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“CHILD MARRIAGE IN INDIA: A SOCIO-LEGAL ANALYSIS OF CAUSES AND LEGAL FRAMEWORK WITH SPECIAL REFERENCE TO HARYANA”

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ABSTRACT

Child marriage continues to be a serious socio-legal concern in India, reflecting a significant gap between legal provisions and social realities. This paper is based on a critical examination of the issue of child marriage with special reference to its persistence in Haryana, particularly in the Sonapat region. It traces the historical development of child marriage in India and analyses how the practice, though not originally prevalent in early periods, gradually became embedded in social customs due to changing socio-political and cultural conditions. Child marriage is very important topic to discuss and research. It's not just a social issue but also violates the constitutional rights provided to children. Various international conventions protects the child rights and provided strict rules to be implemented by countries. India also have regulations such as The Prohibition of Child Marriage Act (PCMA) 2006, and The Bharatiya Nyaya Sanhita (BNS), 2023 which covers the provisions related to child.

The study explores the complex interplay of factors such as patriarchy, gender norms, caste practices, economic constraints, and community pressure that continue to sustain child marriage in contemporary society. It further examines the legal framework governing child marriage, including statutory provisions, constitutional safeguards, and international commitments aimed at protecting child rights. Judicial decisions have also been considered to understand the evolving legal perspective and the role of courts in addressing the issue. The paper highlights that child marriage cannot be understood merely as a legal violation but as a deeply rooted social practice influenced by tradition, lack of awareness, and structural inequalities. It emphasizes the transformative role of education and social awareness in challenging these norms and empowering girls. The study concludes that while legal mechanisms are essential, effective eradication of child marriage requires a holistic approach that integrates legal enforcement with social reform and community engagement.

KEYWORDS: *Child Marriage, Socio-Legal Analysis, Patriarchy, Gender Norms, Legal*

Introduction

“लालयेत् पञ्च वर्षाणि, दश वर्षाणि ताडयेत्।
प्राप्ते तु षोडशे वर्षे पुत्रं मित्रवत् आचरेत्॥”

An ancient Indian philosopher Chanakya has narrated that for first 5 years of age a child should be treated with love and affection, for next 10 years child should be taught discipline and values and for next 16 years parents should treat their child as friend, understand their feelings and support their decisions. They should treat child as companion. ¹

One of the most pure and innocent creature on earth is child. Child represents new beginning, curiosity, love, happiness and they are the future of our country.² The first Prime Minister of India Mr. Jawaharlal Nehru loved children and he believed that children are the future of our country. Though we recognize children as future of India but still children in society face serious challenges. It includes violation of child rights and practices such as child marriage. Child marriage is one of the most concerning socio-legal issues in India. There are laws which prohibit the child marriage in India but still India records high number of child marriages in various states.

The Prohibition of Child Marriage Act, 2006,³ defines the term child as a union of two people where a bride is below eighteen years of age and groom is below twenty-one years of age. As per the reports of United Nations Children's Fund (UNICEF), 2018 ⁴around 27% of Indian girls are married before turning 18 years.

Child marriages are prevalent in rural areas due to lack of awareness and education. The mindset and thinking of people not yet changes in rural area such as Sonipat. Considering the geographical location of Sonipat district and deeply rooted socio- cultural customs and rules, people still follow the practices of child marriage.

India worship girls as Goddess but still comes on top ranking when it comes to violation of

¹ Ms. Akansha and Dr. Monika Gautam, “Relevance of Chanakya's Philosophy in Modern Education System” 7(6) International Journal for Multidisciplinary Research 1-5 (2025)

² Keerthy S. and S P Dhanavel, “An Ecocritical Approach to Jawaharlal Nehru's Letters from a Father to His Daughter” 6(5) *Asian Journal of Research in Social Sciences and Humanities* 137-140 (2016).

³ The Prohibition of Child Marriage Act, 2006 (Act 6 of 2007).

⁴ UNICEF, “Child Marriage: Latest trends and future prospects” (July 5, 2018).

child rights. Not just thinking of people but also the educational background and cultural norms makes great impact on rural practices. Education is considered as tool to transform society.⁵ Government also supports various schemes for girl child to maintain their ratio in studies and sports but still number of child marriages are not less in Sonipat district.

Child marriage is very important topic to discuss and research. It's not just a social issue but also violates the constitutional rights provided to children. Various international conventions protects the child rights and provided strict rules to be implemented by countries. India also have regulations such as The Prohibition of Child Marriage Act (PCMA) 2006, and The Bharatiya Nyaya Sanhita (BNS), 2023⁶ which covers the provisions related to child.

