

**CIVIL SOCIETY REPRESENTATION TO THE STANDING COMMITTEE FOR
EDUCATION, WOMEN, CHILDREN, YOUTH, AND SPORTS
ON THE PROHIBITION OF CHILD MARRIAGE AMENDMENT BILL, 2021
November 7, 2024**

This is a representation on behalf of approximately 200 organisations and individuals who work towards implementing and advancing women's and children's rights in India. We are two networks - the **National Coalition for Advocating Adolescent Concerns (NCAAC)**,¹ and the **Young Voices Working Group (YVWG)**;² and this jointly prepared representation is endorsed by 75 individuals and organisations from across the country. The detailed list of members / endorsees is included at the end of this representation.

Our concerns pertain to misplaced reliance on stringent legislative solutions to tackle prevalence of child and early marriage, the outcomes of which are harmful to women and girls for whose benefit the law is intended. Successive amendments to the Prohibition of Child Marriage Act, 2006 (PCMA) are indicative of this trend. In 2017, the Karnataka amendment changed the status of child marriages in PCMA, from 'valid though voidable' at the option of the minor party, to *void ab initio* (having no legal effect) in the state; in 2020, Haryana enacted a similar amendment. Further, in December 2021, when the Prohibition of Child Marriage Amendment Bill, 2021 to raise the minimum age of marriage for women from 18 to 21 years presented to the Parliament, it was referred to this Parliamentary Standing Committee. The Bill has since lapsed; and now, in 2024, an amendment to the PCMA by the Himachal Pradesh to raise the minimum age of marriage for women to 21 years is pending Presidential assent.

¹ **NCAAC** is a coalition of 23 members from 7 states (**Delhi** - Partners for Law in Development, Nirantar Trust, Action India, Butterflies, Counsel to Secure Justice, HAQ Centre for Child Rights, SAMA Resource Center for Women and Health, Shakti Shalini, Nicole Rangel; **Rajasthan** - Mahila Jan Adhikar Samiti, Vishakha; **Uttar Pradesh** - The YP Foundation; **West Bengal** - Disability Rights Centre, Praajak; **Gujarat** - Area Networking and Development Initiatives, Sahiyar Stree Sangathan; **Mumbai** - Mahila Sarvangeen Utkarsh Mandal, Prerana, Centre for Enquiry Into Health and Allied Themes, RATI Foundation, Maharukh Adenwalla; **Karnataka** - Enfold Proactive Health Trust, Hidden Pockets Collective), working on legal rights, public health, sexual and gender based violence, sexual and reproductive health, life skills, education and restorative justice relating to rights of women, children, persons with disability.

² **YVWG is a collaboration of 95 civil society organisations and individuals from 17 states** (Andhra Pradesh, Assam, Bihar, Delhi, Gujarat, Haryana, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tamil Nadu, Telangana, Uttarakhand, Uttar Pradesh, West Bengal), dedicated to upholding young people's rights, including their right to be heard. The YVWG facilitated the Young Voices National Movement, involving over 2,500 marginalised children, adolescents and youth who oppose the raising of legal marriage age for women from 18 to 21 years - and provide recommendations to address incidences of child/early marriages in a comprehensive and sustainable manner.

Even as the amendments rendering underage marriage as *void ab initio* have come into force in Karnataka and Haryana, the troubling issue of raising the minimum marriage age to 21 years, remains pending, and therefore needs to be understood.

The aims and objectives of the Prohibition of Child Marriage Amendment Bill, 2021 (referred to as the Bill) seeks to achieve the “imperatives for lowering maternal mortality rate and infant mortality rate, as well as improvement of nutrition levels and sex ratio at birth, empowerment of women, gender equality, increasing the female labour force participation, make them self-reliant,” through raising minimum marriage age for women from 18 to 21 years. These expansive goals correspond with the GoI notification dt. 4.6.2020, for setting up of “a Task Force to examine matters pertaining to age of motherhood, imperatives of lowering MMR, improvement of nutritional levels and related issues.”

Even as we endorse the need to address women’s and girls’ empowerment, the high maternal mortality rates, high levels of malnutrition, and poor educational attainment of girls - we disagree that any one of these can be achieved by raising the minimum marriage age for girls to 21 years. Such a move is inconsistent with the universal age of majority, which is 18 years in India under the general and special law, including the PCMA, 2006, religion based family laws, and the Convention of the Rights of the Child, duly ratified by India. Additionally, it raises grave concerns about rendering young women from resource poor populations voiceless, vulnerable to detention and criminalisation, and at further risk of pushing them away from health services and social security programmes.

For the reasons set out below, we oppose the Bill proposing to raise the minimum age of marriage for girls to 21 years.

PART A: CHILD/ EARLY MARRIAGE ON DECLINE, IS PREVALENT MAINLY AMONG MARGINALISED RESOURCE POOR POPULATIONS IN INDIA

1. National data shows child marriage is declining:

As per the NFHS-5 (2019-21) out of all women who were 20-24 years old, 23% were married before the current legal age of 18 years, lower than the 26.8% recorded in NFHS-4 (2015-16), and a considerable drop from the 47.4% in NFHS-3 (2005-06) in the same age group who married before 18. The mean age at first marriage for girls has risen from 17.2 years in 2005-06, to 19 years for women in 2015-16, to 19.2 years among women in 2019-21. The trend shows that child marriage has declined, and has given way to late adolescent marriage, more aptly described as ‘early marriage’.

