

All that Glitters...Recent Law Reforms and their impact on Child Marriages

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(Excerpted)*

1. Introduction

This paper looks at the intersection between child marriage and related laws with a special focus on Karnataka which is the only State which has an amendment to the child marriage law declaring such marriages void.

I take the position that the stand taken on declaring child marriage void by the One Man Core Committee/ Justice Shivraj Patil Committee, the Karnataka Amendment to the PCMA and the Court in obiter in *Independent Thought* as well as Karnataka based studies on child marriage in Karnataka does harm to the child/ woman. (child rights or life cycle approach)

2. The Problem in a Nutshell

Child marriage continues to be an important concern for India in general and for the State of Karnataka in particular. Despite multiple legislations through law reforms and implementing mechanisms budgeted for, it continues to affect a significant percentage of children in general and girl children in particular as is borne out by statistics.

Key findings also show that although child marriage is declining, the decline is not uniform and the change is slow, possibly because of cultural factors. It reiterates that socio economic characteristics such as place of residence, education, household wealth, religion and caste are important determinators in statistics relating to child marriage.¹

In India, Law reform has been used as the main vehicle to prevent child marriages and most approaches to eliminating the problem of child marriage has been in the realm of law right from colonial times until the present day.

3. Illegal but valid- Child Marriages in Personal Law²

Personal laws predated colonial times and continue in force even today with modifications. Personal laws vary widely from community to community based on religion, tribe, caste and geography among other indicators. Many of them recognise child marriages as valid.

Valid marriages are marriages where all conditions- both substantive and procedural are met and continue until death/divorce

¹ District-Level Study on Child Marriage in India: What do we Know about the prevalence, trends and patterns? ICRW and UNICEF (2015) at p. 37

² Mayne, J. D., & Kuppuswami, A., Mayne's Treatise on Hindu Law & Usage, Bharat Law House, New Delhi (2000)

M.Hidayatullah, and A.Hidayatullah (eds), Mulla's Principles of Mahomedan Law, N.M. Tripathi Private Ltd, Mumbai, 19th edn (1990)

Voidable marriages are marriages which can be annulled by the wronged party and these fall into categories where the consent has been vitiated because of force, fraud or undue influence among others. As soon as the person is made aware of the fraud, or the force/ undue influence is ended, the person must file for annulment. There is a limited time period during which the marriage may be annulled by the innocent party. If the innocent party does not complain after the force/ undue influence has ended or the fraud has come to light, after a reasonable time, the marriage becomes a valid one.

Void marriages are those which while all procedural formalities are complied with are marriages undesirable by society for several reasons such as bigamy and marriage between close relatives which are prohibited by law. Such marriages can be annulled at any time by any of the parties

The difference between annulment and divorce is that the wife has a status of wife till divorce, has rights to maintenance and children are legitimate. In the case of an annulment, children born after the annulment are illegitimate, the parties are considered never married and the wife has no rights to the husband's property. Either party can seek an annulment, not just (in this case) a child bride. And there is no time limit, it can be declared void at any time.

Child marriages are usually considered voidable as it gives the option to the child to get out of the marriage. It does not allow the wrongdoer husband to annul the marriage several years down the line, or relatives contest the claim of a child bride to property.

While child marriage was a crime, and could also amount to statutory rape, having the marriage declared void was in the realm of family law and it varied from community to community. For example, among Muslims there is a concept of *Khiyar-ul-bulugh*, or option of puberty.³ Under this, a child married before puberty without the lawful consent of the marriage guardian, could get out of a marriage by exercising the option of puberty. Under Christian law, the Christian Marriage Act, 1872 lays down the minimum ages of 18 and 21. However child marriages have been permitted under exceptional cases where permitted under personal laws of some Christian communities such as Canon Law.⁴ Under Hindu law, wife who was married before the age of 15 years but had repudiated the marriage before attaining the age of 18 years could file for divorce from her husband.⁵ If the marriage was not annulled, the marriage continued to be a valid one, even if such a marriage was performed in infancy.

The issue of treating a child marriage as a void or voidable marriage is not a new one. In *P Venkataramana vs. State*⁶ a wife had filed a complaint of bigamy against the husband. The husband claimed that his marriage to the wife was void because she was 13 and she was 9 years old at the time of marriage and this marriage was void, there was no bar on

³ A.A. Fyzee, *OUTLINES OF MUHAMMADAN LAW*, (4th edn., 1999).