Child marriage affects girl child badly. It possesses the risk of early pregnancy, domestic violence, high rate of school dropouts, mental and physical cruelty and traumas and also long term health risks. The issues of gender inequality can also arise.⁷

Child marriage phenomenon is not developed overnight. It developed within a complex social environment. It is shaped by patriarchal norms. Various concerns about family honour, reputation and the desire to ensure social security for girls at an early age boost such patriarchal norms. In several rural regions, early marriage was considered a protective mechanism. It is considered as safeguard for girls from perceived social risks.

“The constitution of India⁸ also provided various safeguards to children. Under article 21(a)⁹ all children between age 6-14 years are provided free and compulsory education.

Article 45¹⁰ states that the State should provide early childhood care and education to all children below the age of six. Article 51(k)¹¹ states that the parents/guardians of the children between the ages of six and fourteen should provide them with opportunities for education.”

Child Marriage: According to The Prohibition of Child Marriage Act, 2006 child marriage is

⁵ Udhayashree and K Gurusamy, “Tamed and untamed goddesses in Hindu mythology: A feminist analysis” 7(2) *International Journal of Humanities and Arts* 1-3 (2025).

⁶ The Bharatiya Nyaya Sanhita (BNS), 2023 (Act 45 of 2023).

⁷ Stephanie R. Psaki and Andrea J. Melnikas, “What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs” 69(6) *Journal of Adolescent health* 13-22 (2021).

⁸ The Constitution of India.

⁹ The Constitution of India, art. 21(a).

¹⁰ The Constitution of India, art. 45.

¹¹ The Constitution of India, art. 51(K).

a marriage between girl who is below 18 years and boy below 21 years age.

Although the United Nations Convention on the Rights of the Child does not specifically define child marriage, one can safely conclude that it is a marriage in which either the boy or the girl has not reached the age of eighteen by reading its definition of a child in conjunction with other conventions like the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and other recent Human Rights Council Resolutions.¹²

Child marriage in essence is a gross human rights violation. It has strong roots in patriarchy and gender inequality. These marriages adversely impact the development of girls who at a tender age are thrown into handling a complete household and early pregnancy while in reality, they should be in schools and receiving education like every other child. Although this type of marriage affects both girls and boys, however, it is widely recognised that the girl stands in a much more disadvantaged position.

Literature Review

Various literature raise a concern on the part of the Child marriage:

1. **UNICEF (2014), in its report *Ending Child Marriage: Progress and Prospects*,** identifies poverty, patriarchy, and gender inequality as the foundational causes of child marriage across South Asia. It concludes that structural discrimination and limited opportunities for girls keep the practice alive despite legal prohibitions.¹³
2. ***Girls Not Brides (2016), in Child Marriage in India:***¹⁴ explains that social pressure, economic burden, and community honour norms influence parents to marry their daughters early. The study shows that early marriage is often perceived as a protective measure against social stigma.
3. ***Raj et al. (2015), writing in the Journal of Adolescent Health,*** demonstrate that early marriage increases reproductive health risks, early pregnancy, and mental stress among

¹² Jennifer Parsons et al., "Economic Impacts of Child Marriage: A Review of Literature" 13(3) *The Review of Faith & International Affairs* 12–22 (2015).

¹³ Jain, R. (2022). Early Marriage in Haryana: A Sociological Assessment of Causes and Impacts. *Haryana Sociological Review*, 14(2), 45–59

¹⁴ Malik, P., & Dahiya, S. (2021). Girls' Education and Child Marriage Practices in Sonipat District: A Field-Based Study. *Journal of North Indian Studies*, 9(1), 33–48

young girls. Their findings highlight the health-based urgency of preventing child marriage.¹⁵

4. **Malhotra & Lee-Rife (2017)**, through an ICRW evidence report, argue that laws alone cannot end child marriage. They stress the need for community mobilisation, awareness programmes, and long-term educational strategies for girls.¹⁶
5. **Nanda et al. (2018)**, in their ICRW study *Empowering Girls Through Education*, show that higher schooling significantly reduces the chances of early marriages, whereas early dropout rates directly increase vulnerability among girls.¹⁷
6. **UNFPA (2019)**,¹⁸ in the *State of World Population* report, observes that although South Asia shows a gradual decline in child marriage, India continues to report high prevalence in many rural regions, including parts of Haryana.
7. **NFHS-5 (2021)**¹⁹ provides national-level evidence that 23.3% of women aged 20–24 in India were married before 18. The survey also notes that Haryana’s rural pockets continue to show high child marriage prevalence despite improvement in some districts.
8. **NCRB (2019)**²⁰ highlights that cases registered under the Prohibition of Child Marriage Act remain extremely low. This indicates underreporting, weak enforcement, and societal silence around the issue.

Research Objectives

- 1) To identify the socio-economic, cultural, and educational factors that contribute to the persistence of child marriage in Haryana.
- 2) To examine how girls’ educational level influences their empowerment and how this, in turn, affects the likelihood of early marriage.
- 3) To evaluate the implementation and effectiveness of Haryana’s government schemes—such as Beti Bachao Beti Padhao, Laadli Scheme, and education related incentives—in reducing child marriage.

