marriages, the age at which the respondents had their first child, and the forms of maltreatment they suffered all help to put the plight of married female minors into perspective.*

*As a society, there are few things we can do to aid and support the government in teaching our societies or population (citizens/civilians) on the implications and repercussions of child marriage, as we know that little girls are more likely or are the major victims of child marriage than male children, and they have no power or say, so as a society, we should try our hardest to alter so that the system may be demolished.*

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**Keywords:** *Child, Marriage/Union*

## I. INTRODUCTION

A child, as per law and a universal acceptance, is a young person who is considered to be under eighteen years or still in his or her puberty.

Whereas, marriage, is a sanctioned union between two people of sound mind and of legal age to get married which for girls is 18 and boys 21.

children's right to be free of cruelty, persecution, and maltreatment is compromised by early marriage. Both girls and boys are affected by early marriage, albeit females are affected more than boys.

It encompasses including legal and impromptu alliances wherein children below the age of eighteen dwell with a spouse simply whether they were hitched.

The end of a child's childhood is when he or she marries. It jeopardizes children's educational, health, and safety rights. Not only the child, but her family and community are affected by these consequences.<sup>3</sup>

Married young girls are especially inclined will quit school, barely work, and thus will not provide back to their people. Female is more prone to incur domestic assault and contract HIV/AIDS. Woman or a girl is somewhat inclined to have children whilst still in her adolescent period. Issues in her childbearing do have greater chance of her death.

According to estimates, India is the world's foremost generator of early marriage, amounting for a third of the entire total global. Overall, around 16% of younger girls between both the ages of 15 and 19 get wedded.

Whereas the number of girls married before they reach 18 has plummeted from 47 percent in 2005-2006 to 27 percent in 2015-2016, it is too high.<sup>4</sup>

India's extraordinary success in eliminating child marriages has significantly contributed to the global fall in the prevalence of the practise. The decline could be attributed to a number of factors, including increased maternal literacy, enhanced access to education for girls, strong legislation, and migration from rural to urban areas. Increased rates of girls' education, vigorous government investments in teenage girls, and significant public messages about the immorality

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<sup>3</sup> UNICEF India, ending child marriage and adolescent empowerment, UNICEF (March 11 2022, 9:00 PM). <https://www.unicef.org/india/what-we-do/end-child-marriage.html>.

<sup>4</sup> UNICEF India, ending child marriage and adolescent empowerment, UNICEF (March 11 2022, 9:03 PM) <https://www.unicef.org/india/what-we-do/end-child-marriage.html>.

and illegality of child marriage and the damage it causes are some of the reasons for the shift.<sup>5</sup>

Girls and boys who marry as children are more likely to lack the skills, education, and work opportunities required to lift their families out of poverty and contribute to the social and economic growth of their country. Girls who marry young have younger children and have more children throughout their lives, putting a larger financial drain on their families. Many governments' failure to make large investments to prevent child marriage is likely due to a lack of convincing economic justification for doing so.<sup>6</sup>

As a form of gender stereotypes that value females less than boys, girls are perceived to have no more option but to marry. In anticipation for their marriage, they are also required to help with domestic responsibilities and take on family obligations.

Evidence demonstrates that delaying marriage past the age of majority, improve their health and wellbeing and nutritional condition, aiding girls in moving to secondary education, and assisting them in obtaining marketable skills are all key game makers for adolescent girls' empowerment, allowing them to recognise their economic viability and transitioning into healthy, successful, and empowered adults.<sup>7</sup>

#### **(A) Review of literature**

Early marriage or child marriage, it is a great problem in our developing nations or societies of today we are on the verge of fighting it or ending it. But due to how the scope of our societies is it is really hard for the practise to be abolished completely due to various issues such as, most developing countries have the highest population example; India, Nigeria, Mali, central republic and so many others, and the illiterate ones are the ones in high population and also the governments' do not have enough funds to reach out to every family or member society in the country.

Thus, on the basis of this research we are trying to find possible solutions that can be done or take place to fight early or child marriage in our developing countries and our study is largely based on India but we also discuss few other countries specifically the Sub-Saharan African countries as they are also leading with high number or percentage of the practise of early or child marriage.