⁴ Sarasu Esther Thomas, *LAW FOR CHRISTIANS IN CONTEMPORARY INDIA*, BTESSC, Senate of Serampore (2017)

⁵ Hindu Marriage Act, 1955, Sec. 13(2)(iv)

⁶ AIR 1977 AP 43

him getting married to someone. The court noted that such a marriage was not void because the wife had a right to repudiate her marriage if it would have been solemnised before the age of 15. Since the statute was silent on whether it was void or voidable, the court held it to be voidable.

This has been followed in subsequent cases as well where husbands have tried to defeat a wife's claim for maintenance among other reasons.⁷ Based on the readings of the court decisions on the issue of bigamy and maintenance among others, it is clear that child marriages were never considered void in personal laws. Essentially, while the law does discourage marriages of underage boys and girls, the court and the law does not seek to make them void.⁸

Until the PCMA 2006, child marriage was voidable only at the option of the wife but now it is available to both male and female children.

4. Law Reforms on Child Marriage Laws

While examples of child marriage existed in customary practices in India since pre colonial times,⁹ early legislation came into being in colonial times. Specific Laws on child marriage were drafted in 1929 and 2006

- **The Child Marriage Restraint Act, 1929: Phulmonee's case and Age of Consent**

Child marriage law today has its genesis in an incident in 1890 involving Phulmonee who was an eleven year old girl who was married to a much older husband. This led to the Age of Consent Bill being pushed which sought to have a minimum age for child marriage. The Age of Consent Bill became Child Marriage Restraint Act, 1929.

This Bill fixed a minimum age for marriage as 14 for girls and 18 for boys and prescribed punishments including up to one month imprisonment and fine up to Rs. 1000. Through an amendment in 1978, the age was raised to 18 years for girls and 21 years for boys.

- **Prohibition of Child Marriage Act, 2006**

The earlier child marriage legislation was replaced by the Prohibition of Child Marriage Act, 2006.¹⁰ For the first time, this law combined both criminal law provisions by encouraging increased punishment and also allowed children to annul their marriages and have them declared void. Thus child marriages were *voidable* at the option of the child. Some child marriages e.g. for trafficking were declared void. The maintenance of

⁷ Gajar Narain Bhura vs. Kanbi Kunvervai Parbat AIR 1977 Gujarat 185.

⁸ Prof. Kusum, Family Law Lectures, Family Law 1, 4th Edition, LexisNexis (2015) at 19

⁹ While the age of marriage has varied widely in different communities ranging from Adult (or pubertal) marriages to marriages of infants, it was governed by customary practices of each community. Law reform on a large scale to deal with this issue began with the British.

¹⁰ Which came into effect from 1st November, 2007

a minor girl was protected even in cases where the marriage was declared void. However other rights were not.

This law is not a well drafted law and has conflicting definitions. It defines the child, minor, and child marriage. A child is defined as a person who is a male below 21 and a female below 18 and child marriage includes a marriage between two people who are children. A minor on the other hand is defined as a person who has not attained a majority that is 18.¹¹

Importantly, Sec. 3 of the PCMA says that the child marriages would be voidable at the option of the child which means if a child was married, the child could file a petition within two years of attaining majority in order to have the marriage declared null and void. This conflicts with the Karnataka position of having all marriages declared void. In the federal statute the child has the power, under the Karnataka statute anyone has the power to have the marriage declared void including the adult man who is marrying the girl child.

- **Changes in Karnataka**

For a long time Karnataka followed the Law (Act) in the rest of India.

A big push for change came in with the Writ Petition *M-S Muthanna Devaya and Budeappa vs. Union of India*, Writ Petition No. 11154/ 2006 (PIL). In this case, a writ petition was filed in the Karnataka High Court by two petitioners against 8 respondents including government departments both at the Central and State levels. This was on behalf of an NGO and the petition pled for the effective implementation of the provisions of the Child Marriage Restraint act, 1929. A division bench of the Karnataka High Court comprising of Justice J S Kehar and Justice A S Bopanna orders, including requiring the Government to set up a Core Committee to suggest ways and means of rooting child marriage from society.

A Committee was constituted headed by Shivraj V Patil, former Supreme Court judge. The Committee correctly pointed out¹² that the PCMA, 2006 does not invalidate any marriage performed between underaged individuals. The Committee noted the lack of readiness among adults to recognise rights of children as human rights and the treatment of children as commodities or objects under their control.