The state-wise segregation of data in NFHS-5 (2019-21) shows that in high prevalence states, where about two-fifths of women marry before reaching the legal minimum age marriage, to be West Bengal (42%), Bihar (40%), and Tripura (39%); as compared to the low prevalence states, which are Lakshadweep (4%); Jammu & Kashmir and Ladakh (6% each); Himachal Pradesh, Goa, and Nagaland (7% each), and Kerala and Puducherry (8% each).

As per NFHS-4 (2015-16), a whopping 48.0% of the women aged 20 - 24 years were married by the age of 20 years and 63.4% between the age of 25 - 29 years were married by the age of 21 years.³ **Based on this data, the effect of the proposed Bill will be to criminalise majority of marriages that take place in India.**

2. Child early marriage are specific to marginalised, poor and (largely) rural communities, driven by poverty, disempowerment and poor education:

Both statistical and qualitative studies establish many key drivers of early marriage in India including poverty, social marginalisation, lack of safety, lack of decent employment opportunities, humanitarian crisis and conflict, as well as gender inequality within a patriarchal social order. Poverty at the household and the community level often goes together with limited availability/accessibility and poor quality health and education services, poor infrastructure, and few opportunities. At the same time, traditional patriarchal practices means that girls are less valued than boys, there is insecurity and fear about girls' safety, and the premium on sexual purity of girls makes daughters' virginity critical for family *izzat*; these practices are exacerbated in situations of poverty and social marginality. A symbolic measure such as raising the minimum marriage age cannot resolve these fundamental constraints on empowering girls and improving health and other outcomes for them. While child marriage is likely to occur more in rural areas on account of lack of opportunities, it is likely to reduce if girls have access to secondary education.⁴ So there is a correlation between education and early marriage.

To suggest that by increasing the age of marriage, women will be treated at par with men, blatantly ignores the lived realities of women and girls in patriarchal cultures with deeply entrenched gender roles. The Bill wrongly assumes that families without resources, access to affordable Secondary Education, vocational

³ India Report, National Health and Family Survey 2015-2021 [NFHS-4], pg 165

⁴ Goli, Srinivas, *Eliminating Child Marriage: Progress and Prospects*, New Delhi: Child Rights Focus and Action Aid, 2016; Shireen J Jejeebhoy, *Ending Child Marriage in India: Drivers and Strategies* (Akshara Centre for Equity and Well Being and UNICEF, 2019)

<https://www.unicef.org/india/media/2556/file/Drivers-strategies-for-ending-child-marriage.pdf>; A Statistical Analysis of Child Marriage in India: Based on Census 2011: (Young Lives and NCPCR - 2017)

https://younglives-india.org/sites/www.younglives-india.org/files/2018-05/Child%20Marriage%20Report%20Final_1.pdf; Early and Child Marriage in India: A Landscape Analysis (Nirantar Trust 2015)

<http://feministlawarchives.pldindia.org/wp-content/uploads/Nirantar-ECM-Report.pdf?>, Mary E John *Child Marriage in an International Frame: A Feminist Analysis from India*, New York, London and New Delhi: Routledge, 2021.

training or alternative livelihoods, or indeed safety for their daughters, will have the capacity to make choices outside of their lived realities.

3. Early marriage is the result - not the cause - of girls dropping out of school.

Evidence shows that investing in educating and empowering young girls is a powerful deterrent to early and forced marriage. While there has been significant improvement in the enrolment of girls at Primary and Elementary levels, the drop at the Higher Secondary levels is dramatic - from a net enrolment ratio of 91.58 (Elementary) to 31.42 (Higher Secondary).⁵ Despite seeming gains in girls' education, 49% of girls and 56% of boys of ages 15 – 19 years had completed Class 10+ according to NHFS-4 (2015-16). The drop-out rate for girls has shockingly increased at the Secondary level: from 17.79 % in 2014-15 to 19.18 % in 2016-17.⁶

Data shows that early marriage is not the primary cause for girls discontinuing after Elementary education. According to NHFS-4 (2015-16) girls in the age group of 6-14 years provided the following reasons for discontinuing their education: 24.8 % stated a lack of interest in studies; 19.3 % reported the high cost of education; 14.5 % attributed the burden of unpaid household work; only 7.9 % reported marriage as a reason for dropping out of school. Child marriage is more a consequence of girls dropping out of school rather than the cause.

The high attribution to 'lack of interest in studies' as a reason for discontinuing education relates to three critical factors – low learning levels⁷, the lack of relevant curricular content and poor teaching-learning pedagogies, and discrimination.⁸ Several smaller studies have noted that fears about girls' safety and sexual harassment inhibits many from sending daughters to secondary school, constituting additional reasons for pulling girls out of school.⁹ Systemic caste and gender-based discrimination are also a reason for drop-out.¹⁰ The burden of unpaid household work on girls is undeniably held by girls, and significantly defines girls' lives. When families don't see education as a possible pathway out of intergenerational poverty, they pull them out of schools and the

⁵ National Institute for Educational Planning and Administration (NIEPA) 2018. This figure falls by a further 15% for girls from Schedule Tribe (ST), Schedule Caste (SC) and Muslim communities.

⁶ Ibid. The drop-out rate further increases for girls belonging to SC, ST and minority communities. Nearly 68.21 % ST and 62.57 % SC children drop out by the time they reach upper primary level and 88.17 % ST children and 83.62 % SC children drop out by the time they reach secondary level (Pandita, 2015).

⁷ The Annual Status of Education Reports (ASER) by Pratham repeatedly point to the low learning levels. The ASER 2018 Report focuses on Secondary education.