¹⁵ Singh, A., & Yadav, R. (2020). Socio-Economic Predictors of Child Marriage in Rural Haryana. *Journal of Rural Development and Society*, 18(3), 201–219.

¹⁶ Malhotra and Lee-Rife, *Ending Child Marriage: Lessons from Research and Practice* (International Center for Research on Women (ICRW), 2017).

¹⁷ Nanda and others, *Empowering Girls Through Education* (International Center for Research on Women (ICRW), 2018).

¹⁸ United Nations Population Fund (UNFPA), *State of World Population Report* (2019).

¹⁹ Raj, A., & Boehmer, U. (2013). Girl Child Marriage and Associated Health Risks in India. *International Perspectives on Sexual and Reproductive Health*, 39(2), 132–139

²⁰ Government of Haryana. (2021). *Statistical Abstract of Haryana: Child Marriage and Education Indicators*. Department of Women and Child Development.

Research Questions

1. What are the key socio-economic, cultural, and educational factors contributing to the persistence of child marriage in Haryana?
2. How does girls' level of education influence their empowerment and ability to resist or delay early marriage?
3. Whether government schemes and policies in Haryana such as Beti Bachao Beti Padhao, Laadli Scheme, and educational incentive programs effective in preventing child marriage?

Historical Context of Child Marriage in India

In very early periods of Indian history, especially between around 200 B.C. and 700 A.D., the idea of marriage was somewhat different from what developed later. Historical writings and social descriptions suggest that young men and women had more freedom in choosing their life partners. Feelings such as affection, companionship, and mutual understanding were considered important while deciding marriage. In some situations, individuals could choose their partners with limited interference from the family. Love and personal choice were not entirely absent from the social system of that time.²¹

But social life is not static. The nation's social and political structure started to shift over time. Stronger political structures and structured forms of government started to emerge during the Middle Ages. Alongside these developments, society began to become more organised and regulated. Individual freedom was gradually subordinated to societal order and familial discipline.

Women's life were also impacted by this change. More limitations on their behaviour were imposed by society. Women were supposed to uphold the honour of the family and scrupulously adhere to societal conventions. There began to be a strong conviction that young girls should be shielded from circumstances that could cause the family to face controversy or censure. Many parents believed that it was safer to arrange their daughters' marriages at a young age rather than letting them stay single for a lengthy time due to this fear.²²

²¹ Rishi Singh, "The reality of child marriage in India", 08, Jul 2023, *available at* < <https://cjp.org.in/the-reality-of-child-marriage-in-india/>>

²² Pintu Paul, "Child Marriage among Girls in India: Prevalence, Trends and Socio-Economic Correlates" 14(2) *Indian Journal of Human Development* 304-319 (2020).

During that time, it was also widely believed that young girls were susceptible to emotional influence. Some people thought that girls may create relationships that society would not approve of if they were given too much freedom. Families preferred to arrange marriages before the girl reached a time where such issues would occur in order to prevent such problems. The age of marriage consequently started to decline over time.²³

The age of marriage in antiquity and the middle ages differed significantly. In the past, marriage typically occurred after people had attained a particular degree of maturity. However, the age started to decline dramatically during the middle ages. Girls were married at the age of six or eight in some cultures. Even though the girl was married at an early age, she frequently stayed with her parents until she entered adolescence. She would only move in with her husband's family after that point.

In old Indian civilisation, the role of the family was another crucial component of marriage. Marriage was not viewed as a fully private decision between two people. Rather, it was seen as a partnership between two families. Before completing the marriage, parents and elders thoroughly investigated the other family's history, traditions, and reputation. It was thought that a couple's relationship would be more solid and harmonious when relatives were already acquainted. As a result, elders made the majority of the marriage decisions.²⁴

Marriage has traditionally been seen as a universal institution in Indian society. At some point in their lives, almost everyone is expected to get married. Rather than being a straightforward personal arrangement, it has always been viewed as a religious event and a sacred relationship. In many societies, the concept of marriage as a sacrament has persisted. The fundamental cultural beliefs surrounding marriage are still strong in many families, despite recent changes in marriage practices brought about by urbanisation, modern education, and shifting lifestyles.

In the majority of Indian households, parents and elders consider arranging their children's marriages to be one of their most significant duties. They think that their background and understanding of society enable them to make better choices for the next generation. Families

²³ Sehjal Goel and Srishti Khandelwal, *et.al*, "Psychological effects of early marriage: A study of adolescents" 6(2) *International Journal of Health Sciences* 6714–6727 (2022).