Interestingly the Committee report also mentions a term called Adultism which it defined as “the attitude adult towards children that considers them as incompetent to take decisions”¹³

This is nothing but paternalism as understood with regard to the child¹⁴. Despite using the term adultism/ paternalism, the Karnataka Amendment seems to be extremely

¹¹ Sec. 2 a (child), b “child marriage”, f “minor”, PCMA

¹² *ibid* at p. 115

¹³ *ibid* at p. 39

paternalistic by making child marriages void. While it is clear that child marriages needs to be discouraged, taking away the legal validity of a child marriage and considering the young couple to not be husband and wife has serious consequences upon children as well as their families.

Child Marriage Rules under the PCMA were revised in Karnataka in 2014.¹⁵ These revisions were made following recommendations made by the Shivraj Patil Committee. These were incorporated into established procedure to produce married children before the Child Welfare Committee. It indirectly protected a child's constitutional right to privacy by emphasising confidentiality,¹⁶ protecting whistleblowers¹⁷ and clamping down on mass marriages.

The Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 came into force on 17th April, 2017 and made all underage marriages void-¹⁸

“(1A) Notwithstanding anything contained in sub-section (1) [of Section of the PCMA] every child marriage solemnized on or after the date of coming into force of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 shall be void ab initio”. Emphasis supplied)

Although this is a recent legislation there is an obvious clash between this legislation and family laws particularly Hindu law and Muslim law which declares such marriages to be voidable. In *Independent thought vs. Union of India*¹⁹ the Supreme Court has actually commended Karnataka for making child marriages void and observed that this is the way that we must proceed.

The court stated “it would be wise for all the State Legislatures to adopt the route taken by Karnataka to void child marriages and thereby ensure the sexual intercourse between a girl child and her husband is a punishable offence under the POCSO act and the IPC.”²⁰

Justice Lokur in *Independent Thought* said “It would be wise for all the State Legislatures to adopt the route taken by Karnataka to void child marriages and thereby ensure that sexual intercourse between a girl child and her husband is a punishable offence under the POCSO Act and the IPC.”²¹

¹⁴ See the chapter on making sense of the child rights convention in the context of child marriage

¹⁵ The Prohibition of Child Marriage (Karnataka) Rules, 2014

¹⁶ however, cases still use the names of children even at the level of the Supreme Court, so it is not clear what the implementation status of this would be.

¹⁷ Protection to persons who complained is seen as important in order to ensure that there would not be any community backlash against such an individual

¹⁸ Statement of objects and reasons, The Prohibition of Child Marriage (Karnataka Amendment), Act, 2016. Karnataka Act No. 26 of 2017.

¹⁹ Writ Petition (Civil) No. 382 of 2013

²⁰ *ibid* at para 76

²¹ See paras 75 & 76 *Independent Thought*, Writ Petition (Civil) No. 382 of 2013

Making a child marriage void does not make it punishable. It must be pointed out that child sexual intercourse was in any case already punishable under POCSO. The question whether there would be an exception in the case of a child bride/wife is also settled²².

5. Two Conventions for Today

This Faculty Seminar commemorates International Women's Day, and in this context, let us look at the CEDAW and the CRC (from a feminist perspective)-

- **The Convention on Elimination of all Forms of Discrimination Against Women (CEDAW)**

The Convention in Article 16 states that the child marriage should have no legal effect and all necessary action should be taken to specify a minimum age of marriage and make registration of marriages compulsory.

The Indian Government has a Declaration on this and states that though in principle it supports the practice of registration of marriages, it is difficult to implement this in India because of the diversity of customs, religious and levels of literacy.

Some of the amendments proposed by the Shivraj Patil Committee included making marriages compulsory and stating that if marriages were not registered in 30 days, there would be punishment upto three months of imprisonment or fine upto Rs. 10000.

The court in *Seema vs. Ashwani Kumar*²³ noted that compulsory registration would be a step in the right direction to avoid child marriage. A number of high courts have also held that those who perform marriages under different personal laws would be liable if they ended up performing a child marriage.

This may be burdensome for those with no easy access and a more people friendly mechanism should be used to identify and register marriages. This has however not been implemented and it is not my contention that it should be.