⁸ Despite reforms, gender biases in textbooks persist. As the problem is complex, scholars have cautioned that a mere 'sanitisation' by removal of stereotypes or top-down messaging (eg. early marriage as a social evil) are not effective. Instead content needs to acknowledge multidimensional deprivations that girls' experience (Bhog D. et al, 2010; NCERT, 2006).

⁹ Increase in gender-based violence pushes communities to marry girls off early. (Santhya KG et al, 2019)

¹⁰ Nambissan, G., 2010; Ramachandran, V. & Naorem, T, 2013

default option is to get them married. For improved educational outcomes for girls, these complex factors must be recognized.¹¹

Improvement of overall educational access, retention, quality of education rather than raising the age of marriage will ensure that girls transition from Elementary to Secondary education. Further, as the Right to Education (RTE) does not extend beyond 14 years, girls from poor households find it difficult to access secondary education, which involves related costs of transport, books, and uniforms. Low ages at marriage correlate strongly with the absence of high schools in rural areas according to various studies.¹² Hence, extending RTE to 18 years, in addition to accompanying measures to make secondary schools accessible and quality education affordable will significantly incentivise girls' retention in schools.

4. Malnutrition, anaemia, poor maternal/ child health outcomes result from poverty, underlying socioeconomic conditions, not marriage below 21 years

Age at marriage after 18 years has little impact on the nutrition levels of the mother and her child, whereas factors like poverty and quality health services are far more instrumental in improving women's and children's health and nutritional status. As per NFHS-5, the percentage of anaemic women rose to 57 percent from 53.1 percent, anaemic teenage girls (15-19 years of age) to 59.1 percent from 54.1 percent and the number of anaemic men also rose to 25 per cent from 22.7 per cent. Higher ages at marriage correlate with better health outcomes for both mother and child because it is women belonging to households of higher economic status who marry at higher ages, and such women are also healthier and have access to better health care as a result of their higher socioeconomic status. Anaemia in women is not affected by their age at marriage. Secondly, stunting and wasting is far more strongly correlated by poverty than by any other factor.

Poor maternal health outcomes and child mortality are matters of great concern for all of us. While traditional literature has associated young motherhood and age with poor pregnancy and birth outcomes,¹³ studies in the last decade link it with socio-economic vulnerabilities of young girls. There is evidence that pregnancy at younger adolescence (below 18) is associated with poor pregnancy outcomes, the ages 18+ are physiologically healthy ages for pregnancy. Recent studies show that the poor health outcomes arising from pregnancy at or after 18 years arise from household poverty,

¹¹ Decline in child marriage rates between 2001 and 2011 was found to have been explained by improvements in female education, reduction in poverty and average household size. (Zavier AJF. et al, 2019)

¹² Kalpana Kannabiran et al Investigating the Causes of Low Female Age at Marriage: the Case of Telangana and Andhra, EPW 52 (18) 2017; MV Foundation And they never lived happily ever after... the battle for justice goes on: voices of Married Girls in Telangana, 2018.

¹³ Santhya, KG. et al, 2010; Godha, D. et al, 2013; Raj, A. et al, 2010; Paul, P., 2018.

poor nutritional status, lack of education and inadequate access to health services, not age.¹⁴

NFHS-4 data (2015-16) reveal that girls from poor families and those who have not completed secondary education are more likely to get married before the age of 18.¹⁵ These girls are likely to have adverse pregnancy outcomes for child birth even through adulthood, regardless of age at marriage.¹⁶ Intimate partner violence during pregnancy is also known to be associated with poor maternal and birth outcomes.¹⁷

In India, the mortality rate of children is higher among historically marginalised population like Scheduled Castes and Scheduled Tribes. Access to health care, household wealth, economic condition of the family and social status are key factors which determine the possibilities of survival for children, especially children from vulnerable backgrounds.¹⁸ These findings invite our attention to the importance of addressing deeper structural inequalities to tackle the issues of high maternal mortality and child mortality rates. To address health outcomes, therefore, interventions aimed solely at delaying age at marriage will have no effect.

5. Lack of decent paid employment, not age of marriage the cause of joblessness of educated women

The amendment argues that if girls marry after the age of 21 they would be able to access more work opportunities before their marriage and have much more economic independence as a result. However, women's employment has been declining in recent decades, the very decades that have seen declines in early marriage. Secondly, most women are working out of necessity in jobs that are poorly paid, if at all, and characterised by informal, casual and generally speaking bad working conditions. Female Labour Force Participation of India is amongst the lowest in the world. Opportunities for girls to enter the labour force are limited, the sphere of "acceptable" jobs for girls is small, access to skilling is limited. Aside from agricultural labour, the only occupations that rural girls aspire for in the village are teacher, AWW/ASHA; or even home tailoring, and similar jobs that don't involve interaction with men (beauty parlour, ANM etc), and those that are perceived as culturally acceptable by their families and communities. The problem is therefore not the age at marriage but the lack of good jobs, and gendered attitudes about acceptable work for women in society.

¹⁴ Banerjee, B. et al, 2009; Masoumi, SZ. et al, 2017

¹⁵ NFHS – 4, 2015-16.

¹⁶ Mehra, S., & Agrawal, D., 2004

¹⁷ Dhar, D. et al, 2018; World Health Organization (WHO), 2013

¹⁸ It was found that the under-five mortality rate for SC (56 deaths per 1,000 live births), ST (57 deaths per 1,000 live births), and OBC (51 deaths per 1,000 live births) are considerably higher than for those who are not from SC, ST, or OBC (39 deaths per 1,000 live births). The under-five mortality rate also declines with increasing household wealth. The under-five mortality rate declined from 72 deaths per 1,000 live births in the lowest wealth quintile to 23 deaths per 1,000 live births in the highest wealth quintile (NFHS-4).

