



Execution Of The Prohibition Of Child Marriage Act, 2006 With Particular Attention To The State Of Assam

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ARTICLE INFO	ABSTRACT
Received: 12-12- 2023 Accepted: 02-01- 2024	<p>The primary legislation governing marriages between individuals under 18 (female) and 21 (male) is the Prohibition of Child Marriage Act of 2006. Section 19(1) of the Act grants state governments the authority to enact regulations to implement its requirements. This article aims to evaluate every state regulation issued under the 2006 Prohibition of Child Marriage Act, often known as "the said Act" or the "Act" in the future. The research will examine and analyze the different state regulation requirements to see if there are any commonalities.</p> <p>The Act's main sections deal with the ban on child marriages. The sections annul child marriages in addition to the ancillary rights that follow, including child support, custody, and the legal standing of kids. The Act also specifies the kinds of preventive orders, including an injunction or police support, that a Child Marriage Prohibition Officer may request from a court. It also clarifies the different responsibilities of the Child Marriage Prohibition Officer (hereafter referred to as the "CMPO") in terms of public education, mass marriage prevention, and offender prosecution. This article examines the implementation of the 2006 Prohibition of Child Marriage Act, focusing on the state of Assam.</p> <p>Keywords: Execution, Prohibition of Child Marriage Act 2006, State, Assam.</p>

Introduction:

It is a societal ill to marry children. Child marriage is a wicked custom that has long existed in Indian civilization. However, a movement against the wrong practice of child marriage has begun thanks to the growth of information and education as well as the efforts of outstanding social activities. ¹ The Prohibition of Child Marriage Act defines a "Child" as an individual who is younger than 18 years old for females and younger than 21 years old for males. A marriage in which one of the contractual parties is a minor is referred to as a "Child Marriage." ²

A girl's development is frequently jeopardized by child marriage, which can lead to early pregnancy, social isolation, school disruption, limited career and vocational growth options, and increased risk of domestic abuse. A child is put at risk of marriage by a variety of factors that work together, such as poverty, the belief that marriage will offer "protection," family honour, social norms, customary or religious laws that support the practice, an insufficient legislative framework, and the condition of a nation's civil registration system. Regardless of gender, the practice is a violation of human rights, even if it is more prevalent among girls than boys.

In Assam, the prevalence of child marriage is significantly greater than the national norm. In the state's char regions, where it is estimated to be about 60%, the issue has taken frightening new dimensions. According to the National Family Health Survey, child marriage rates are rising in the state while they are falling nationwide.

Definitions:

1. A person is deemed a "child" if they are younger than the ages of eighteen for females and twenty-one for boys;
2. A union in which a minor serves as one of the partners;
3. Any of the parties whose marriage is or will soon be solemnised is referred to as a "contracting party" in the context of a marriage;

4. The term "Child Marriage Prohibition Officer" refers to the Child Marriage Prohibition Officer appointed pursuant to sub-section (1) of section 16;
5. "District Court" refers to any Family Court that has been established by section 3 of the Family Courts Act, 1984 (66 of 1984); in any other area, it refers to the principal civil court of original jurisdiction, which may include any other civil court that the State Government may designate by notification in the Official Gazette as having jurisdiction about the matters covered by this Act;
6. "Minor" refers to a person who is to be deemed not to have attained his majority under the Majority Act, 1875 (9 of 1875).

Child Marriages are Voidable at the Contractual Party's Discretion if they are a Child:

Regardless of whether the marriage was consummated before or after this Act went into force, all child marriages are voidable at the discretion of the contractual party who was underage at the time:

With the caveat that the contracting party, who was under 18 at the time of the marriage, is the only one who may petition the district court to have a child marriage declared void by a declaration of nullity.

1. In addition to the Child Marriage Prohibition Officer, the petitioner's closest friend or legal guardian may also file it if the petitioner is underage at the time of filing.
2. This condition allows the petition to be filed at any time, but it must to be filed before the child filing. It has been the majority for two years now.
3. Assume that this section's nullity decree is upheld. In that instance, the district court will issue an order mandating that the parties to the marriage, together with their parents or guardians, return any cash, jewellery, decorations, and other gifts that they may have received from the other party during the marriage celebration, or an equivalent sum that represents the cash, jewellery, decorations, and gifts.
4. With the caveat that before any order under this section is issued, the parties involved must be given notice to appear before the district court and provide evidence as to why the order should not be published.