The proposition that a child marriage should not have legal effect would have untoward impacts on the child/ woman's marital rights

²² On issues of whether sexual intercourse with the minor bride would amount to a punishable offence, on the face of it there seems to be a clash between the Indian Penal Code Exception to marital rape and the POCSO. However, Section 42a of the POCSO which was added by amendment (The Criminal Law (Amendment) Act, 2013 No. 13 of 2013) provides that the POCSO would be an addition to and not in derogation of existing laws. The court in *Independent Thought* was absolutely clear that Sec. 42a would be the prevailing provision as there is a major inconsistency between the POCSO and the IPC. The court said that 42a clearly says that this would be in addition to laws and that POCSO would have overriding effect.

²³ 2007 (12) SCALE 578

- **The Convention on the Rights of the Child (UNCRC)**

Frances Olsen²⁴ points out the dangers of examining the UNCRC through what she calls a 'Legal Reformist' approach. She points out that such an approach could include provisions that may actually end up controlling and constraining women which may include undermining child rights.²⁵In particular, she mentions the issue of child marriage.²⁶She also critiques the Convention on perpetuating the public-private divide by incorporating notions of the conventional family and pointing out that other than the provisions which require those who exercise power to keep in mind the age and maturity of children, the right to autonomy, formal equality and rights to freedom are not clearly dealt with.²⁷

6. A Better Legal Framework

On the ground, there are many aspects on which we fall short while examining legal frameworks on child rights. For the purposes of the faculty seminar, I will focus on-

What approach the law must take in order to be able to deliver on the twin objectives of discouraging child marriage and protecting the girl child/ woman

The current legal approach to this problem is largely criminalization of child marriage. Child marriage is seen in the format of crime-punishment. It is often linked to other traditional crimes like kidnapping and to modern laws like the POCSO which penalises sexual intercourse with minors. In this format, those who enter into child marriages are penalised based on a complaint to the police. Such cases see an overrepresentation of child marriages where the child runs away from home in order to marry. Cases where parents get their children married are much fewer as nobody complains.

For matters involving girl children especially, it would be more useful to examine other approaches-

1. *The life cycle approach*- many materials which consider child marriage from a socio economic angle rather than through a legal lens tend to look at this from a life cycle approach. the impact of child marriage on a child's life choices, the impact of early pregnancy on health, the impact of marriage on education and employability are all strong factors that impact a woman's life from childhood to adulthood. it repeats itself with child brides tending to have larger families and whose daughters may become child brides themselves. This is more likely in communities, regions and cultures where child marriage is common.

²⁴ Frances Olsen, "Children's Rights: Some Feminist Approaches to the United Nations Convention on the Rights of the Child", in Philip Alston *et. al.* CHILDREN, RIGHTS AND THE LAW, Oxford University Press (1995) 192

²⁵ *ibid* at 194

²⁶ *ibid* at 194 pointing out its absence in the language of the CRC while on the other hand child military service has been specifically mentioned.

²⁷ *ibid* at pp194-195

2. *The child rights approach*- This would view the problem from the perspective of child rights and more particularly from the standards laid down in the UN Convention on the Rights of the Child. These would include taking all decisions keeping in mind the best interest principle, ensuring child participation in decision making as well respecting the autonomy of children.

What do these mean in the context of today's topic?

Sexuality of children is rarely spoken of and ²⁸'romantic cases' as they are called are considered to be as much of a crime as child sexual abuse. Children between the ages of 16 to 18 who run away together may find themselves as offenders in the Juvenile Justice System. Regardless of who has taken the initiative, young boys/ young men may find themselves being charged with kidnapping from lawful guardianship in the Indian Penal Code or sexual offences under POCSO.

Experts in the realm of child rights have pointed out the uneasy relationship between the law that penalises sexual activity involving a child and consensual sexual activity among children.²⁹

The assumption that children are not sexual beings is misguided and has been debunked. Prohibiting consensual sexual behaviour on the part of the law reeks of paternalism. The main danger of paternalism is that it allows the exercise of power over children which can be oppressive to them³⁰, all the while using the language of doing what is supposedly in the best interest of the child.

²⁸ CCL-NLSIU, *Study on the Working of Special Courts under the POCSO Act, 2012 in Karnataka (2017)* available at <https://ccl.nls.ac.in/wp-content/uploads/2017/01/Implementation-of-the-POCSO-Act-2012-by-special-courts-challenges-and-issues-1.pdf>

²⁹ <https://indianexpress.com/article/explained/what-madras-high-court-suggested-on-age-of-consent-age-gap-and-the-implications-pocso-act-5701591/> Accessed on 15 February 2021 where well known child rights activists including Advocates Vrind Grover, Ananth Kumar Asthana and Rebeca John, former National Commission (NCPCR) Chairperson Dr Shanta Sinha, and Professor Ved Kumari.