PART B: THE UNINTENDED HARM OF RAISING MINIMUM AGE OF MARRIAGE

1. Limiting civil rights of young women after attaining majority violates fundamental rights

The age of majority is 18 years in India and across the world. The proposed Bill is at stark odds with the existing legal framework in India which recognises “18” as the legal age of majority for purposes such as voting, buying and selling property, entering into contracts, obtaining a driving licence, etc. The Indian Majority Act, 1875 sets the age of majority as eighteen years for all persons domiciled in India.¹⁹ All major civil and political rights take effect at 18 years, the age at which all persons may exercise their autonomy and take decisions in all matters that concern their lives. To delay the guarantee of an important civil right such as the right to enter into marriage and to treat adults as children, impacts the full enjoyment of rights of adult women between 18-21 years, particularly their right to life, liberty and dignity.

Legal capacity for adolescent minors is also acknowledged in some contexts and circumstances. The child labour prohibition shields ‘child’ below 14/ 15 years²⁰, but permits those between 14 to 18 years to work under the Factories Act 1948 and the Plantation Labour Act 1951. The Juvenile Justice (Care and Protection of Children) Act, 2015 allows children between 16 and 18 years, accused of “heinous crime,” to be tried and punished as adults. The Age of Majority Act, 1875 treats 18 as the legal age of majority, excepting for purposes of marriage and family related concerns governed by religious laws, where underage marriage, annulment and divorce are permissible. The Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Joint General Recommendation 31/ General Comment 18 (2019) are categorical in 18 years as the age of majority. The Office of the High Commissioner of Human Rights, and Resolutions of the Human Rights Council²¹ define child marriage as that where at least one of the parties is under 18 years of age.

Courts have also recognized in numerous cases that adults have the unequivocal constitutionally guaranteed right to reside with whoever they want, and define the contours of their relationships, including that of marriage and consenting sexual activity. The Constitution of India clearly recognizes the liberty and autonomy inherent in each individual, which extends to the ability to choose one’s own partner, part of an inviolable aspect of the right to privacy and personhood (*K.S. Puttaswamy v.*

¹⁹ Section 3, The Indian Majority Act, 1875

²⁰ The Child Labour (Prohibition and Regulation) Act, 1986.

²¹ A/HRC/RES/41/8

*Union of India*²²). In *Shafin Jahan v. Asokan K.M.*,²³ (2018) 16 SCC 368, the Supreme Court of India held that the right to marry a person of one's own choosing is a part of the right to life under Article 21 of the Constitution of India. In *Soni Gerry v. Gerry Douglas*²⁴, the Supreme Court of India held:

“It needs no special emphasis to state that attaining the age of majority in an individual's life has its own significance. She/he is entitled to make her/his choice. The courts cannot, as long as the choice remains, assume the role of *parens patriae*.”

The Supreme Court in *Puttaswamy* unequivocally stated “[p]roportionality is an essential facet of the guarantee against arbitrary State action because it ensures that the nature and quality of the encroachment on the right is not disproportionate to the purpose of the law.”²⁵

2. Minimum marriage age ought not to be confused to be either mandatory or ‘ideal’ marriage age

The differential minimum age of marriage at 18 and 21 years for men and women respectively, in the law is often cited as gender inequality. Recognising this to be an outcome of social and cultural practice, lacking any rational basis, the Law Commission of India in its report no. 205 on the proposal to amend the PCMA and other allied laws, recommended that “the age of marriage for both boys and girls should be 18 years as there is no scientific reason why this should be different.”

A minimum marriage age signifies the baseline compliance for society, failure to meet which can attract penalties and prosecution. It is neither a mandatory age of marriage, nor should be confused with an ideal age for marriage, neither of which the law can stipulate or promote. The minimum age of marriage is all that the law can stipulate, to mark the threshold when a marriage may be prosecuted by the state or third parties, or conversely, when it may be protected against intrusion of the state or third parties. This distinction has been lost sight of in this Bill, making it untenable. It is wholly wrong and unconstitutional to infantilise women until 21 years, by deeming them as child for the purposes of marriage through law.

The Bill overlooks the rich jurisprudence on equality and liberty and erroneously conflates the ideal age of marriage with the minimum age of marriage and severely undermines the rights of adult women, especially their fundamental right to life, liberty, and privacy. An overemphasis on law to delay marriage overlooks the prevalent ground-level inequality and discrimination, as well as socio-economic deprivation and lack of adequate educational and employment opportunities for girls.

²² (2017) 10 SCC 1).

²³ (2018) 16 SCC 368.

²⁴ (2018) 2 SCC 197

²⁵ *K.S.Puttaswamy v. Union of India*, (2017) 10 SCC 1) at para 310

3. Child marriage prosecutions selectively target self-arranged marriages by couples who marry against parental approval:

Evidence points towards the use of criminal law used punitively against girls who marry against parental wishes, rather than protecting girls from arranged or forced marriage. An analysis of case law from 2008-17 shows use of a combination of habeas corpus action, criminal prosecution and nullification of marriage largely by parents against daughters who elope/ or marry against parental wishes, often to evade forced marriage, domestic abuse and housework, and parental wrath on discovery of relationship.²⁶ The findings show that the law PCMA is used twice as much against elopements or self-arranged marriages as it is against arranged marriages and a large number of prosecutions under the PCMA pertain to self-initiated marriages.²⁷ The law is very sparingly used to secure protection from or to challenge forced and arranged marriages.²⁸

While criminal offences are mostly deployed against elopements, largely non-punitive provisions of PCMA are used in the cases of arranged marriage. The disparity in prosecutions under PCMA as compared to those under section 366 IPC for kidnapping with the intent to marry is reflected in the NCRB data.²⁹ Discounting a fraction of the cases involving criminal coercion and force, the staggering disparity in prosecutions still points to the targeting of elopements over regular PCMA cases.