The Study's Objectives:

The major objectives of this paper are to comprehend the idea of child marriage, examine the key provisions of the Prohibition of Child Marriage Act, 2006 and the ways in which various national personal laws conflict with it, identify the shortcomings of the existing laws concerning child marriage, assess their legality, examine court rulings pertaining to the subject, and offer recommendations for improving the situation.

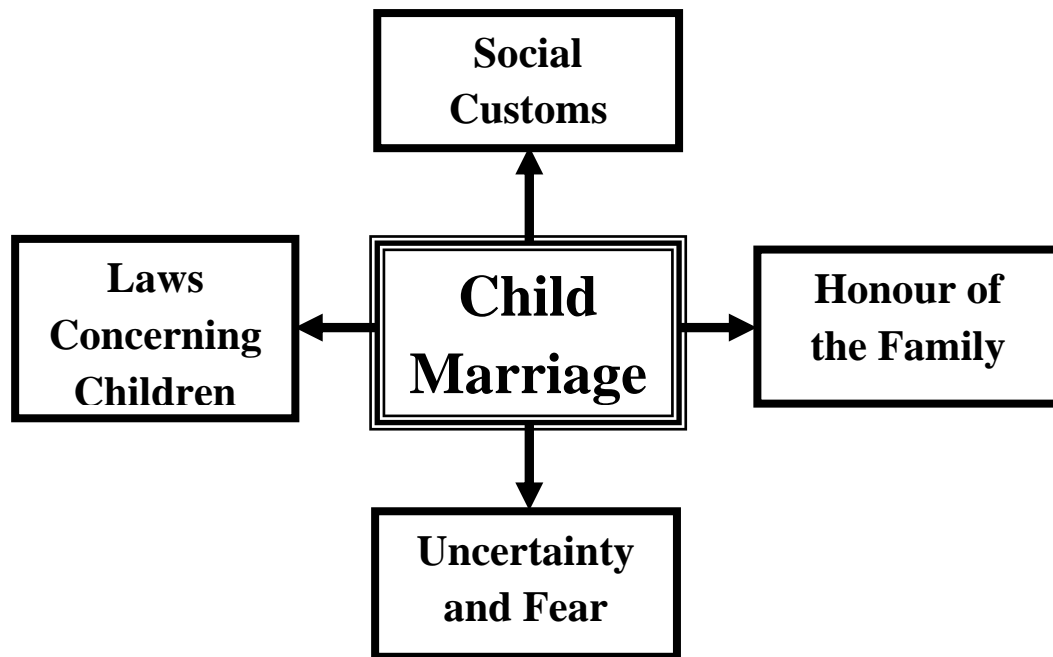
Research Methodology:

This study was conducted using the doctrinal technique. The researcher gathered information from secondary sources such as periodicals, books, journals, news articles, research reports, and magazines, among others. Information gathered from Internet databases and other sources as well.

The Background of Child Marriage Historically:

The history of the child marriage custom is still unknown, as is the exact moment when this societal scourge first appeared. According to Dayabhaga and Mitakshara, the uncodified Hindu law, the age of majority for marriage was 15 years or 16 years, respectively.³ The reformist movement against child marriage was motivated by British practices and ideas during the British era. Sexual relations between a husband and wife under the age of ten is illegal, according to the Indian Penal Code 1846, which was drafted by the country's first Law Commissions.

The campaign against child marriage gained traction following the Queen v. Haree Mohan Mythee⁴ case, in which an 11-year-old girl passed away from injuries she sustained during a sexual encounter with her 35-year-old husband. The Criminal Law (Amendment) Act of 1891 changed the legal age of consent to sexual relations from 10 to 12 years old. The Criminal Law (Amendment) Act, 1929 increased the consent age for married girls from 12 to 13 years old once again in 1929.



Child Marriage in India:

Since the first anti-child marriage law was implemented in 1929, during the colonial era, battles against child marriage have been ongoing throughout India's history. Child marriages between girls and boys under the ages of fifteen and eighteen were prohibited by the Sarda Act.