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<sup>5</sup> UNICEF India, ending child marriage and adolescent empowerment, UNICEF (March 11 2022, 9:10 AM). <https://www.unicef.org/india/what-we-do/end-child-marriage.html>.

<sup>6</sup> UNICEF India, ending child marriage and adolescent empowerment, UNICEF (March 11 2022, 9:10 AM). <https://www.unicef.org/india/what-we-do/end-child-marriage.html>.

<sup>7</sup> UNICEF India, ending child marriage and adolescent empowerment, UNICEF (March 11 2022, 9:12 AM). <https://www.unicef.org/india/what-we-do/end-child-marriage.html>.

**(B) Research Gap****Whether the institutional-societies specifically religious are ready for a change?**

Most of the religious institution in our societies do not defend or protect the weaker members to be specific it is children and women of the society and it is a big issue. Most of the religious institutions such as Islam, Hinduism, Christianity and other religions most do not thoroughly protect children or youth on early marriage because the religious laws defend the people who tend to oppress the youth, Such that the religions such as Islam, Hinduism and Christianity marrying age of girls is from 15 years of age which is not an ideal age for them to get married as they are still young and not well matured to face the responsibilities that come with taking over family responsibilities and bearing of children at a young age.

Thus, it is also urged that the religious institutions should amend the religious laws that support and agree on early marriage, and their daily teachings to their followers and believers on the effects of early marriage of the youth should be amended for the betterment of the society.

**(C) Significance of the study**

This research study is important as I get to know more and learn more on the effects and causes of early marriage and most importantly to girls at a young age and what should be done to fight against the practise and further to discover more ways, we as a society can embark on how to eliminate early or child marriage in our societies.

**(D) Hypothesis of the study**

I think Early or child marriage can be eliminated if we as a society work together and not leave it only for the government as it is their own and only responsibility to stop the practise of child marriage in the society or around the nation. Thus, we should all take upon the responsibility as whole community to fight the practise as one.

**II. HISTORICAL BACKGROUND OF CHILD MARRIAGE**

For generations, early or child marriage has become a prevalent practise in India. One of the best gifts the British gave the Indian colony, after the railways, was the imposition of strict child marriage laws. Child marriage is firmly ingrained in Indian culture, and it is still prevalent in the 21st century. However, Indians' sentiments towards child marriage have moved from advocates to opponents. Roy (1888) promotes child marriage, emphasising its religious significance as well as the importance of morals among both genders in keeping them from falling into unhealthy habits once they hit adolescence. He has also made reference to the Manu Dharma sutras.

Child marriages began to decline in India in the early 20th century, not only because the British imposed tougher regulations on Indians, including the Prevention of Child Marriage (Sarda) Act, 1929, but because Indian society gradually became aware of the negative effects of child marriage even as critical consequences of child marriage became apparent to many locals. Previous measures, including the Christian Marriage Act of 1872, proved effective, as evidenced by the fact that Christians had a higher average age of marriage in several studies.

Following Independence of India, the new government Indian republic government launched a series of anti-child marriage initiatives. The initial steps taken by the Indian government to increase awareness about child marriage and put an end to it were the Special Marriages Act (1954) and the Hindu Marriage Act (1955). The Sarda Act was revised once more in 1978, raising the legal age for marriage for girls between 14 to 18 years and also for guys from 18 to 21 years. In terms of providing a greater incentive to address this immorality, the 2006 Prohibition of Child Marriage Act was a supplement to its predecessors.

In India, there has been a declining change in the number of early marriages since the early 1900s. Agarwala (1957) notes a decreased trend in child weddings in India from 1911, particularly following the enactment of the Sarda Act in 1929, when examining the point at which people married across different localities and religions. Bhagat (2016) finds similar observations; however, his study does not look at religious differences.<sup>8</sup>

### **III. CHILD MARRIAGE IN INDIA IN DEPTH**

Since ancient times, child marriage has been widely practised, with young children and teens being wedded off well before acquiring physical and mental maturation. For a number of reasons, including economic necessity, male security for their female children, fertility, or restrictive traditional beliefs and traditions, some parents approve to child marriage. Child marriage is defined as a girl or boy married before the age of 18 and encompasses both legal and unstructured marriages in which adolescents under the age of 18 lived with a spouse as if married, according to UNICEF.