No of cases registered in the following years	2018	2019	2020
Prohibition of Child Marriage Act	501	523	785

²⁶ Mehra M, Maheshwari S, Child Marriage Prosecutions in India (Partners for Law in Development, 2021); See also, Mehra M, Nandy A, Why Girls Run Away to Marry: Adolescent Realities and Socio-Legal Responses in India (Partners for Law in Development, 2019).

²⁷ Partners for Law in Development, Child Marriage Prosecutions in India - Case Law Analysis of Actors, Motives and Outcomes 2008-2017 (2021) available at https://www.academia.edu/50087712/Child_Marriage_Prosecutions_in_India_Case_Law_Analysis_of_Actors_Motives_and_Outcomes_2008_2017 Enfold Proactive Health Trust, Trends in Child Marriage: Insights from Judgments under the Prohibition of Child Marriage Act, 2006 in Assam, Maharashtra and Tamil Nadu (2024), 19, available at https://enfoldindia.org/wp-content/uploads/2024/08/Report2-ChildMarriage_web.pdf

²⁸ Partners for Law in Development, Child Marriage Prosecutions in India - Case Law Analysis of Actors, Motives and Outcomes 2008-2017 (2021) available at https://www.academia.edu/50087712/Child_Marriage_Prosecutions_in_India_Case_Law_Analysis_of_Actors_Motives_and_Outcomes_2008_2017 Enfold Proactive Health Trust, Trends in Child Marriage: Insights from Judgments under the Prohibition of Child Marriage Act, 2006 in Assam, Maharashtra and Tamil Nadu (2024), 19, available at https://enfoldindia.org/wp-content/uploads/2024/08/Report2-ChildMarriage_web.pdf

²⁹ 366. Kidnapping, abducting or inducing woman to compel her marriage, etc.—Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; 1[and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable as aforesaid].

Sec.366 IPC:Kidnapping and Abduction of Women t o compel her for marriage	3335 4	3206 6	2474 5
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As a consequence of such prosecutions, girls often get placed in shelter homes (on refusal to return to parents, or the latter refusing to accept their child), and the boys sent to jails or correction homes, tragically cut off from educational, livelihood or empowerment opportunities. In practice, the law has come to enforce parental and community controls on girls, the very thing the law should alter. A raise in marriage age will extend the period within which prosecutions under Sec 366 IPC for occur, and magnify the harm, the disempowerment and loss of agency of women. The impact on the number of underage marriages, has devastating outcomes for the young, from poorest population groups, will only magnify with increase in marriage age for girls.

4. Will impede access to Sexual Reproductive health information and services:

An increase in minimum marriage age will adversely impact on the sexual reproductive rights of girls and young people, with devastating consequences given that India has the largest adolescent population in the world. Already the stigma and social taboos around female sexuality make access to sexual reproductive health information and services very challenging for girls and young women. Apart from the criminalisation of male partners, girls are unable to access confidential and safe sexual and reproductive health services, including abortion, as Sec 19 POCSO requires health care providers to report consent cases as 'abuse' to the police. Any move to delay the age of marriage, will expand surveillance, stigma and punitive measures against women, especially those from most vulnerable populations, excluding many from public health services. Additionally, it will attract stigma, fear and criminal prosecution for the 18-21 years category of adult but underage women, for premarital sex, marriage and make reproductive health care, contraception and abortion even more difficult.

5. Will aggravate harmful outcomes for women in jurisdictions that have amended the law to make underage marriage void

In states like Karnataka and Haryana where underage marriages are declared void ab initio, the harmful consequences of raising minimum marriage of girls will magnify. By way of amendments, Karnataka in 2017 and Haryana in 2020 child marriages are deemed void ab initio (instead of being valid but voidable as in the Central law). Raising the age of marriage would jeopardise social matrimonial rights of married girls in these two states until 21 years, rendering their status to that of de facto wives, while exonerating husbands of liability if they were to desert and remarry. The unforeseen and unintended consequences of this proposal will hurt the social, economic and legal status of married girls.

While cases of girls marrying between 18 and 21 years will not attract POCSO, the existing evidence of selective criminalisation points towards the extended use of Sec 366 IPC on married and/ or consensual couples between this age group. The selective and targeted criminalisation of self-arranged marriages of young adults is a certainty in view of the overwhelming evidence. Likewise, underage mothers and their families are likely to face barriers accessing social welfare and benefits that are tied up with marriage, if the age of marriage is raised. The jurisprudence firmly upholds the right of young women's choice, in marriage or in 'live-in' relationship,³⁰ a Constitutional right that the bill disturbs, which will most likely encourage vigilantism, moral policing and motivated prosecutions to dismantle the recognised rights to privacy, autonomy and choice.