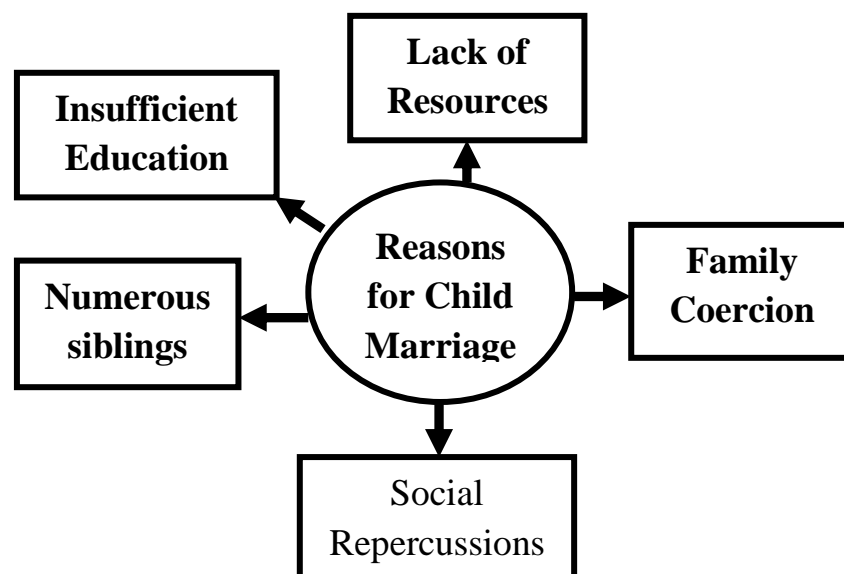
The primary causes of child marriage are gender inequity and the belief that boys and men are superior to girls and women. It is made worse by instability, harmful societal norms and behaviours, poverty, and illiteracy. Its drivers are different in every town, and it looks different everywhere.

Reasons for Child Marriage:

Child marriages are said to be expected because of gender disparity, social conventions, perceived low status of females, poverty, lack of education, safety worries regarding girl children, and control over sexuality.

Although the origins of the practice differ throughout nations and cultures, poverty, a lack of educational opportunities, and restricted access to healthcare all contribute to its continuation. Some families marry off their daughters to make money or lessen their financial burden.

It has a detrimental effect on children's rights to protection, health care, and education. These repercussions affect the girl personally as well as her family and community. A young lady who gets married is likelier to drop out of school, not make money, and not give back to the community.



Global Situation:

Since the first anti-child marriage law was implemented in 1929, during the colonial era, battles against child marriage have been ongoing throughout India's history. Child marriages between girls and boys under the ages of fifteen and eighteen were prohibited by the Sarda Act.

The primary causes of child marriage are gender inequity and the belief that boys and men are superior to girls and women. It is made worse by instability, harmful societal norms and behaviours, poverty, and illiteracy. Its drivers are different in every town, and it looks different everywhere.

Numerous international conventions and accords address the problem of underage marriage. In accordance with the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, 1979 (CEDAW), every State Party is required to guarantee that men and women have the same freedom to choose a spouse or get married, as well as to take all necessary steps, such as enacting laws, to remove discrimination against women in all contexts related to marriage and family life. It's also believed that there are no legal repercussions for a minor being engaged or married. The State Parties will mandate that marriages be registered in an official registry and set a minimum age for marriage.⁵ The Universal Declaration of Human Rights recognises the right to give "free and full" consent to marriage. It also specifies that consent cannot be "free and full" if one of the parties is not old enough to make an educated choice regarding a life partner.

The 1989 Convention on the Rights of the Child links child marriage to other rights even if it does not specifically mention marriage. State Parties agree to take all necessary legal, administrative, social, and educational steps to safeguard children against all types of maltreatment, exploitation, and violence, whether it be sexual or physical. On the other hand, Article 19(1) states that the child is under the care of their parents, legal guardians, or any other person who has custody of them.⁶ This issue is regularly discussed by the several national and international Committees on the Rights of the Child. Six The African Charter on the Rights and Welfare of the Child (1990), the Protocol to the African Charter on Human and People's Rights (2003), the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1964), and the SADC Protocol on Gender and Development (2008) are additional international agreements pertaining to child marriage.