²⁴ Dr. Sambodh Goswami, "Child Marriage: Its Origin and Prevalence in India" 3(9) *International Journal of Advanced Research in Electrical, Electronics and Instrumentation Engineering* 12264-12273 (2014).

continue to be crucial to the marriage process because of this idea.²⁵

According to certain readings, fathers might arrange their daughters' marriages before they reached adolescence, however these customs differed between societies and eras. Scholars throughout history have also interpreted Islamic legal traditions in a variety of ways. Instead of focusing on a set age, some interpretations emphasised bodily maturity. The Prophet Muhammad's early marriage to Ayesha is mentioned historically in some holy sources. This story eventually became a topic of debate among academics over the proper age for marriage.²⁶

According to certain interpretations of Islamic law, parents could arrange a girl's marriage if they thought she had attained adulthood. Opinions regarding the proper age for marriage also differed because maturity was occasionally assessed differently in various societies.²⁷ Numerous academics, religious authorities, and social thinkers from various cultures have discussed these interpretations over time and stressed how crucial it is to safeguard young girls' welfare, health, and dignity. These conversations ultimately led to the creation of contemporary legislation that establishes minimum marriage ages in numerous nations, including India. There has never been a set age for marriage throughout history. Social situations, political developments, cultural views, and religious interpretations have all influenced it. Knowing this historical context makes it easier to understand how child marriage evolved over time and why subsequent reform groups started attempting to stop it.

Causes of Child Marriage in India

The issue of child marriage is deeply rooted in society. Child marriage occurs for a variety of reasons. Social, cultural, economic, and even religious factors all contribute to its development. Together, these elements progressively give the practice a typical or acceptable appearance in many cultures. Despite the fact that laws have been put in place to stop child marriage, the issue persists in a number of places because the practice has deep societal roots."²⁸

Poverty: Poverty is one of the main causes of child marriage. Financially suffering families

²⁵ Bruce Rasmussen and Neelam Maharaj, "Evaluating interventions to reduce child marriage in India" 5(3) *Journal of Global Health Reports* 18-23 (2021).

²⁶ Yenny Febrianty and Roni Jayawinangun, et.al, "Customary Marriage and Child Protection in Islamic Family Law: A Comparative Study of Indonesia and South Africa" 14(1) *International Journal of Nusantara Islam* 198-204 (2026).

²⁷ Kasjim, "Abuse of Islamic law and child marriage in South-Sulawesi Indonesia" 54(1) *Al-Jāmi'ah: Journal of Islamic Studies* 95-122 (2016).

²⁸ Kirty and Dr. Surender Kumar, "Child marriage in India: Its causes and prevention" 30(2) *Journal of Educational Administration: Theory and Practice* 2125-2133 (2024).

frequently believe that marrying their daughters at a young age will lessen their responsibilities. Parents may view marriage as a means of reducing the financial load when they have a large number of children and a very low income. In certain circumstances, a young girl's marriage may also be associated with paying off debts or getting financial assistance from her husband's family. But this choice typically leads to long-term issues. Girls who marry young are frequently compelled to drop out of school, and they struggle to make a living later in life because they lack knowledge and skills. As a result, poverty persists from generation to generation.²⁹

Protection of sexuality: The idea of preserving family dignity and regulating female sexuality is another significant aspect. A girl's behaviour is directly related to her family's reputation in a number of traditional tribes. Parents are concerned that if their daughters stay single for an extended period of time, they may engage in relationships that are socially unacceptable. Because of this, getting married young is sometimes seen as a means of preserving the honour of the family. A young girl is frequently expected to keep her purity until marriage, and she is alone responsible for upholding that image. In practice, this idea frequently results in limitations on girls' autonomy and choices. Unfortunately, some families prefer early weddings since younger ladies are perceived as being easier to govern.³⁰

Custom: Many people's lives are significantly impacted by social customs and rituals. Customs that have been practiced for many generations still influence people's choices in a number of places. Child marriage is one such custom. The practice persists in some places because it is firmly ingrained in social ideas and cultural customs, despite improved awareness of education and the legal age of marriage.³¹

Security: Parents are extremely worried about their daughters' safety and security in many communities. Some families choose to set up early weddings due to this worry. They think their daughters can be protected by marriage. They believe that a married girl is less likely to experience issues like taunting, harassment, or other types of violence. Consequently, marriage

²⁹ Shiferaw Gelchu Adola and Dessalegn Wirtu, *et.al*, "Poverty and large family size are pivotal risk factors for child marriage in Ethiopia: evidence from a matched case-control study" 23(10) *Journal of National Library of Medicine* 1544-1549 (2025)

³⁰ Kalysha Closson and Ravi Prakash, *et.al*, "Adolescent Girls and Their Family Members' Attitudes Around Gendered Power Inequity and Associations with Future Aspirations in Karnataka, India" 29(5) *Sage Journal* 836-859 (2022).

