



CHILD MARRIAGES : NATIONAL ISSUE (SOCIETY)

NEWS : Supreme Court Recalls 2022 Ruling on Benami Transactions Act, Restores Provisions for Fresh Adjudication

WHAT'S IN THE NEWS ?

The Supreme Court recalled its August 2022 order, which had declared certain provisions of the Benami Transactions (Prohibition) Act, 1988, unconstitutional. This decision came in response to a petition filed by the Centre, arguing that the constitutional validity of the unamended Act was never questioned in the original case.

Prohibition of Child Marriage Act, 2006:

- **Objective:** To prevent and prohibit child marriages by punishing offenders and appointing authorities to enforce the law.
- **Definitions:**
 - **Child:** Male below 21 years, female below 18 years.
 - **Child marriage:** Marriage where either party is a child.
 - **Minor:** Person below 18 years (as per Majority Act, 1875).
- **Punishment:** Rigorous imprisonment up to 2 years, fine up to ₹1 lakh, or both. Offences are cognizable and non-bailable.
- **Punishable Offenders:**
 - Anyone performing, conducting, or abetting child marriage.
 - Male adults (above 18) marrying a child.
 - Guardians or anyone responsible for promoting or permitting child marriage.

'11.5L KIDS VULNERABLE IN 27 STATES, 7 UTs'

➤ NCPDR drive finds over 11.5 lakh children in 27 states and 7 UTs, most of them girls, 'vulnerable' to child marriage. This meant they **were out of school, irregular or absent for long without intimation**

➤ More than **5 lakh children classified as vulnerable in UP**, 1.5L in Assam, nearly 1L in MP

➤ **Lakshadweep and Andaman**



& Nicobar Islands reported no vulnerable children

➤ Campaign launched in March 2024, a month before **Akshaya Tritiya**, when a large no. of child marriages take place

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Supreme Court's Stance:

- Urged Parliament to ban child betrothals.
- Child marriages violate minors' rights to free choice, autonomy, and childhood.
- Referenced CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) opposing child betrothals.

Interface with Personal Laws:

- The **Prohibition of Child Marriage (Amendment) Bill, 2021** seeks to give PCMA precedence over personal laws, currently under consideration in Parliament.

Social and Economic Impact:

- **Girls:** Deprived of childhood, social isolation.
- **Boys:** Prematurely burdened with adult responsibilities.

Factors Behind Child Marriage:

1. **Economic:** Poverty, dowry, and crisis situations push families to marry off girls early.
2. **Social Norms:** Traditional practices and pressure from communities sustain early marriages.
3. **Gender Inequality:** Lack of education and opportunities for girls drives families to arrange early marriages.

Source : <https://www.thehindu.com/news/national/outlaw-child-betrothals-too-sc-urges-parliament/article68769777.ece>