Under the Prohibition of Child Marriage Act, 2006, a child is defined as "a person who, is a male or female, really hasn't attained twenty-one years of age, and if a female, has not reached eighteen years of age." This act also declares null and void any marriage between persons under the age of majority. Authorizing or executing child weddings between minors, as well as marrying kids with adults, are all punishable under the law. Despite this, in the United States,

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<sup>8</sup> Parab Prashant, and then I was a bride: An analysis of incidence of child bride across India, *MPRA* 5-6 (2016).

underage marriage is still frequent. In states like Rajasthan, Uttar Pradesh, Madhya Pradesh, Jharkhand, Chhattisgarh, Bihar, and Andhra Pradesh, the average age of marriage for girls is still under the legal age of eighteen.

### **(A) Reasons responsible for Child Marriages**

Women are discriminated against from the moment they are born until they die. Their education, family, socioeconomic condition, profession, and work environment are all affected by discrimination. The institution of child marriage reflects women's discrimination as well. A variety of factors contribute to child marriages, including:

- **Families in Poverty**

Even today in rural places, most women and female children were prohibited access to public resources when their household is poor. Because of the family's poverty, female friends and relatives, particularly female children, suffer. In poor homes, female children are frequently put in peril. Every chance is taken to avoid the responsibility of raising a female child. As a result, one of the reasons why families inevitably resort to child brides to prevent all of the responsibility that comes with having a female child is poverty.<sup>9</sup>

- **Keeping expenditures on female education to a minimum**

Boys and girls are typically separated in most families. Male children are considered potential assets and the economic backbone of the house since they will earn a wage, whereas female children are considered a burden since they do not need to labor and therefore must care after the domestic responsibilities before and after marriage. As just a result of these challenges, female children receive little or no priority.

- **Social Insecurity**

Absence of social security is one of the major socioeconomic factors that contributes to child marriage. When it aware of the cultural offences, many people assume that a married woman is significantly safer than just an unmarried one. Unmarried women are thought to have evil intents, leading to crimes targeting them. As a result, in order to safeguard their girls from crime, attacks, and ridicule targeted at unmarried girls, the families rush to marrying their girls as soon as she hits puberty, if not earlier.<sup>10</sup>

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<sup>9</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 11 2022, 12:50 PM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/> .html.

<sup>10</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 11 2022, 12:57 PM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/> .html.

- Avoiding Ancestral Property Shares

In rural communities, it is common for parents to believe that all of their ancestral property belongs to their boys, and that if they marry their daughters at a young age, they will lose their part. They will not demand a share of the girl child's inheritance if she is married at a young age. As a result, one of the motives for child weddings is the privilege of girls to share ancestral property.<sup>11</sup>

### **(B) Effects of Child Marriage**

- Families' inability to plan or manage

Young girls have less control and influence over their kids, and become less competent of determining dietary, universal healthcare, and household management decisions.

- Fall in High Fertility Age Group.

A young girl who marries is more likely to have several children by becoming pregnant prematurely. Due to the lack of access to modern medical procedures which would allow them to avoid or postpone pregnancy, women are forced to have babies and bear the child.<sup>12</sup>

- The impact on young girls' sexual health

Young females used to feel substantial physical discomfort during sexual intercourse due to the natural development of their sexual organs. Prolonged labour can result in rupture of the kidney or bowel, as well as HIV AIDS and other diseases linked with motherhood at a young age.

- Health Issues in Early Pregnancy

Early pregnancy is commonly the outcome of child marriages, which can result to a number of health problems. If she does not have a sufficient understanding of these themes, she would be unable to cope with the changes in her body physique and sexual behaviour that occur during puberty. Even senior women are no longer able to supply her with suitable guidance. Older women used to keep a tight check on the situation during pregnancy, birth, and the post-delivery period. Today's senior ladies, on the other hand, lack the knowledge and positive mindset that enabled women in the past to get skilled medical help.<sup>13</sup>

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<sup>11</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 11 2022, 13:00 PM) <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child.html>.

<sup>12</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 11 2022, 13:03 PM) <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child.html>.

<sup>13</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 12 2022, 10:00 AM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child.html>.