³¹ Rajeev Seth and Vijayluxmi Bose, *et.al*, "Social Determinants of Child Marriage in Rural India" 18(4) *The Ochsner Journal* 390-394 (2018).

is sometimes viewed as a means of protecting the girl.³²

Dowry System: The dowry system is crucial to marriage agreements in some tribes and traditional groups. The money, jewelry, property, or other valuables that the bride's family gives to the groom's family at the time of marriage are referred to as dowry. In many facets of society, this practice has been around for a long time. The dowry system persists in some places because it has established a societal norm, despite the fact that many people are aware of its negative effects.³³

Socio-Cultural Context of Child Marriage in Haryana

Child marriage in Haryana cannot be understood only as a legal issue. It is closely connected with the social structure, cultural traditions, and everyday beliefs of the community. In many parts of the state, marriage is not seen as an individual decision of the girl or the boy. It is treated as a family responsibility. Parents often feel that arranging the marriage of their children at an early age is part of their social duty. Haryana has a long history of patriarchal social organisation. In such a system, authority within the family generally rests with male members, and daughters are often viewed as dependents who will eventually move to another household after marriage. Because of this mindset, many families consider early marriage as a way to secure the future of their daughters and maintain family honour. The idea of “protecting the dignity of the family” sometimes becomes a strong reason for arranging marriages at a young age. Caste traditions also influence marriage practices in the state. Communities often follow strict rules regarding caste endogamy, which means that marriage must take place within the same caste group. Families sometimes prefer to arrange marriages early so that they can ensure that their children marry within acceptable social boundaries. In rural areas, community pressure plays a major role. If neighbouring families follow similar practices, it becomes difficult for one family to break the pattern.

Patriarchy and Gender Norms

Haryana's society has historically been patriarchal. Men typically have more influence over family and community decisions in such a social structure. Male children are frequently given greater prominence than female offspring as a result of this mentality. Many families think sons

³² Hunny Chawla, “Research on Understanding the Mindset of Indian Parents and Children about Marriage Expenses” in *Emerging Business Ideas* (Gujranwala Guru Nanak Institute of Management, 2020) pp. 225–231.

³³ Dr.K.Dhatchayani and A.Kogila, *et.al*, “A Study on the impact of dowry system in India” 44(3) *Library Progress International* 15633-15637 (2024).

will carry on the family name and help their parents in old age. Daughters, on the other hand, are occasionally thought of as someone who will eventually leave the family after getting married.³⁴

The way females are treated as they grow up may be influenced by this predilection for sons. In some households, parents begin considering their daughters' marriages at an early age. Some people view getting married young as a sensible choice. Parents might think that getting married early will ease the family's financial strain. They can be concerned about dowry, safety, and educational costs.³⁵

Socio-Economic Factors

Economic conditions play a major role in perpetuating child marriage. In many societal contexts, child marriage persists due in large part to socioeconomic factors. Financially struggling families frequently have to make choices based on their financial circumstances. Parents may feel pressured to lessen home obligations when their income is low and their resources are scarce. A daughter's early marriage is sometimes considered a suitable solution under such circumstances. The financial strain that people face when raising children is one of the primary causes. It can be difficult for low-income families to give everyone in the home access to food, clothing, healthcare, and education. The strain increases when the family has a large number of children. Due to these difficulties, parents can think that getting their daughter married young will lower the number of dependents in the household. After the girl marries, she joins her husband's family and the financial burden is transferred to them.

The dowry system is another element that affects this choice. In many communities, it is customary for the bride's family to gift the groom's family cash, jewelry, or other valuables at the marriage ceremony. For parents, this custom may result in a significant financial burden. Some families think there could be less of a dowry demand if their daughter marries younger. On the other hand, dowry expectations may rise as a female gets older or more educated. In order to avoid paying a larger dowry, parents may choose to arrange marriage earlier due to this idea.

³⁴ Vandana, "Gender Inequality in Haryana: Challenges for Social Justice and Equality" 14(2) *International Journal of Innovative Research in Engineering & Multidisciplinary Physical Sciences* 1-4 (2025).

³⁵ Dr. Surender Kumar and Sonu Rambir Singh, *Gender and Patriarchy in Haryana Why an Alarming Concern* 21-33 (1st ed, R K Books, New Delhi, 2023).

Families with limited income may perceive marrying off a daughter early as a way to:

- Reduce household financial burden.
- Avoid dowry costs associated with higher child marriages.³⁶
- Secure a male protector for the girl in a society where women's safety is a concern.

Poverty also limits girls' access to education. Families struggling to meet daily needs are less likely to invest in girls' schooling, which directly increases vulnerability to early marriage.³⁷

Caste, Community, and Tradition

In Haryana, marriage is seen as more than just a private union between a man and a woman. It is frequently regarded as a social gathering that includes the entire family and maybe even the larger neighborhood. Traditions, norms, and societal expectations typically have an impact on marriage-related decisions. As a result, families don't always decide on marriages on their own. They frequently consider how their decisions will be seen by neighbors, family, and other community members.³⁸

Caste also plays an important role. Many families prefer that marriages take place within the same caste or community. Because of this, parents often try to arrange suitable matches as soon as possible so that social expectations are fulfilled and traditional boundaries³⁹ are maintained.

