

A. PROHIBITION OF CHILD MARRIAGE ACT (PCMA), 2006

During the period of 2011- 2013 the number of cases registered under the Prohibition of Child Marriage Act (PCMA), 2006 had shown an increasing trend. As per the data made available by the National Crime Records Bureau (NCRB) till the year 2013, the number of cases registered were 222 in 2013, 169 in 2012 and 113 in 2011. The highest number of cases of child marriage in the year 2013, were Tamil Nadu (56) followed by West Bengal (43).

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The reasons for child marriage are complex and it is the problem of ones mindset which considers the girl child as a burden. Social customs, tradition, illiteracy, poverty, low status of women in society, lack of awareness about consequences of child marriage are some of the other reasons that encourage the practice of child marriage.

Cyanna and Carmelina were travelling in the same bus from Margao to Panaji. Carmelina overhears a conversation about a marriage that will take place in two weeks. Finding the name of the girl familiar she inquired as to where it was to take place and also confirmed the name of the girl as Usha. She was shocked to hear that Usha was getting married as she was her student and had completed std. tenth just last year. She immediately tells Cyanna that Usha is too young for marriage and it is punishable under Prohibition of Child Marriage Act (PCMA), 2006 as it amounts to child marriage.

Let us learn through their conversation what child marriage is and what could be the punishment for the same.

Cyanna: What is child marriage?

Carmelina: It is a marriage to which either of the contracting parties is a child.

Cyanna: You just said earlier that it is punishable under some Act and the year you mentioned is 2006. Does that mean that before 2006 there was no law with regard to child marriage?

Carmelina: No, No. Before this Act of 2006 the Act was known as Child Marriage Restraint Act (CMRA) of 1929. The old act was repealed this

new act makes the offence of child marriage a cognizable and non-bailable with punishment.

Cyanna: Ok, then what is the objective of the Child Marriage Act (PCMA), 2006.

Carmelina: The objective of the Act is to prohibit solemnisation of child marriages and for matters connected therewith or incidental thereto.

Cyanna: Can you tell me what this law provides for?

Carmelina: The provisions of this law can be classified into three broad categories: **A.** Prevention **B.** Protection **C.** Prosecution of offenders.

Cyanna: When did this Act come into force?

Carmelina: This Act came into force on 10th January, 2007. It is applicable to the whole of India except Jammu and Kashmir.

Cyanna: What is the legal age for marriage?

Carmelina: The Act defines "child" as a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age. So the legal age for marriage for boys is 21 and for girls it is 18 years

Cyanna: Does the Act have a punishment for people getting children married?

Carmelina: Yes. The Act does not only punish the male adult getting married to child but it also punishes people who perform, conduct, direct or abet any child marriage. The Act also enlists punishment for people promoting and permitting child marriage.

Cyanna: Then what is the legal stand for such a marriage.

Carmelina: Such marriage is treated as void.

Cyanna: What could be the reason for child marriages?

Carmelina: A girl child is generally considered to be a burden, and traditionally the attitude of society has been to get her married as early as possible. Likewise, parents see marriage as a way to secure the girl's future socially and economically. Lack of education and awareness about the consequences of child marriage, poor implementation of the law and lack of will and action on the part of the administration are important reasons for the continuation of child marriage

Cyanna: To whom can I report a case of child marriage?

Carmelina: To the police as such matters require immediate intervention. Besides police you can report to other authorities enlisted in the chapter VIII.