Asha Bajpai opines, "When these laws were being drafted, several voices had demanded that the age of sexual consent be lowered to 16 years so that consensual sexual activity among young people does not get criminalized. Even the fact that a child marriage is per se valid but under the PCMA, and therefore sexual activity between young married couples should be not criminalized, went unheard. these confusions must be removed to ensure that protections required by young people are not denied because of confusion in existing laws." in Asha Bajpai, *CHILD RIGHTS IN INDIA: LAW, POLICY, AND PRACTICE*. 3rd Edition Oxford University Press (2017) pp 428-429

³⁰ Frances Olsen, "Children's Rights: Some Feminist Approaches to the United Nations Convention on the Rights of the Child", in Philip Alston *et. al.* *CHILDREN, RIGHTS AND THE LAW*, Oxford University Press (1995) 192 pp206-207

Evaluating the choice of the child could also be problematic as very often if the child's choice is against the wishes of parents or authorities representing the state, the child will be considered to be too young or immature to make such a choice.³¹

While in custody battles a child's opinion may be often considered,³² this has not worked very well in the area of sexual choice. In child marriage cases however, the child is often treated as an adult, or a 'married woman' which may be a better way of putting it. In such cases, courts as well as law enforcers may consider the child's wish to stay with her marital family or in a government women's home rather than with her parents. Here too, it is pertinent to note the child is often in a women's home rather than in a children's home due to her marital status.³³

The presumption in the Convention that parents will usually act in the best interests of their children³⁴ may be at odds with the statistics on child marriage. Parents who perform child marriages are acting on the basis of what is good for the family as a whole and not necessarily what is in the best interests of this particular child.

"Hearing what children say must lie at the elaboration of children's rights"³⁵ This means that the child's voice must be heard when at odds with the parents, which is often the case in child marriages at the instance of the parents.³⁶ It also means that the child must be represented/ supported in order to follow up on such instances without which the child will not receive justice.³⁷

7. Addressing a few additional concerns

³¹ See Frances Olsen, "Children's Rights: Some Feminist Approaches to the United Nations Convention on the Rights of the Child", in Philip Alston *et. al.* CHILDREN, RIGHTS AND THE LAW, Oxford University Press (1995) 192

at 212 "From the point of view of the authorities evaluating the child's choice, it is easy to say that the child is too immature to exercise a proper choice"

³² Section 17 of the Guardians and Wards Act for example states that the child's wishes may be considered

³³ Courts often send such children to a Nari Niketan

³⁴ *Article 18*

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

³⁵ John Eekelaar, "The Importance of Thinking the Children Have Rights" in Philip Alston *et. al.* CHILDREN, RIGHTS AND THE LAW, Oxford University Press (1995) 221 at 228

³⁶ *Article 19*

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

³⁷ *Article 19*

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate

The Healthcare System has an important role to play in the life of the child bride and the young mother. Safe spaces for children to receive medical support and mental health care as well as protection of reproductive health rights³⁸ cannot be safeguarded if mandatory reporting continues to work in this way. Rules, SOPs and trainings which will allow for a non adversarial approach especially in cases of child marriage must be followed. The Supreme Court has recognised the reproductive rights of women and girls irrespective of their marital status.³⁹

Diversion for Children and Young Offenders

Adequate diversion is not being spoken of in the context of child marriage. Keeping in view the very large numbers, and the failure of criminal sanctions, it is suggested that diversion be used especially in the cases of young offenders. A more sensitive system under JJA is necessary to ensure this. This is true especially with the amendment of the Juvenile Justice Act⁴⁰ lowering the age of culpability to 16 from 18. This would mean that more children and young people would enter the criminal justice system. Where both are children, and it is a consensual act, it would be unclear about who the victim and who the perpetrator would be. There needs to be a more robust diversion system which does not involve incarceration.

The Aftershocks of the COVID19 Pandemic

There are signs that COVID 19 has led to early and forced marriage just for girl children in many parts of the world.⁴¹

The Women and Child Development Department of Maharashtra reported an increase in child marriage cases which may be because of a spike during the lockdown. Studies by different NGOs⁴² have also highlighted some COVID instigated global trends. There is a fear which has been borne out by contemporary sources that the pandemic has set back efforts of ending marriages and has seen increased child marriages.⁴³

For the next few years, budgets will have to address the fallout of the COVID-19 pandemic on girls including dropouts and lack of access to education and life chances, early marriages and pregnancies. COVID-19 has by anecdotal accounts increased the trend of child marriages as well as the vulnerability of girls.