It is appropriate to connect the Assam government's recent efforts to combat child marriage and the high rates of maternal and newborn mortality in the State with early motherhood or child marriage. This programme is in line with Sustainable Development Goal (SDG), which stipulates that "good health and well-being" should be given and that, by 2030,⁷ the global maternal death ratio should be less than 70 per 100,000 live births.

India's War Against Child Marriage: Legislative Measures

Child Marriage Restraint Act, 1929:

The Child Marriage Restriction Bill, introduced by Rai Sahib Harbilas Sarda in 1927, set the minimum age of marriage at 18 for boys and 14 for girls. The British Government forwarded the Bill to a select committee headed by Sir Moropant Visavanath Joshi in response to pressure from the international community, social reformers, and proponents of independence. The Bill that was presented to the Joshi Committee was also supported by Muslim women, the Women's Association, the National Commission of Women in India, and the All India Women's Conference. The Child Marriage Restriction Act 1929 was created by the Imperial Legislative Council in response to the Joshi Committee's recommendations, and it is a law that is enforceable across British India. The purpose of the Act is to prevent child marriage from being recognised as a respectable institution. The Act constituted the first social reform challenge faced by Indian organised women. Rather of fully implementing this social revolution, the British government tried to destroy the Indian freedom movement out of concern for upsetting the communal group. The Act forbade child marriage, but it did not follow that these partnerships were automatically null and void. The Act's penalties were restricted to males under twenty-one who married a child, the child's guardian or father, and the person in care of the kid. But all that was expected of them was a three-month jail sentence and a fine of up to one thousand rupees. Following that, the Act was changed to increase the age restriction to 21 for boys and 18 for girls.

Provisions Under Different Personal Laws:

Hindu Marriage Act, 1956:

Hindus make up the majority of the population in India, and thus are subject to Hindu personal laws, such as the Hindu Marriage Act, which covers marriage, divorce, maintenance, and other matters. This Act stipulates that a girl must be 18 years old and a boy must be 21 years old to be eligible for a Hindu marriage. This Act exclusively punishes the parties to a child marriage; it makes no provisions for the parents of the minor child or the witnesses of the marriage to be punished. According to Section 13(2) (iv) of the Act, a girl who marries before turning 15 years old has the option to repudiate the marriage between the ages of 15 and 18. There is no explicit clause against child marriage in this Act.

Muslim Personal Law:

All of the issues pertaining to Muslim marriage, divorce, succession, etc. are governed by the uncodified personal law of Muslims. Muslim law permits child marriage without restriction, and even a guardian has the

authority to arrange a marriage for their offspring. Any Muslim who has reached puberty and is of sound mind is qualified to enter into a legally binding marriage, according to Mohammedan personal law. Before the age of fifteen, a guardian may solemnize the marriage; provided, however, that the marriage has not yet been consummated, the girl may contest the union before turning fifteen.

While other personal laws have remained mostly unchanged, Hindu personal laws have undergone significant modifications both before and after the constitution. Other minority groups, like as Christians and Parsis, have also voiced opposition to changes being made to their personal laws, in addition to Muslims. It is argued here that law and religion ought to be kept apart, regardless of a person's religion. What was formerly considered normal may now be considered illegal due to the passage of time. As a result, laws must be updated to suit the present situation and courts must interpret them progressively. The government needs to take more seriously its goal of creating a Uniform Civil Code that applies to all people, regardless of faith, with regard to civil concerns, even while it does not expressly target personal laws of any religion.

Important Provisions of Prohibition of Child Marriage Act, 2006:

Child Marriage when Void and When Voidable:

A child who marries before or after this Act's effective date may have it revoked at any time by the contractual party who was not yet 18 when the marriage took place. If the petitioner is underage, they may submit it via their next friend or legal guardian.⁸ On the other hand, if the petition is filed before the child has been a majority for two years, it can be filed at any time.⁹ Child marriages are deemed void under the Prohibition of Child Marriage Act, 2006, in three circumstances: (i) when a minor is abducted or enticed away from the care of their legal guardian; (ii) when a minor is coerced into leaving their home or is convinced to do so through force or fraudulent means; or (iii) when a minor is sold with the goal of getting married. Again, any child marriage conducted in defiance of a Section 13 of the Act injunction order shall be deemed null and illegal from the start.¹⁰