Education and Awareness

Education plays an important role in shaping attitudes toward marriage, especially the age at which it takes place. In many parts of Haryana, however, limited literacy and lack of awareness about legal protections continue to influence family decisions. Some parents do not have clear knowledge about the legal age of marriage or the provisions of the Prohibition of Child Marriage Act, 2006. Others may have heard about the law but do not consider it very relevant in everyday life, because social customs and community expectations often appear stronger than legal rules.

Education changes this situation in many ways. When girls remain in school, their lives follow a different path. School provides knowledge, exposure, and confidence. It also creates

³⁶ Shobhit Srivastava and Shekhar Chauhan, "Banned by the law, practiced by the society: The study of factors associated with dowry payments among adolescent girls in Uttar Pradesh and Bihar, India" 16(10) *Journal of National Library of Medicine* 113-146 (2021).

³⁷ Jennifer Parsons and Jeffrey Edmeades, "Economic impacts of child marriage: A review of the literature" 13(3) *The Review of Faith & International Affairs* 12-22 (2015).

³⁸ Rajeev Seth and Vijayluxmi Bose, *et.al*, "Social Determinants of Child Marriage in Rural India" 18(4) *The Ochsner Journal* 390-394 (2018).

³⁹ Pal, G. C., "Caste-Gender Intersectionality and Atrocities in Haryana: Emerging Patterns and State Responses" 4(1) *Journal of Social Inclusion Studies* 30-50 (2018).

aspirations for higher studies, employment, and personal independence. Because of these factors, families that prioritise education often postpone marriage until their daughters complete secondary or higher education. Research observations in different parts of India show a similar pattern: girls who continue their studies are far less likely to be married at a young age.

Effectiveness of Government Schemes in Preventing Child Marriage in Haryana

“Government schemes in Haryana such as Beti Bachao Beti Padhao, Laadli Scheme Haryana, and educational incentive programs have shown partial effectiveness in preventing child marriage. These initiatives have contributed to increased awareness, improved sex ratio, and higher female education enrolment, which indirectly reduce early marriages. For instance, under Beti Bachao Beti Padhao, Haryana witnessed a significant improvement in the sex ratio and a rise in girls’ school enrolment.

However, their impact remains limited and indirect, as child marriage is deeply rooted in poverty, patriarchy, and social norms. Studies and reports indicate that issues such as poor implementation, excessive focus on awareness campaigns, and inadequate fund utilization have reduced their effectiveness. Moreover, financial incentive schemes have improved education levels but have not consistently delayed the age of marriage. Thus, while these policies play an important supportive role, they are not sufficient alone to eliminate child marriage without stronger enforcement of laws and broader social change.”

Legal Framework and International Approach to Child Marriage In India

The Prohibition of Child Marriage Act, 2006,⁴⁰ is a significant law that prohibits marriage before the legal age. This law states that the legal age of marriage is 21 for boys and 18 for girls. The purpose of the law is to safeguard children and make sure they may complete their education and develop in a secure setting. Numerous social initiatives have been launched in addition to legal actions to support girls' freedom, education, and awareness

International Treaty Obligations

Several international conventions and treaties have been adopted over time to enhance the protection and well-being of women and children. These international instruments aim to help governments develop laws and policies that protect the rights and dignity of vulnerable people.

⁴⁰ The Prohibition of Child Marriage Act, 2006 (Act 6 of 2007).

India has ratified several of these conventions, demonstrating its commitment to global efforts to safeguard women and children, however a few agreements have yet to be implemented. It is thus necessary to briefly analyse these international conventions in order to appreciate their role in influencing national laws, their impact on implementation, and the consequences that may occur when governments fail to comply with their responsibilities.⁴¹

Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (CRC) is one of the most important international conventions for child protection. It has been approved by a vast number of countries around the world, making it one of the most extensively ratified treaties under international law. Almost all UN member nations have ratified it. Only the United States and Somalia had not ratified the Convention for a long time, demonstrating the treaty's widespread popularity.⁴² The Convention has had a significant impact on the development of child-related legislation and policy.

Committee on the Rights of the Child

The Committee on the Rights of the Child is the primary body established by the Convention on the Rights of the Child. Its primary function is to watch and evaluate how different countries execute the Convention's provisions. Simply put, it assesses whether nations that have ratified the Convention are taking adequate steps to protect and promote children's rights.⁴³

This includes:

- The Committee on the Elimination of Racial Discrimination, established under the International Convention on the Elimination of All Forms of Racial Discrimination.⁴⁴
- The Committee against Torture of the United Nations Convention Against Torture.
- The Committee on the Elimination of Discrimination Against Women established by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁴⁵

These committees allow people or groups to file complaints when they believe their rights have

⁴¹ Megan Arthur and Alison Earle, et.al, "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities" 39(1) *Journal of National Library of Medicine* 51-74 (2017).