- **Male Child Aspiration**

Due to the desire for a male child, young girls and women feel motivated to conception quite so many times as they could to till they conceive a child to a male child.

- The bride and groom are very different in age.

In most instances, the bride and her husband are a large age difference. The bride, not the groom, is usually the one that is a child at a wedding for children. Whenever the bride is a teenager, girl is naturally unable to express her opinions on any element of family situation and is forced to obey her husband's wishes.<sup>14</sup>

### **(C)Laws or Provisions against Child marriage in India**

#### **The Child Marriage Restraint Act 1929**

The Sarda Act, also known as the Child Marriage Restraint Act, was designed to prohibit the practise of child marriage. Its main goal was to eliminate the ills that were enforced on young females that were unable to deal with the responsibilities of married life and to prevent premature deaths. A minor was defined as a child of either gender who was 18 years old or younger, which was 14 years earlier. A male child was defined as 21 years or younger, and a female child was described as 18 years or relatively young, correspondingly, that was 18 years and 14 years earlier. A male citizen between the ages of 18 and 21 was sentenced to 15 days in imprisonment or a fine of Rs.1,000, or both, depending on his age. A parent or guardian of the child who was involved in an early marriage could face up to three months in imprisonment or a fine.<sup>15</sup>

#### **Hindu Marriage Act 1956**

According to the Hindu Marriage Act of 1956, there are no particular measures for punishing the guardians or the parents or those who sanctified the marriage. A girl's marriage can only be cancelled if she marries before the age of 15 and challenges the union before the age of eighteen.

As a result, the Hindu Marriage Act of 1956 does not adequately protect the girl child, making it more difficult for intellectuals to question and challenge society in general about the effects of child marriage, or even to prevent marriages from taking place without strong opposition from society, particularly from the lower classes, who are disproportionately impacted by the

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<sup>14</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 12 2022, 10:03 AM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child.html>.

<sup>15</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 12 2022, 10:20 AM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/>.html.

rising number of child marriages.<sup>16</sup>

### **Child Marriage Act 2006**

Child marriage has been a concern in India for a long time. Because of its origins in customary, cultural, and religious practises, it has been a difficult conflict to fight. The issue of early marriage is also connected to dowry and child grief. Famine and hunger, poor maternity care, and high fertility have all been related to overpopulation. A description of the legislation is provided below.

According to the law, a child is a male who hasn't even attained the age 21 and a female who hasn't even attained the age of eighteen. A child marriage is an agreement made between two adults wherein one or both parties are minors. Child weddings that took place either during the passage of this legislation can be deemed illegal by the person who was a teenager under the age of 18 and 21 at the span of the wedding. The marriage must, however, be terminated before the child turns of pubescence.<sup>17</sup>

If the husband asks for the marriage to be annulled, the court may require that he or his parents have to pay for the girl's upkeep until she remarries. The amount of support will be determined by the district court. If the marriage results in children, the judge will determine in which the child will reside, with and which parent or guardian, and how visitation will be scheduled, all in the child's best interests. A court may impose one of the parents to pay the other child support. Every kid born before a marriage is pronounced null and void is regarded as a legitimate child.<sup>18</sup>

A male adult above the age of 18 who enters into a child marriage faces up to two years in imprisonment and a penalty of up to Rs. 1 lakh if he does so. The same sanctions apply to anybody who executes, conducts, or arranges a child marriage. Unless proven differently, the child's guardians are held liable for failing to stop the child's marriage.

In some cases, a child marriage can be deemed void with or without a complaint from one of the spouses. The marriage is deemed null and void if a kid is stripped away from his or her parents and guardians, forced to migrate, forced into marriages, or expected to marry, and used for illegal purposes or trafficked. On the request of an authority or any person, the court has the right to issue an order against a probable child marriage against any person, including an

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<sup>16</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO (March 12 2022, 10:25 AM) <https://blog.iplayers.in/child-marriage-impacts-consequences-effects-girl-child/>.html.

<sup>17</sup> Childline, child marriage in India, CHILDLINE1098, (March 11 2022, 10:00 AM) <https://www.childlineindia.org/a/issues/child-marriage>.html.