Provision for Maintenance, Residence and Custody:

A court may also order the male contracting party in the child marriage or, if he is also a minor, his parent or guardian to give maintenance to the female contracting party in the marriage until her remarriage when it issues a decree of nullity under Section 3 of the Act.¹¹ If a child marriage results in children, the district court may award custody and maintenance to one of the parties to the marriage, the kid's parents, or guardians after considering the child's best interests and welfare.¹²

Legitimacy of Offspring Resulting from Child Marriage:

All children born or conceived in child marriages before the nullity decree being made under section 3 of the PCM Act are considered legitimate for all purposes, regardless of when the Act went into effect.

Penalties:

A man who marries a child while an adult is subject to a severe two-year prison sentence, a fine of up to one lakh rupees, or both under this Act.¹³ Again, anyone found guilty of executing, conducting, directing, or helping in any child marriage suffers a severe term of up to two years in prison or a fine of up to one lakh rupees, unless they can show that they had reasonable grounds to believe the marriage was not a child marriage.¹⁴ A severe two-year prison sentence and a fine of up to one lakh rupees are imposed on any adult who is accountable for a child, including a parent or guardian, and who encourages or recklessly permits a child marriage to be consummated. Nonetheless, no woman shall be punished by imprisonment under this Act.¹⁵

Officers Tasked with Prohibiting Child Marriage:

The Act stipulated that the State Government would appoint the officers prohibited from child marriage. These officers' responsibilities include preventing child marriage from being solemnized, gathering proof of child marriages, counselling residents not to support, encourage, assist, or permit child marriages, to raise community awareness of the problem of child marriage, etc.¹⁶ Once more, the official has the authority to request that any child marriages be dissolved in district court.

Provision for Injunction:

If a Judicial Magistrate of the First Class or a Metropolitan Magistrate is satisfied either through the report of the Child Marriage Prohibition Officer or upon receiving a complaint from any person or suomotu that a child marriage in violation of this Act has been planned or is scheduled to be solemnised, they may issue an injunction against any individual or group of individuals prohibiting child marriages.¹⁷

Cons of the 2006 Prohibition of Child Marriage Act:

Law Commission Report: India's 205th Law Commission Report

In WP (Criminal) No.81 of 2006, the Supreme Court of India asked the Law Commission for help with some matters about child marriage because there are inconsistencies between the laws and different laws that define a child at different ages. The Commission suggested lowering the legal minimum age for men to ¹⁸,

requiring marriage registration, and lowering the legal minimum age for sexual consent to 16. Additionally, it was suggested that child marriages occurring before the age of sixteen should be void from the beginning and that marriages occurring between the ages of sixteen and eighteen should be voidable upon the request of the persons involved. On the other hand, invalid and voidable marriages should be covered by the same maintenance and inheritance laws.

According to the report, young girls who are married off as children are more likely to experience domestic abuse and work as children at home. The report also noted that low infant mortality rates are a result of child marriages. Compared to infants whose moms are 19 years of age or older, infants whose mothers are less than 18 have a 60% higher chance of dying in the first year of life.

Judicial Approach: In *Kammu Vs. State of Haryana & Ors*¹, Punjab and Haryana High Court denied the girl's habeas corpus petition for custody, citing Muslim personal law, which permits a Muslim girl to marry at the age of fifteen without her natural guardians' approval, and granting the girl the freedom to choose her destiny.

The Division Bench in *T. Sivakumar Vs. The Inspector of Police, Thiruvallur*¹⁹, which addressed the issue of whether the Hindu Marriage Act violated any provisions of the PCM Act, determined that the PCM Act was secular and applied to all of the nation's residents. Consequently, it was decided that child marriages were illegal regardless of personal laws and that the PCM Act superseded the Hindu Marriage Act to the extent of any contradictions. Therefore, a marriage involving a minor child would be voidable at the discretion of the parties to the marriage for two years following the minor's attainment of the age of majority, as stipulated by section 3 of the PCM Act 2011.