PART C: CONCLUDING RECOMMENDATIONS

In short, not only does raising the minimum marriage age raise concerns about inconsistencies with Constitutional, general as well as personal laws, the recommendations of the Law Commission of India; it also fails to consider that poverty drives underage marriages and that such laws inflict unintended harm to young women and marginalised populations. Instead, we recommend the following:

1. Recommendations pertaining to the PCMA

- a. The age of marriage for girls remains at 18 years and the minimum age of men brought to 18 years to bring it on par with universal standards, constitutional law, and existing jurisprudence.
- b. Underage marriage to remain valid though voidable, at the option of the underage party to marriage.
- c. The right to repudiate an underage marriage to be extended up to five years of attaining majority, with the provision for judicial condonation of delay beyond the limitation period, for specified reasons.
- d. Raise awareness about PCMA and other laws which secure rights to women and girls, ensure reliable and effective legal redress which guarantees victim and witness protection to women and girls.
- e. Appoint CMPOs on single charge in districts and villages where early marriage is most prevalent, with adequate training to assist the girls.
- f. Legal support to girls seeking to nullify their marriage and ensure that benefits available to divorced women under State Schemes are also extended to them.

³⁰ Lata Singh [(2006) 5 SCC 475; Writ Petition (crl.) 208 of 2004]; Shafin Jahan vs. Asokan K.M., (2018) 16 SCC 368; Shayara Khatun @ Shaira Khatun And Another v. State Of U.P. And 3 Others (WRIT - C No. - 19795 of 2021) Allahabad HC; Pushpa Devi v. St. of Punjab (CRWP-6314-2021) P&H HC; Mafi and another v State of Haryana and other (CRWP No.691 of 2021) P&H HC

2. Empower girls who are married or vulnerable to early marriage through targeted programmes

There is no shortcut to investments in education, health, nutrition, creation of opportunities to fuel aspirations in girls, build their leadership and give them a voice. Most importantly, transforming conditions and opportunities, investment in safety, infrastructure and improved schooling are known to not just delay marriage, but to also enable women to choose, if, when and who to marry. The following recommendations are a pathway for that change.

- i. Legislative reform to extend the right to free and compulsory education to adolescents between 14-18 years, and to provide vocational training and skill development.
- ii. Expand and improve on evidence-based interventions that increase high school completion, notably through cash transfers, supplementary coaching for girls with difficulty.
- iii. Quality education including age appropriate comprehensive sexuality education for all children and adolescents
- iv. Invest and prioritise improvement of infrastructure, hygienic toilets, transport ensuring mobility and safety of girls
- v. Nutritional programmes, distribution and access need to be better coupled with poverty and food security for women and girls.
- vi. Reliable and effective helplines; safe spaces for girls to seek refuge from domestic violence; hostels for girls and single women.
- vii. The Central Government and State Governments proactively take measures to improve young peoples' access to adolescent-friendly sexual and reproductive health information and services, through removal of social and legal barriers and ensure effective implementation of the national adolescent health programme, the Rashtriya Kishore Swasthya Karyakram (RKSK).

We request the Hon'ble Chairperson of the Standing Committee to allow us to make an oral presentation to the Committee members.

Madhu Mehra (mob: 9810737686)
Partners for Law in Development, New Delhi
Convenor, National Coalition Advocating
For Adolescent Concerns (NCAAC)
madhu.mehra@pldindia.org

Kavita Ratna (mob: +91 94489 90480)
Concerned for Working Children, Bengaluru
National Anchor, Young Voices Working Group

kavitaratna@gmail.com

Mary E John (mob: +91 98183 16249)

Former Professor, Centre for Women's Development Studies (CWDS), who taught at Ambedkar University Delhi (AUD) under a collaborative programme of CWDS and AUD. Also, former Dy Director of Women's Studies Programme, JNU, New Delhi.

Author: Child Marriage in an International Frame: A Feminist Analysis from India, New York, London and New Delhi: Routledge, 2021.

maryejohn1@gmail.com

**DETAILS OF ORGANISATIONS AND INDIVIDUALS
INITIATING AND ENDORSING THESE SUBMISSIONS**

A. List of Members of NCAAC

National Coalition for Advocating Adolescent Concerns (NCAAC) members:			
1.	Partners for Law in Development (PLD) (Delhi)	12.	Mahila Jan Adhikar Samiti (MJAS) (Rajasthan)
2.	ANANDI (Gujarat)	13.	Nirantar Trust (Delhi)
3.	Action India (Delhi)	14.	Mahila Sarvangeen Utkarsh Mandal (MASUM) (Maharashtra)
4.	Butterflies (Delhi)	15.	Prerana (Maharashtra)
5.	Centre for Enquiry Into Health and Allied Themes (CEHAT) (Maharashtra)	16.	RATI Foundation (Maharashtra)
6.	Counsel to Secure Justice (CSJ) (Delhi)	17.	Sahiyar (Gujarat)
7.	Disability Rights Centre (DARC) (West Bengal)	18.	Nicole Rangel (Child Rights Social Worker) (Delhi)
8.	Enfold India (Karnataka)	19.	SAMA Resource Center for Women and Health (Delhi)
9.	HAQ Centre for Child Rights (Delhi)	20.	Shakti Shalini (Delhi)
10.	Hidden Pockets Collective (Karnataka)	21.	The YP foundation (Uttar Pradesh)