<sup>18</sup> Childline, child marriage in India, CHILDLINE1098, (March 11 2022, 10:03 AM) <https://www.childlineindia.org/a/issues/child-marriage>.html.

organizational member or an alliance of people. On its own initiative, the court can take action against a presumed child marriage, but the person or organization must be provided time to respond to the decision. Avoiding a notice or an injunction is prohibited. The marriage is automatically considered null and void if it continues after the injunction.<sup>19</sup>

The act calls for the meeting of a Child Marriage Prohibition Officer, who would be responsible for, among other things, seeking a court injunction, gathering evidence against citizens, raising awareness of the negative impacts of child marriage, and collecting data on early marriage in their jurisdiction. A child marriage prohibition officer is regarded as a social servant under this statute.

The ordinances for this act will be determined by the respective state governments. The Child Marriage Restraint Act of 1929 would be repealed, and the Hindu Marriage Act of 1955 will be amended to comply with the act's requirements.<sup>20</sup>

## **CEDAW**

The CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) is a global protocol aimed at eliminating gender discrimination. This agreement states that child marriages are not allowed, that all legal means must be taken to ensure an age requirement, and that all marriages must be registered. India ratified the agreement operating by July 30, 1980, but added a proviso noting specifically due to the realm's dimension and rising population, it is unfeasible to record all weddings in the realm.<sup>21</sup>

### **(D) Other international and religious laws**

#### **Under Muslim Law**

The provisions of Islamic law are based on Quran interpretations by academics. Muslim law does not prohibit the marriage of minors. The couple has a "puberty option" known as Khayar-ul-bulugh after marriage, which allows them to reject the marriage once they hit puberty. They must do so if they're under age of eighteen but have not yet consummated their marriage. Marriage age starts from adolescence, which is 15 years old in Muslim law.<sup>22</sup>

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<sup>19</sup> Childline, child marriage in India, CHILDLINE1098, (March 11 2022, 10:05 AM) <https://www.childlineindia.org/a/issues/child-marriage.html>.

<sup>20</sup> Childline, child marriage in India, CHILDLINE1098, (March 11 2022, 10:13 AM) <https://www.childlineindia.org/a/issues/child-marriage.html>.

<sup>21</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO, (March 13 2022, 11:10 AM). <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/>.html.

<sup>22</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO, (March 13 2022, 11:12 AM) <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/>.html.

### **Under Christian Religion Law**

If the union is to be conducted by two minors, the Indian Christian Marriage Act (ICMA) requires a preparatory proclamation 14 days prior to the beginning of the union. But after time limit has passed, the couple are free to marry without the sanction of their elders.<sup>23</sup>

### **Under Judaism Religion (Law) and their perspective**

Girls were married off at a young age in Medieval Era Jewish Ashkenazi communities. Despite the early age required for marriage, a wide age difference between the couples was despised upon, and mating one's teenage daughter to an older gentleman was considered vile, equivalent to forcing them into prostitution. Because females' marital age was so low in Judaism, child marriage was permitted. A ketannah (literally, "little [one]") was a girl in between ages of 3 and twelve plus one day who was completely under her father's control and may be married without their permission.<sup>24</sup>

If the ketannah's father died or disappeared, her brothers and mother had the authority to convenience a marriage for her, notwithstanding a ketannah may always nullify the marriage, even if it's the first. A father is barred from mating his daughter to anyone unless she attains the age of consent and announces, "I want this one," according to the Talmud. A marriage that occurs without the consent of the girl is not a lawful union. Any subsequent weddings are discretionary; if the marriage terminated (post-divorce or the partner's death), the ketannah held the right to cancel them. A ketannah's decision to nullify a marital relationship, recognised in Hebrew as mi'un (essentially "unwillingness," "rejection," or "rebellion"), did result in a truthful rescission, not really a divorce; no divorce memorandum (get) was obligated, and a ketannah who appears to have done so was not regarded a divorcee in connection to the getting married by specific laws. Mi'un was detested by the many rabbinic or ancient literatures, including the Talmud; in older ancient Judaism, one significant group - the House of Shammai - claimed that divorce privileges only arose during the marriage contract stage (erusin), not even once the legal wedding (nissu'in) had begun.<sup>25</sup>

In today's modern Jewish culture, early marriage is extremely uncommon, and it is prohibited in the majority of countries. The biblical order to "go forth and multiply" was interpreted by

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<sup>23</sup> Ayushi Mahajan, child marriage and its impact, consequences and effects on the girl child, LAWSIKHO, (March 13 2022, 11:16 AM) <https://blog.ipleaders.in/child-marriage-impacts-consequences-effects-girl-child/.html>.