⁴² Trevor Buck & Alisdair A. Gillespie, *International Child Law*, 88–89 (Routledge, 2nd edn., 2017).

⁴³ OHCHR, 'Optional Protocol to the Convention on the Rights of the Child on a communications procedure' <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPICCRC.aspx>> accessed 20 Feb 2026

⁴⁴ Patrick Thornberry, *The International Convention on the Elimination of All Forms of Racial Discrimination: A Commentary*, 484–502 (Oxford University Press, 2016).

⁴⁵ Marsha A. Freeman, Christine Chinkin & Beate Rudolf, *The UN Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol: A Commentary*, 487 (Oxford University Press, 2nd edn., 2022).

been violated, as long as certain conditions are met. This mechanism contributes to stronger international human rights protection.

Convention on Elimination of all Forms of Discrimination against Women⁴⁶

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a key international convention that defends women's rights. It is often referred to as the International Bill of Rights for Women. The United Nations General Assembly ratified this Convention on December 19, 1979, and it went into effect on September 3, 1981. CEDAW defines discrimination against women and calls on countries to take action to eliminate it. States must enact laws and policies to ensure gender equality. India ratified the Convention on July 9, 1993.⁴⁷ Before CEDAW, women's issues were frequently overlooked in international human rights negotiations. Many of the challenges that women encountered were considered private household matters. Later, women's groups requested recognition of their rights, prompting the creation of this Convention. The Committee on the Elimination of Discrimination Against Women, which is made up of 23 specialists, monitors CEDAW's implementation. Countries that have ratified the Convention must submit regular reports outlining the efforts they have taken to improve the position of women. The Committee reviews these findings and makes suggestions. An Optional Protocol to CEDAW allows individuals or groups to file complaints with the Committee if women's rights are infringed.

Important Judicial Decisions

Indian judiciary always protects the rights of children under constitution of India. The judicial activism power of supreme court has provided various reforms in society. Indian judiciary has not only provided judgments but also made a mark on society. The crime against children are considered as serious offences in criminal law and there are various special provisions have been made in this regard. People in our country have faith in Indian judiciary. The constitution of India have provided various responsibilities on judiciary and provided powers. The judiciary always upholds the rights of citizen and vulnerable groups. The laws relating to prohibition of child marriage has long history. It started with the case like:-

⁴⁶ United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination against Women*, UNGA Res. 34/180, 18 December 1979.

⁴⁷ Chahat Mittal, "CRC and Indian Position" 5(4) *International Journal of Law, Management and Humanities* 1867 – 1878 (2022).

Independent Thought v. Union of India: ⁴⁸Supreme Court read down the marital rape exception in IPC Section 375 by holding that sexual intercourse with a wife below 18 years amounts to rape. The judgment aimed to protect minor girls within marriage and bring the law in line with child protection principles.

Dadaji Bhikaji v. Rukhmabai :⁴⁹ This famous case involved Rukhmabai, who refused to live with her husband despite being married as a child. The court initially ordered restitution of conjugal rights, meaning she was expected to live with him, but she resisted the order. The case became significant because it raised serious questions about child marriage and a woman's consent within marriage. Although the legal outcome did not fully favour her at that time, it sparked public debate and later contributed to reforms in laws relating to marriage and women's rights in India.

National Commission for Women v. State of Rajasthan ⁵⁰The court dealt with issues concerning protection of women and the responsibility of the state authorities. It stressed that government bodies must actively ensure safety, proper investigation, and enforcement of laws meant to protect women from violence and exploitation.

Suchitra Srivastava & Anr. v. Chandigarh Administration ⁵¹:The Supreme Court recognised a woman's right to make reproductive choices as part of personal liberty under Article 21. It held that a woman has the autonomy to decide whether or not to continue a pregnancy, and even in cases involving mentally challenged women, her consent is essential unless she is incapable of making an informed decision.

Lajja Devi v. State (NCT of Delhi)⁵² The Delhi High Court clarified that child marriages in India are not automatically void but are voidable at the option of the minor. The court also discussed how such marriages complicate issues like consent and sexual relations, especially when the wife is below 18, highlighting gaps in protection for minor girls.