11.	Maharukh Adenwalla (Child Rights Lawyer) (Maharashtra)	22.	Vishakha (Rajasthan)
		23.	Praajak (West Bengal)

B. List of Members of the Young Voices Working Group

Young Voices Working Group (YVWG) members:			
1.	Aaina (Odisha)	49.	Multi Art Association / MAA Foundation (MAA) (Gujarat)
2.	Association for Advocacy and Legal Initiatives (AALI) (Uttar Pradesh)	50.	Mahila Jan Adhikar Samiti (MJAS) (Rajasthan)
3.	Abhivyakti Media for Development Nashik (Maharashtra)	51.	Mahila Mukti Sansthan (MMS) (Jharkhand)
4.	Action Aid Association (Delhi)	52.	Mamta Sanstha (Uttarakhand)
5.	Agrini (Madhya Pradesh)	53.	Milaan Foundation (Haryana)
6.	Alfa Education Society (Delhi)	54.	National Alliance of Women's Organisations Odisha (NAWO) (Odisha)
7.	Alwar Mewat Institute of Education and Development (AMIED) (Rajasthan)	55.	Navachar Sansthan (Rajasthan)
8.	Anchal (Assam)	56.	Nirantar Trust (Delhi)
9.	Anhad Pravah (Madhya Pradesh)	57.	Parivar Vikas (Bihar)
10.	Arogya Agam (Tamil Nadu)	58.	Patang (Odisha)
11.	Association for Promoting Social Action (APSA) (Karnataka)	59.	People for Change (Jharkhand)
12.	Association for Social and Human Awareness (ASHA) (Jharkhand)	60.	People's Action for Development (PAD) (Assam)
13.	AWARD	61.	Pragati Juvak Sangha (PJS) (Maharashtra)
14.	Badlao Foundation (Jharkhand)	62.	Pravah (Delhi)
15.	Bihar Ambedkar Student Forum (Bihar)	63.	Pravah Jaipur Initiative (Rajasthan)
16.	Bangalore Rural Educational and Development Society (BREADS) (Karnataka)	64.	Rajsamand Jan Vikas Sansthan (Rajasthan)

17.	Breakthrough Trust (Delhi)	65.	Restless Development (Delhi)
18.	Bihar Pradesh Yuva Parishad (BPYP) (Bihar)	66.	Rubaroo (Telangana)
19.	Child Development Foundation (CDF) (Maharashtra)	67.	Rural People Awareness and Youth Action in India (Rupayani) (Jharkhand)
20.	Chayya Foundation (Maharashtra)	68.	Sadbhaavna Trust (Delhi)
21.	Centre for Social Education and Development (CSED) (Tamil Nadu)	69.	Sakar (Uttarakhand)
22.	Child In Need Institute (CINI) (West Bengal)	70.	Sathee (Uttar Pradesh)
23.	Children Believe (Tamil Nadu)	71.	Sahyogini (Jharkhand)
24.	CHITHRA Don Bosco, Chitradurga (Karnataka)	72.	Sakthi - Vidiyal (Tamil Nadu)
25.	Child Rights Trust (CRT) (Karnataka)	73.	Seva Bharti (Odisha)
26.	Centre for Youth and Social Development (CYSD) (Odisha)	74.	Shabnam Aziz (Child Rights Activist)
27.	Diksha Foundation (Delhi)	75.	Shaishav (Gujarat)
28.	Don Bosco Makkalalaya, Mysuru (Karnataka)	76.	Shiv Shiksha Samiti Ranoli (SSSR) (Rajasthan)
29.	Don Bosco Yadgir (Karnataka)	77.	Sinduartola Gramodaya Vikas Vidyalaya (SGVV) (Jharkhand)
30.	Don Bosco, Devadurga (Karnataka)	78.	Shramjivi Mahila Samity (SMS) (Jharkhand)
31.	BOSCO Bangalore (Karnataka)	79.	Sri Nrusingha Dev Anchalika Yuba Parisada (SNDAYP) (Odisha)
32.	DBCLM Davangere-(Don Bosco Child Labour Mission) (Karnataka)	80.	Youth Service Centre (YSC) (Delhi)
33.	Don Bosco Hospet (Karnataka)	81.	Society for People's Education and Development (SPEECH) (Andhra Pradesh)
34.	Don Bosco Bidar (Karnataka)	82.	Srijan Foundation (Jharkhand)
35.	Don Bosco Pyar Kalaburagi (Karnataka)	83.	Synergy Sansthan (Madhya Pradesh)
36.	Don Bosco Yuvakara Grama, Ramanagara (Karnataka)	84.	The Concerned for Working Children (CWC) (Karnataka)
37.	Finding Foundation	85.	The YP Foundation (Uttar Pradesh)
38.	Fofid Foundation	86.	The Hunger Project (THP) (Delhi)

39.	Foster Care Society Udaipur (Rajasthan)	87.	Uttari Rajasthan Cooperative Milk Union Ltd (URMUL) (Rajasthan)
40.	Girls Not Brides	88.	Vikalp Sansthan (Bihar)
41.	Good Foundation	89.	Vikalp Sansthan (Rajasthan)
42.	Gramya Resource Centre for Women (Telangana)	90.	Vikash Sadan (Odisha)
43.	Himanshu Gupta, Child Rights Defender	91.	Viraj
44.	International Centre for Research on Women (ICRW) (Delhi)	92.	Vishakha (Rajasthan)
45.	IGS, Tejaswini Project (Jharkhand)	93.	Yeh Ek Soch Foundation (Uttar Pradesh)
46.	Integrated Rural Community Development Society (IRCDS) (Tamil Nadu)	94.	Youth Council for Development Alternatives (YCDA) (Odisha)
47.	Jago Foundation (Jharkhand)	95.	Youth Ki Awaaz (Delhi)
48.	Jan Sarokar (Haryana)	-	