<sup>24</sup> Religion wiki, Child marriage in Judaism, RELIGION WIKI (Collecting materials from encyclopaedia), (March 17 2022, 15:25 PM) [https://religion.fandom.com/wiki/Child\\_marriage\\_in\\_Judaism](https://religion.fandom.com/wiki/Child_marriage_in_Judaism).html.

<sup>25</sup> Religion wiki, Child marriage in Judaism, RELIGION WIKI (Collecting materials from encyclopaedia), (March 17 2022, 15:28 PM) [https://religion.fandom.com/wiki/Child\\_marriage\\_in\\_Judaism](https://religion.fandom.com/wiki/Child_marriage_in_Judaism).html.

the ancient rabbis to mean that every male Jew was obligated to marry as quick as practicable, rather than being viewed as just a literary device to expedite the planet's populating. Several Talmudic rabbis urged for children to be married as quickly as they reached the typical legal age of consent, which was considered to be 14 years old; nevertheless, ancient religious texts clearly prohibited parents from permitting their girls and boys to marry before either of them hits the legal age. Despite the low age threshold for marriage, ancient rabbis were adamantly opposed to unions with a significant age difference between the partners (for instance, linking an adolescent man and an old aged woman).<sup>26</sup>

#### **IV. PROVISION AND DATA ON CHILD MARRIAGE UNDER INTERNATIONAL LEVEL**

Marrying before the age of eighteen is a serious breach of one's civil rights and a human right as well. penury, the perception that marrying will bring "protection," household vanity, societal expectations, custom or religious constraints which condone the treatment, in short of legal foundation, and the situation of the government's cordial licensing program all are aspects may place a kid at peril of marriage. Spite of the fact that females (girls) are more likely than male (boys) to engage in such activity, it is a violation of human rights irrespective of sex.<sup>27</sup>

Child marriage frequently compromises a girl's growth by providing premature birth and social alienation, hindering her learning, restricting her profession and occupational advancement opportunities, and exposing her to domestic violence. Similarly, despite the reality that the consequences on child groom have not been completely investigated, marriage may position boys in an integral approach of how they are unqualified, impede their prospects on them, and constrain their opportunities for further education and professional advancement.

Child marriage is assessed in a number of global conventions and agreements. Article 16 of the Convention for Suppression for any and all embodiment of prejudice opposing Women stipulation is "the marriage alliance and wedding or union of a child should have no licit bearing," and that "all immediate precautions, particularly regulation, shall be deemed to define a legal age of marriage." The ability to 'voluntary and thorough' consent to marriage is affirmed in the Universal Declaration of Human Rights (UDHR), that stipulates that consent cannot be 'free and complete' if one of the participants is not mature sufficient to make an informed decision about a lifelong companion. Regardless of the fact that wedding is not explicitly named in the Protocol on the Child's rights, it is connected towards other rights – including the

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<sup>26</sup> Religion wiki, Child marriage in Judaism, RELIGION WIKI (Collecting materials from encyclopaedia), (March 17 2022, 15:30 PM) [https://religion.fandom.com/wiki/Child\\_marriage\\_in\\_Judaism.html](https://religion.fandom.com/wiki/Child_marriage_in_Judaism.html).

<sup>27</sup> UNICEF data, Child marriage is a violation of human rights, but is all too common, UNICEF Data collected in 2021, (March 15 2022, 13:05 PM) <https://data.unicef.org/topic/child-protection/child-marriage/> .html.

right of free speech, the right to be shielded from across all types of abuse, as well as the right to security from discrimination – and the Working group on the Rights of the Child quite often discusses it. All international treaties involved in child getting married include the Agreement on Approval to Getting married, Equivalent Maturity level for Getting married, and Marital Certification, the African Charter on the Privileges and Safety of children, and also Procedure to the African Charter on Human and People's freedom on the rights of Women in Africa.<sup>28</sup>

### **Child marriage among girls**

In West and Central Africa, roughly four out of every 10 young women married when they turn 18. Early marriage is less common in Eastern and Southern Africa (31 percent), South Asia (28 percent), Latin America and the Caribbean (22 percent), and also the Middle East and North Africa (22 percent) (15 percent).