In *Lajja Devi v. State*²⁰, Lajja Devi claimed in a letter to the Chief Justice of the Delhi High Court that the accused had abducted her minor daughter, Ms Meera and that she had then filed a Section 363 IPC First Information Report. The accused was underage when she gave her agreement to go with him and get married, according to the court, which considered this letter as a Writ Petition. The minor daughter would remain with her parents until she reached the age of majority, and the validity of the marriage they entered into would be voidable. Her following line of action will depend on whether or not she exercises her right under the Prohibition of Child Marriage Act once she becomes a major.

In the case of *Independent Thought v. Union of India*²¹, the Hon. Supreme Court of India examined the provisions of Section 375 of the IPC and the PCM Act, 2006, and pointed out the discrepancies between the two. When defining rape, section 375 of the Indian Penal Code states in Exception II that sexual relations between a man and his wife, when the wife is not under 15 years old, does not qualify as rape. However, the PCM Act states that marriages to girls under the age of 18 are voidable and that those who encourage them face criminal penalties. When both laws are combined, a group of female offspring between the ages of 15 and 18 are created whose marriages are voidable. Still, the husband is exempt from liability for the rape offence. The court interpreted Exception 2 to Section 375 of the IPC, holding that a man's sexual relations with his wife, provided that she is not younger than eighteen, do not constitute rape.

A Muslim boy or girl who has reached puberty is free to marry whoever they choose, and their guardian has no right to interfere, according to the court's ruling in *Mohd. Samim Vs. State of Haryana and Ors*²². The court also held that puberty and majority are synonymous, with a presumption of majority at fifteen. The Delhi High Court ruled in *Fija and Ors v. State Govt. of NCT Delhi and Ors*²³ that, by Muslim law, a juvenile girl who has reached puberty can marry without her parent's permission and has the right to live with her spouse without facing liability under the POCSO Act.

Based on information from hospital authorities against the husband of a victim wife, age 17, the police filed a suo moto case under Sections 376, 376(2)(N) of the IPC, Sections 5(L), 6 and 17 of the POCSO Act, and Sections 9 and 11 of the Child Marriage Act in *Muhammad Waseem Ahamad Vs. State of Karnataka*²⁴. The victim went to the hospital for a check-up with her sister, father-in-law, and mother. To have the case against the aforementioned person dismissed, the husband filed a criminal petition with the Hon'ble High Court. In response, the Sessions Court's proceedings were halted by the court because, according to Muslim personal law, a Mohammedan girl can enter into a legally binding marriage if she is 15 years old or older, having reached puberty. The court made this decision after considering the decisions in *Mohd. Samim Vs. State of Haryana and Ors*²⁵ and *Fija Ors v. State Govt. of NCT Delhi and Ors*²⁶.

In *Javed v. State of Haryana and Others*²⁷, the Honourable Punjab and Haryana High Court received a Criminal Writ Petition from the girl's husband, who was around sixteen years old and six months old. The girl's husband was granted custody of her by the Ashina, Panchkula (Child Care Home) per a court ruling. In *Yunus Khan v. State of Haryana & Ors*²⁸, the court decided to issue an order stating that Muslim personal law still controls the marriage of a Muslim female. In addition, it is believed that a Muslim girl can marry anybody she wishes at the age of 15, provided she achieves puberty and gives her agreement. Such a marriage is exempt from the provisions of Section 12 of the Prohibition of Child Marriage Act of 2006.

In *Khaledur Rahman Vs. State of Kerala*²⁹, the Kerala High Court denied the petitioner's husband's bail request, stating that the victim girl's age of under 16 does not insulate marriage under personal law from the POCSO Act's reach. If one of the partners is a minor, POCSO Act offences will apply regardless of the validity of the marriage. The POCSO Act shall supersede personal law, the court stated in *Sri Aleem Pasha Vs. in the state of Karnataka*³⁰, but bail was granted to an accused who had married a 17-year-old Muslim girl for the offence.

The Hon. Supreme Court of India noted in National Commission for Protection of Child Rights (NCPCR) Vs. Javed and Ors that the Punjab and Haryana High Court's ruling in Javed v. State of Haryana and Ors³¹, where the court held that a Muslim girl of about 15 years old can enter into a legal and valid marriage as per personal law, should not be relied upon as a precedent in any other cases.