C. Endorsements by civil society organisations and individuals

	Name	Professional description or organisation affiliation	State
1.	Vidya Reddy	Tulir -CPHCSA	Tamil Nadu
2.	Shireen Jeebhoy	Director, Aksha Centre for Equity and Wellbeing	Maharashtra
3.	Dunu Roy	Hazards Centre	Delhi
4.	Sandhya Gautam	Director Programmes-Centre for Health and Social Justice and Coordinator, National Alliance for Maternal Health and Human Rights (NAMHHR)	Delhi
5.	Divya Mukand	-	Delhi
6.	Parul Sheth	Executive Director	Gujarat
7.	Sneha Mishra	Secretary, Aaina	-
8.	Shipra Jha	Child Rights Activist	Delhi
9.	Satish	Director	Karnataka
10.	Nishita Khajane	Advocacy and Policy Impact, The Concerned for Working Children	Karnataka

11.	Shantha Sinha	Former Chairperson, NCPCR	Telangana
12.	Himanshu Gupta	Professional Social Worker	Punjab
13.	Jim Jesudoss	Executive Director	Tamil Nadu
14.	R.Venkat Redy	National convener	Telangana
15.	Yogesh Vaishnav	Development Director	Rajasthan
16.	Poonam Kathuria	Director	Gujarat
17.	Amita Pitre	Lead Specialist, Gender Justice	Maharashtra
18.	Aarti Gor	Child Rights Activist	Maharashtra
19.	Meena Jain	Ex-chairperson CWC -II	-
20.	Rubin Mathew sdb	Executive Director, Bangalore Rural Educational And Development Society (BREADS)	Karnataka
21.	P.Laksha pathi	Executive Director Association for Promoting Social Action [APSA]	Karnataka
22.	Aruna Joshi	Director -Executive Secretary	Gujarat
23.	Khushboo Jain	Research Scholar, FAU, Erlangen-Nuremberg, Germany	Haryana
24.	Roshni Nuggehalli	Youth for Unity and Voluntary Action (YUVA)	Maharashtra
25.	Rita Chokshi, Sunanda, Reshma, Kamal, Sejal, Reena, Vibhuti, Kruti	Social workers	Gujarat
26.	Anushree Jairath	Program coordinator - Gender justice	Delhi
27.	Veda Bharadwaja	The Hunger Project	Delhi
28.	Mayuri Dhumal	Project In-charge	Maharashtra
29.	Deepti Colaco	Consultant- Research & Information Management, The Concerned For Working Children	Karnataka
30.	Saumya Maheshwari	Asst. Professor, Law, Munjal University	Haryana
31.	Amrita Das Gupta	Associate Director	West Bengal
32.	Asif Iqbal	General Secretary	Delhi

33.	Anuradha Rajan	Executive Director	Maharashtra
34.	Manjula Pradeep	National Convener	Gujarat
35.	Dr. Kiran Modi	Founder Managing Trustee	Delhi
36.	Jeevika Shiv	lawyer social worker	Delhi
37.	Tanvi Jha	State Coordinator	Jharkhand
38.	Ankuram Sumitra	Founder Secretary	Telangana
39.	Vanita N Mukherjee	Activist	Delhi
40.	Renu Khanna	Co Founder, Common Health	Gujarat
41.	Sindhu Naik	-	-
42.	Manish Acharya	Director	Gujarat
43.	Richa	Humsafar	Uttar Pradesh
44.	Ravi Verma	ICRW	Delhi
45.	Malini Ghose	Activist/ Researcher	Delhi
46.	Ajay Kumar	Secretary	Jharkhand
47.	Kajal Jain	-	-
48.	Ranjana Kanhare	-	-
49.	Shubhada Deshmukh	-	-
50.	Trupti Malti	-	-
51.	Meena	Secretary	Uttar Pradesh
52.	Dalia Roy	Director	West Bengal
53.	Priyanka Das	Supervisor, Programs Women and Girl's Rights	West Bengal
54.	Ritambhara Mehta	Independent consultant - gender, sexuality, POSH, DEI	Delhi
55.	Hameeda Khatoon	Sadbhavana Trust	Uttar Pradesh
56.	Chotak Gyatso	-	Ladakh
57.	Renu Mishra	Executive Director, AALI	Uttar Pradesh
58.	Ishanee Bhattacharyya	Program Officer, Girls Education Program.	Delhi

59.	Karuna Philip	Program coordinator, Child Right to education and Protection	Rajasthan
60.	Dr. Vasudeva Sharma NV	Executive Director,	Karnataka
61.	Sathish GC	State Conveor	Karnataka
62.	Shakuntala Pamecha	Director	Rajasthan
63.	Suneeta Dhar	-	Delhi
64.	Geeta Ramaseshan	Advocate, Madras High Court	Tamil Nadu
65.	Aparna Chandra	Associate Professor, National Law School of India University, Bengaluru	Karnataka
66.	Mahendra Kumar	-	-
67.	Baitali Ganguly	Executive Director- Jabala Action Research Organisation	West Bengal
68.	Jashodhara Dasgupta	Independent researcher	Uttarakhand
69.	Pragnya Joshi	Independent Researcher	Rajasthan
70.	Rajesh Bhat	Convener, CRCG.	Gujarat
71.	Nandita Gandhi	Akshara	Maharashtra
72.	Geetha.M	Project Secretary	Karnataka
73.	Kaveri	Project Manager	Karnataka
74.	Jagdish	Campaign Coordinator, EK Saath, CHSJ	Delhi
75.	Smriti	MHRC Coordination Committee	Madhya Pradesh