Early marriage is on the decrease all around world, with Southeast Asia leading the way, with such a girl's chances of marrying as a child reducing by even more than one third, by over 50% to 30% within last generations.

Despite this, 12 million girls are wedded during at a young age every year, and advancement should always be substantially expedited if the phenomenon is to be eradicated by 2030, as stipulated in the objective of long-term evolution. If present trends persist, more than 150 million extra females would marry prior to actually their 18th birthday by 2030.<sup>29</sup>

### **Child marriage among boys**

While social and biological variables might entail both boys and girls whom marry as minors encounters various threats and implications, it is really quiet a violation of human rights for both the genders. Like child brides, young grooms were obliged to take on real responsibilities for which they could be immature to take over. The marriage may contribute to premature fatherhood and significant economic strain in the shape of family assistance, and also restricting the boy's availability to education and employment chances.

Around the world, 115 million boys and men got married prior the age of 18. Topographical, the nation's only with greatest levels of child marriages within boys diverge and those with the fastest growth rates marrying involving girls.

Whilst young grooms are far less frequent than young brides, children have also had their rights

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<sup>28</sup> UNICEF data, Child marriage is a violation of human rights, but is all too common, UNICEF Data collected in 2021, (March 15 2022, 13:08 PM) <https://data.unicef.org/topic/child-protection/child-marriage/>. html.

<sup>29</sup> UNICEF data, Child marriage is a violation of human rights, but is all too common, UNICEF Data collected in 2021, (March 15 2022, 13:13 PM) <https://data.unicef.org/topic/child-protection/child-marriage/>. html.

taken away, resulting in the loss of their youth. Greater studies examining the institution's intentions and consequences upon child grooms is required.<sup>30</sup>

### **One out of every five women is married.**

Around the world, and over 650 million women got married when they were juveniles. At a projection 12 million young women beneath the age of 18 are wedded by the year. There seem to be 28 new girls per minute. One in every five girls is married or engaged by the moment they reach the age of 18. In LDCs, this number multiplies: 40% of females wedded preliminary to the age of 18, whereas 12% wedded preliminary to the age of 15. This technique is extremely prevalent in sectarian strife countries and in humanitarian crises.

### **In the terms of COVID-19, child marriage is prohibited.**

The COVID-19 outbreak is affecting girls' daily lives and the capacity to control their human dignity profoundly. We can infer from hearsay from a number of nations, and also observational research and philosophy on the predictors of early marriage, that the likelihood for early marriage rises in the context of the COVID-19 outbreak as well as its impacts. The financial pressure on communities and families, closings, with interruptions in programs that aim at females were compromising growth and placing millions of girls at threat of underage marriage, according to recent research.<sup>31</sup>

### **Thematic reports on the issue of child marriage and forced marriage on international Level**

In 2014, the High Commissioner for Human Rights produced a statement to the Human Rights Council on child, early, and forced marriage. The study looks at current legislation and programmes for deterring and eliminating child, early, and forced marriages, focusing on challenges, successes, methodologies, and practical gaps. You can examine the suggestions that were received on the report page.

In July 2015, the Human Rights Council approved its first comprehensive resolution, classifying child and forced marriage as human rights violations. In a statement, the Human Rights Council proposed that now the UN High Commissioner for Human Rights convene an authoritative seminar to evaluate and analyse the implications of present programs and

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<sup>30</sup> UNICEF data, Child marriage is a violation of human rights, but is all too common, UNICEF Data collected in 2021, (March 16 2022, 19:45 PM) <https://data.unicef.org/topic/child-protection/child-marriage/>. html.

<sup>31</sup> OHCHR, Child and forced marriage, including in humanitarian settings, OHCHR data collected up to 2022, (April 04 2022, 19:38 PM) <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>. html.

strategies combating child, early, and forced marriages.<sup>32</sup>

The UN Secretary-report, General's presented during the 71st session of the General Assembly, demonstrates improvement in attempts to ban early marriages from April 2014 to May 2016. The research closes with a discussion as to how to guarantee that efforts to eradicate this habit are prolonged and sustainable. The contributions acquired through legislatures and some other partners are published on the committee's webpage.