The examination of the instances above reveals a lack of consistency in the rulings made by various High Courts on the relative importance of personal law over the PCM Act and the POCSO Act. Muslim unique regulations stipulate that a person must be 15 years old or have reached puberty to be eligible for marriage. The PCM Act, on the other hand, sets a minimum age of 21 for boys and 18 for girls to marry. In section 2(d) of the POCSO Act, "child" is defined as "any person below the age of 18." A unique piece of legislation known as the POCSO Act was passed to shield minors from sexual exploitation. Child marriage is considered a violation of a child's human rights since it prevents the youngster from reaching her full potential. Even in cases where marriage is involved, physical relationships with children are forbidden by the POCSO Act. As a result, it is recommended that Parliament create a unified law that would set the legal age of marriage and apply it to everyone, regardless of religion.

Assam's Situation:

The rate of child marriage in India is more significant in rural areas (27%) than in urban areas (14.7%). With 1.5 million girls under the age of 18 getting married each year, India is the country with the highest number of child brides worldwide, according to UNICEF. However, the number of child marriages in India has decreased by 20% in the last ten years, from 47% in 2006 to 27% in 2016, according to 2018 data from UNICEF. Assam has higher rates of underage pregnancy and child marriage than the country as a whole. While child marriage is becoming less common in other regions of the nation, it is becoming more common in Assam.³²

In contrast to the national average of 23.3%, 31.8% of Assamese women in the 20–24 age group were married before turning 18, according to the 2019–2021 National Family Health Survey (NFHS)-5. Furthermore, when NFHS-5 was conducted, 11.7% of Assamese women aged 15 to 19 were either pregnant or already mothers, compared to 6.8% nationally. In Assam, there are about 50,000 child marriages annually, and in districts like Dhubri and South Salmara, child marriages account for nearly 40% of all marriages.³

India's third-highest infant mortality rate (IMR) and fifth-highest maternal mortality rate are found in Assam. With a maternal mortality rate (MMR) of 14, it is nearly twice as high as the 7.3 national average. Additionally, the State's IMR of 40 is greater than the 30 national average. Assam recorded 553 incidents of maternal deaths in 2022 compared to 767 in 2021; however, in 2022, there were 214 fewer cases. Additionally, ³⁴ NHM data revealed that Assam recorded a total of 473 infant death instances between December 31, 2022, and January 30, 2022³⁵

Of the 40,581 registered pregnant women in the Barpeta District between January and December 2022, 11,658 (28.7%) were less than 19 years old. Similarly, of the 51,831 pregnant women in the Dhubri and South Salmara districts, 14,438 were teenagers (27.9%). A high rate of teenage pregnancies was also reported in Goalpara (24.1%), Bongaigaon (22.3%), Kokrajhar (21.9%), Darrang (21.1%), and Morigaon (20.8%).³⁶

In Assam, Hindus make up 23.5% of underage weddings, which is closer to the 23.2% national average; Muslims make up 45.8%, and Christians make up 23.8%, which is significantly higher than the norms of 26.4% and 15.2% for each group.³⁷

In reaction to the aforementioned data, the Assam government recently started a campaign against child weddings with the goal of removing the threat of child marriages and lowering the rates of maternal and infant mortality (IMR). Under the PCM Act of 2006 and the POCSO Act of 2012, over 5,000 instances have been registered, and over 3,015 people who were previously married including their parents, pundits, kasis, and those complicit in such marriages have been arrested. The Assam State Cabinet accepted a plan to charge men for marrying underage minors under the Protection of minors from Sexual Offences Act, 2012, and girls between the ages of 14 and 18 under the PCM Act, 2006³⁸. Even though the relatives of those who had been detained staged protests in various regions of the state, the majority of non-political organizations supported the government's efforts to end child marriage. Following that, 44 Assamese women activists wrote to the chair of the Gauhati High Court's juvenile justice committee, requesting an end to the current campaign against child marriage and retroactive arrests. Despite their declarations to the contrary, they expressed their appreciation for the State government's zero-tolerance policy against the immorality of child weddings. They said that under the PCM Act of 2006, child marriages of this kind are voidable at the request of either party, who has two years to submit a nullity petition or decide whether to remain married after reaching adulthood.³⁹

