

Child Marriage Restraint Act 1929

Child Marriage Restraint Act was passed on 28 September 1929 by the Imperial Legislative Council of India to fix the marriageable age for girls at 14 and boys at 18 years. After Indian Independence, the Act was amended to raise the girls' age bar for marriage to 15. It is known as the Sharda Act 1929 after Harbilas Sarada.

In 1978, the amendment of the Child Marriage Restraint Act was again made to increase the minimum age limit of marriage for girls to 18 and boys to 21. This was named after its sponsor, Harbilas Sarada. The Child Marriage Restraint Act was popularly known as Sarada Act 1929. The Act was passed with the planned mission to eradicate the evil of child marriage from the country. The last amendment bill to prohibit child marriage was passed in 2021.

Child Marriage Restraint Act Latest News

In 2021, action was taken to increase the minimum age of females in India. The major highlights of the Prohibition of Child Marriage (Amendment) Bill, 2021 are as follows-

- The minimum legal age of marriage for females is increased from 18 to 21 years.
- The Child Marriage Restraint Act 2006 allowed the person married below the minimum legal age to apply for annulment within five years of attaining the age of minority. Prior it was just 2 years.

Below, you will learn about the Child Marriage Restraint Act 1929, its features, objectives, significance, and major drawbacks.

Features of Child Marriage Restraint Act 1929

The features of the Child Marriage Restraint Act 1929 are-

- According to Child Marriage Restraint Act, the child is any female below the age of 18 years while male below the age of 21 years.
- The term "child marriage" refers to the illegal event of the marriage of contracting parties of the child.
- The term "contracting parties" refers to the marriage wherein either of the two or both parties is solemnized.
- Minor is any individual below the age of 18 years.
- If a male is 18 yrs to 21 yrs, then he is punished with simple imprisonment upto 15 days or a fine of Rs 1000 or both.
- If a male is above 21 years of age and marries a child, he will be punished with an imprisonment of three months and a fine.

- If parents are involved, they will be punished with an imprisonment of three months along with a fine.
- If the offences were cognizable offences, then the Code of Criminal Procedure, 1973 shall apply to these offences for investigation purposes, for matters except referred to section 42 and arrest without Magistrate order or a warrant.

Child Marriage Restraint Act 1929 Overview

The basic overview of the Child Marriage Restraint Act 1929 is as under-

Highlights	Details
Title	Act to define the age of marriage in India
Territorial Extent	British India
Enacted	28 September 1929
Commenced	29 September 1929
Enacted by	Imperial Legislative Council

Objectives of Child Marriage Restraint Act 1929

Before independence, the status of women in the society was quite low. They were married to men at a very young age, leading to many complications related to women's health. This calls for the formation of a tough act that will guard women against the prevailing evils in society. As

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result, the Child Marriage Restraint Act 1929 was passed with the following objectives-

- Stop Child Marriage.
- To eliminate the potential threat to female child's life and health, esp. the early death of minor mothers.

Child Marriage Restraint Act - Significant Role of Organised Women

The Child Marriage Restraint Act can be cited as the first example of social reform issues taken up by the organised women of India. They played a major role in the development of arguments by actively using the device of the political petition. Organised women's associations met with pro-reform leaders like Motilal Nehru to seek support for the bill. All-India Women's Association's pressure on politicians to support the bill by shouting slogans and holding placards outside the delegation was able to get the intended victory for the bill.

This group also made Gandhi address the evils of child marriage in his speech. The women's organisation was successful in bringing liberal feminism to the forefront. They declared their intentions to frame their laws that would be free from any male influence.

How Successful was the Child Marriage Restraint Act 1929?

When it was active for two years and five months, only 167 prosecutions out of 473 were successful. Again out of these 167 successful cases, only 17 received all or part of their sentence. Most of the cases were in Punjab and the United Provinces.

According to the 1931 census report on how the bill was doing, it was seen that there was an increase in the number of wives under the age of 15 from 8.5 million to 12 million, and the number of the husband under the age of 15 had increased from 3 million to more than 5 million. There was a fall in the percentage of windowed children from 400000 to 320000.

Although these figures were alarming, there was still an indication that the law was able to reach the masses and affect them. However, the main setback for the Act was that it remained a dead letter during the colonial days of British rule in India. The British Government avoided implementing the Act or any other social reform for fear of losing control.

Drawbacks of Child Marriage Restraint Act

The Act's limitation is that no court could take cognizance of any offence under this Act on the expiry of a year from the date the alleged offences have been committed. This resulted in diluting the efficacy of the law. The act has been repealed now, and to bring the necessary reforms to address crucial areas to eradicate the evil of child marriage, the prohibition of the Child Marriage Restraint Act was enacted in 2006.