The United Nations Secretary-report, General's which has been released at the 73rd session of the General Assembly, can go into deeper level concerning global achievements done against eradicating early marriage.

The UN Secretary-most General's recent report, delivered at the GA's 75<sup>th</sup> session, gives an overview of progress made in preventing and eliminating child, early, and forced marriage, with a particular focus on policies and programmes that support already married girls and women. The UN Secretary-recent General's report, presented at the General Assembly's 75th session, shows an insight of advancement achieved towards reducing and eradicating early marriage on children, with such an emphasis on laws and systems that benefit currently wedded girls and women.<sup>33</sup>

In its decision, the Human Rights Council expressed dismay that the number and danger of underage, marriages are substantially elevated in humanitarian settings. Unemployment, insecurity, gender disparity, serious incidence of physical and gender-based harassment, a breakdown of the legal system and government system, and a lack of basic amenities, to mention just few factors, that contribute to this.

The High Commissioner focused on the importance of underage marriage in humanitarian situations in the June latest survey to the Human Rights Council.<sup>34</sup>

In July 2019, the Human Rights Council approved Decision A/HRC/RES/41/8 on underage marriage, showing outrage over the ongoing criminality and lack of oversight. It commended that United Nations High Commissioner for Human Rights (UNCHR) conduct different regional seminars against underage marriages, along with social and institutional

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<sup>32</sup> OHCHR, Child and forced marriage, including in humanitarian settings, OHCHR data collected up to 2022, (April 05 2022, 12:29 PM <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings.html>).

<sup>33</sup> OHCHR, Child and forced marriage, including in humanitarian settings, OHCHR data collected up to 2022, (April 05 2022, 12:45 PM <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings.html>).

<sup>34</sup> OHCHR, Child and forced marriage, including in humanitarian settings, OHCHR data collected up to 2022, (April 05 2022, 12:55 PM) <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings.html>.

management oversight. The outcomes of these seminars would be represented in either a statement on same involved to the Human Rights Council in its fifty-second session (June/July 2022).<sup>35</sup>

## **V. CONCLUSION**

Child marriage is a great problem to many societies especially at a high percentage in developing and under-developed countries and as time go the number increases due to the increase of poverty and most families go through or opt for their children especially young girls to get married at an early age as a way of them escaping poverty and this is very common in most of the Sub-saharan African countries where as the when a girl child is married off the family receives a Bride-price and gifts thus it increases their wealth and it saves them from poverty and this applies to most of the arab countries as well (Middle-East Asia).

Thus, the societies should be more educated and strong provisions should be introduced to protect the welfare of the children who are been wedded of at a young age, so as to help them to mature and being moulded into better people for the society by increasing the level of skilled people in the country and reduce the number of unskilled people in our society through them being educated and been prepared for the outside world an on how to raise a family when the right time comes.

In a nutshell, the government together with NGOs, other gender activists and the society in general should work together to protect and to fight for the rights and welfare of the children who are to be or are married off at a young age as it is everyone's responsibility to protect our children in general from people who are misogynies of the society whereas, they tend to do what benefits them and not for anyone else's welfare.

### **Suggestions to the Government**

- More workshop should be conducted in the society especially to the people of lower classes on the effects of child marriage.
- The government should change or amend the marriage laws especially on the age that a girl should be allowed to get married at the age of 18 minimum and 21 for the male as the world is advanced and now girls can go to school which was different during the times of the previous generations.

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<sup>35</sup> OHCHR, Child and forced marriage, including in humanitarian settings, OHCHR data collected up to 2022, (April 05 2022, 13:04 PM) <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings.html>.

- The government should implement strict punishments and fines to whoever will go against the laws that protect young children from marriage.
- The government should keep subjects of Effects of Child marriage into our children's school curriculum so as to prepare them on how to defend themselves incase they are to be to be married off at a young age.
- The government should ensure by reaching to the religious leaders on educating their followers on the effects of Child marriage.

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