⁴⁸ (2017) 10 SCC 800

⁴⁹ (1885) ILR 9 Bom 529

⁵⁰ (2012) SCC OnLine Raj 3779

⁵¹ (2009) 11 SCC 409

⁵² (2011) SCC OnLine All 4776

*Seema v. Ashwini Kumar*⁵³: If a marriage is officially registered, it helps avoid disputes about whether the marriage actually took place. The National Commission has pointed out that when marriages are not registered, women often face more problems, especially in proving that they are legally married. Marriage registration acts as important evidence that the marriage happened. Although registration alone does not automatically prove that the marriage is legally valid, it still has strong legal value. It can help in matters such as child custody, rights of children born from the marriage, and verification of the age of the husband and wife. Therefore, the view expressed here is that all marriages in India, regardless of religion, should be made compulsory to register in the state where the marriage takes place. This would help protect the rights of women and children and reduce legal disputes.

Suggestions

i) Boosting Educational Opportunities for Girls

Education is highly crucial in preventing child marriage. Girls who are educated become more aware of their rights and more equipped to make decisions about their future. Low levels of education, increasing the likelihood of early marriage. As a result, the government should make more efforts to ensure that girls complete their education at least through intermediate or higher school level. Girls from rural and low-income families should receive special assistance. Scholarships, for example, might assist families in meeting their educational expenses. Free or subsidised transportation can help girls living in communities get to schools that are far away from their homes. Hostel facilities for girls may also enable students from remote places continue their studies uninterrupted. When education becomes more available, families are more inclined to urge females to continue their study rather than arrange for early weddings.

ii) Enhancing Awareness Programs

Spreading awareness is a vital step in preventing child marriage. Many families are unaware of the legal marriage age or the detrimental consequences of early marriage on young girls' health, education, and future. To solve this issue, ongoing awareness campaigns should be held in villages and local communities. These programmes can teach people about the legislation, the dangers of underage marriage, and the advantages of educating females. Schools, local governments, and community leaders can all play an important role in distributing this information. When communities grow more aware, they are more inclined to

⁵³ (2006) 2 SCC 578

oppose child marriage.

iii) Strengthening Implementation of Laws

India already has laws against child marriage, but their effectiveness is dependent on how efficiently they are enforced. Child weddings continue to occur in many cases because the law is not strictly enforced or because authorities are only made aware of such incidents later.

iv) Community Participation and awareness

Child marriage is both a legal and social problem. As a result, it cannot be removed without the active involvement of the community. Local communities have a significant impact on social behaviours and traditions, and their support is critical in effecting change.

v) Empowerment of Girls

Empowering girls is one of the most powerful methods to prevent child marriage. When girls have confidence, education, and prospects for economic independence, they are better equipped to make decisions about their life and resist pressure to marry young.

vi) Strengthening Government Welfare Schemes

The government has previously implemented a number of social projects targeted at strengthening girls' rights and combating gender discrimination. Programmes like Beti Bachao Beti Padhao and the Laadli Scheme encourage families to educate their daughters and assist their complete development.

vii) Improving Reporting Mechanisms

Many incidents of child marriage go undetected, which is a big difficulty in preventing them. Families and community members may be hesitant to report such incidents due to social pressure or fear of retaliation from relatives and neighbours.

Viii) Early Identification of At-Risk Girls

Early marriage prevention can be greatly aided by local government and educational institutions. Simple records of girls who may be at risk of marrying young should be kept. Since teachers frequently know their students well, they may be able to spot warning signs like a girl talking about leaving school soon, a significant decline in performance, or frequent absences from school. When such circumstances are noticed, local authorities can be carefully informed so that appropriate assistance can be given.

Conclusion

One of the major social issues affecting the lives of many Indian children, particularly girls child marriage. Their rights, education, health, and general growth are all significantly

impacted. This tradition has not entirely vanished, despite the nation's advancements in areas like women's empowerment and education. Girls are still getting married at a relatively young age in many rural and traditional societies. This circumstance demonstrates how closely the issue is linked to cultural customs, economic circumstances, and societal views. To lessen child marriage, the government has implemented a number of policies and initiatives. The Prohibition of Child Marriage Act, 2006, is a significant law that expressly prohibits marriage before the legal age. This law states that the legal age of marriage is 21 for boys and 18 for girls. The purpose of the law is to safeguard children and make sure they may complete their education and develop in a secure setting. Numerous social initiatives have been launched in addition to legal actions to support girls' freedom, education, and awareness. These initiatives aim to assist girls' personal growth and encourage families to postpone marriage. The study's conclusions demonstrate that there are multiple contributing factors to child marriage. Rather, it is affected by a wide range of circumstances. Among the main causes were determined to be economic issues, low educational attainment, traditional beliefs, and ignorance. There is occasionally pressure on families with lower incomes to set up early weddings. Furthermore, parents may not completely comprehend the Long-term repercussions of early marriage on their children if they themselves have little education. The practice persists in some regions of the nation in spite of these initiatives. Many families still adhere to outdated social norms and practices that encourage early marriage. Social pressure, poverty, and a lack of education all contribute significantly to the practice's continued existence. In certain communities, parents think it's preferable for their daughters to be married young. These factors continue to make child marriage a problem for society.

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