Additional issues like dowries and child widowhood are linked to child marriage. Additionally, it is related to high rates of baby and maternal death, excessive fertility, terrible mother health, extreme cruelty to girls, starvation, and overpopulation. According to many research, the risk of maternal death is twice as high for women married between the ages of 15 and 19 and five times greater for those married under the age of 15 compared to women married between the ages of 20 and 24. Similarly, 60% of infant deaths occur in the homes of women who are 18 years of age or younger.⁴⁰

Compared to metropolitan regions, child marriage is more common in rural communities. It has been noted that among the Muslim groups living around rivers in Assam, child marriage is prevalent. Without verifying

the age of the boy and girl, the mullahs and qazis of these communities arrange marriages according to their customs. Alarming high rates of triple talaq, forced child marriage, and physical violence are also observed. There is hardly any law enforcement authority present.

Once more, child marriage is expected in the Assamese Tea Tribe tribes for several reasons, including safety, security, lack of education, and ingrained societal customs. The most oppressed, tormented, tortured, and victimized classes in society are women and girls. The researcher believes that not enough public awareness has been raised to this point regarding the Prohibition of Child Marriage Act, specifically section 9, which stipulates that the offence is punishable by up to two years in prison and is also cognizable in Assamese communities predominately inhabited by Muslims.

Conclusion:

In conclusion, gender inequality and deeply ingrained detrimental practices are the core causes of child marriage and are challenging to reverse. Regardless of gender, a child's potential is limited, and they miss out on possibilities when they get married. Children's potential is greatly restricted by child marriage, which also negatively affects their general welfare and health. It is impossible to undo the loss. For them, this means missing out on opportunities related to health and nutrition, learning and educational achievement, income and participation in the labour force, and decision-making involvement. Thus, it is crucial to take into account "the best interest of the child" when addressing the problem of child marriage, as stated in the Convention on the Rights of the Child. It emphasizes how children's capacities constantly change and how their agency and progressive autonomy contribute to their overall development.

Child marriage is any legal or informal union of a minor under eighteen with an adult or another minor. One in five girls are married when they are still young, even though the number of child marriages has consistently declined over the past ten years.

Some Recommendations:

Raising awareness, educating young people especially girls and empowering them to follow their goals and make educated decisions are the most pertinent ways to address this issue.

1. To effectively implement the Prohibition of Child Marriage Act, relevant stakeholders should receive the necessary training. Additionally, local authorities, including Gram Panchayat officials, Asha workers, Angwanbadi workers, teachers, Kazis, priests, supervisors, NGOs, and members of civil society, should be made aware of their roles and responsibilities in putting an end to child marriage and early marriage. The government ought to incorporate the topic into the school curriculum to raise awareness of the situation early and improve adolescent-friendly sexual and reproductive health information and services, mental health, and other areas.
2. Even though the Indian government has sponsored and introduced several programs, including the National Scheme of Incentive to Adolescent Girls for Secondary Education (NSIGSE), Poshan Abhiyan, Balika Samriddhi Yojana, SAG, SABLA, Beti Bachao Beti Padhao, and CBSE Udaan Scheme, to empower adolescent girls through a "scale up strategy," these initiatives are not adequately carried out and overseen by the relevant parties. The Assam government's scholarship program is socially inclusive for girls from SC/ST communities in grades 9 through 10, known as the "Assam Vikash Yojana." Thus, it is advised that this kind of program be carefully put into place and overseen to draw in children.
3. Because education has such a powerful transformative potential, it is crucial to mainstream out-of-school females into formal education, provide them with bridging courses and skill training, teach them life skills, help them manage their homes, take legal action, and enforce these policies strictly.
4. With Assam having the second-lowest percentage of female workers at 14.2%, empowering girls there will require targeted investment and cooperation, such as offering them safety and services, education and skill development, and joint societal and governmental contributions to attaining particular outcomes.
5. Society as a whole must play the most significant long-term role in preventing child marriage, in addition to the State government's strict actions to prohibit and punish such activities.
6. The protection officer should develop an awareness campaign and educate the public about the adverse effects of early marriage on a child's physical and mental development, as well as the different sections of the Child Marriage Act.
7. The village headman, the Gaonburah, can effectively work to stop child marriage. According to section 39 of the Cr.P.C., they must notify the magistrate or the closest police station immediately of any information about the marriage of a minor or the solemnization of a child.

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