Conclusion

³⁸ Aparna Bhat *et. al.* *CHILD MARRIAGES AND THE LAW IN INDIA*, Human Rights Law Network(2005) pp 42-43

³⁹ Suchita Srivastava v Chandigarh Administration (2009) 9 SCC 1

⁴⁰ Juvenile Justice Amendment Act, 2015 following the public outcry in the Nirbhaya case reduced the Juvenile age to 16 instead of 18. This has been widely held by child rights activists to be a regressive step.

⁴¹ Available at <https://ams3.digitaloceanspaces.com/girlsnotbrides-org/www/documents/COVID-19-and-child-early-and-forced-marriage.pdf>

⁴² Save the Children, World Vision, UNICEF , etc..

⁴³ Available at https://reliefweb.int/sites/reliefweb.int/files/resources/PressRelease_Child-marriage-webinar_October7.pdf

“Childhood is not a natural state.... It is highly conditioned by culture and if this were more generally understood, it would encourage fundamental questions about children and citizenship to be asked in ways that do not currently occur in the wider community”⁴⁴

The life cycle approach clearly indicates that early marriage has an adverse impact upon a girl child’s life in general with after effects stretching across her entire life in the form of disrupted education, early pregnancy, vulnerability to domestic violence and economic deprivation and life chances. There is no doubt that child marriages are a violation of human rights of women.

It is also true that large numbers of children marry young. In Karnataka one in five girls at least marry before they reach the age of 18.⁴⁵ Keeping this in mind, it is clear that criminalisation may not be the only remedy and we need to do more to strengthen institutions and service delivery across the board.

Karnataka’s law makes child marriages void ab initio, so these young girls do not get the status of a wife and the threat of a void marriage hangs over them like a Damocles sword. This law has not been enforced yet, but could have long term repercussions several years down the line when matters of succession to property arise. The law must be rolled back and child marriages should be voidable at the option of the child contracting the marriage.

It is also clear that complaints of child marriage or child sexual abuse seldom arise when the marriage is conducted at the instance of the parents or other relatives.⁴⁶ Most complaints arise when the child exercises agency to enter into a consensual sexual relationship in the 16 to just short of 18 category. Experts have opined that this must be examined carefully to ensure that the child is not marginalised and sent to a potentially hostile home with her parents. This is also needed in order to ensure that a child will receive adequate medical treatment and maternal healthcare if required without fear of reprisals against the family. Healthcare systems including counselling must not be fettered with mandatory reporting which hits at the root of doctor-patient

⁴⁴ Moushira Khattab, Rethinking Poverty: Making Policies That Work for Children, Children, *Youth and Environments* 19(2), 2009 at 14

⁴⁵ Sunitha Rao, “Child Marriages in Rural Karnataka drop 50% in 15 years” [https://timesofindia.indiatimes.com/city/bengaluru/tougher-to-prevent-child-marriages-in-urban-areas-official/articleshow/79806713.cms#:~:text=BENGALURU%3A%20Child%20marriages%20in%20rural,Family%20Health%20Survey%20\(NFHS\).&text=Women%20aged%2020%2D24%20years,20%20shows%20it%20is%2021.3%25](https://timesofindia.indiatimes.com/city/bengaluru/tougher-to-prevent-child-marriages-in-urban-areas-official/articleshow/79806713.cms#:~:text=BENGALURU%3A%20Child%20marriages%20in%20rural,Family%20Health%20Survey%20(NFHS).&text=Women%20aged%2020%2D24%20years,20%20shows%20it%20is%2021.3%25). Accessed on 21st December 2020

⁴⁶ Sarasu Esther Thomas, Child Marriage Law in India and the United States: Consent and Contestation in Family and Criminal Laws”, *International Journal of Law and Policy Review*, Volume 1 No. 2 (2012) 1 available at https://www.ijlprnujs.com/IJLPR_2013_Vol_2_No_1https://docs.google.com/file/d/0B4XaA30casoDTjFBX24wbWpsNjA/edit

confidentiality. Repercussions of some of these laws may be affecting child rights in insidious ways and these voices of experts and studies of ground realities must inform law reform, policy directions and institutional goals.

The legal system is still to adapt to these changes and throw up solutions to protect vulnerable children at risk of child marriages while at the same time recognising that the goal is the protection of child rights especially of child brides.