

# MY COUNTRY LEGISLATION IN THE FIELD OF CHILDREN HEALTH CARE



सत्यमेव जयते



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# NAME

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- ❑ My legal act is **“The Child Marriage Restraint Act,1929”**.
- ❑ *An Act to restrain the solemnization of child marriage.*
- ❑ It extends to the whole of India (except the State of Jammu and Kashmir) and it applies also to all citizen of India without and beyond India.
- ❑ To eradicate the evil of child marriage, the Child Marriage Restraint Act was passed in 1929.
- ❑ It shall come into force on the 1st day of April, 1930.



# GOALS

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- ❑ The penal provisions do not invalidate the fact of marriage nor do the penal provisions apply to a child.
- ❑ who ever, being a male above eighteen years of age and below twenty one, contracts a child marriage shall be punished with simple imprisonment.
- ❑ It may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both.

# PRINCIPLES

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- ❑ A person who, if a male,. is under twenty one years of age, and if a female, is under eighteen years of age.
- ❑ A marriage to which either the contracting parties is a child.
- ❑ Either of the parties whose marriage is or is about to be thereby solemnized.
- ❑ A person of either sex who is under eighteen years of age.

# STRUCTURE

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- ❑ India had a law prescribing the minimum age of marriage, known as the Sarda Act, 1929.
- ❑ Later renamed as the Child Marriage Restraint Act (CMRA), 1929, it prohibited marriage of girls below the age of 15 years and boys below the age of 18.
- ❑ India is still not a signatory to The Convention on Consent to Marriage, Minimum Age for Marriage and Registration for Marriages, which came into force in December 1964.
- ❑ However, it lacked implementation from the British Indian government, largely due to the fear of British authorities losing support from their loyal Hindu and Muslim communalist groups.



# STRUCTURE

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- ❑ It obligates States Parties to –
  - (a) specify a minimum age for marriage
  - (b) prohibit legal acceptance of any marriage without the full and free consent of both parties
  - (c) register all marriages
- ❑ It was a result of social reform movement in India.
- ❑ the legislation was passed by the British Indian Government which had a majority of Indians.

# CHARACTERISTICS

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- ❑ It fixed 14 and 18 as the marriageable age for girls and boys respectively of all communities.
- ❑ They played a major role in the development of argument and actively used the device of political petition and in the process contributed in the field of politics.
- ❑ It is popularly known as the **Sarda Act**, after its sponsor Harbilas Sarda.
- ❑ Provided no woman shall be punishable with imprisonment.
- ❑ For the purpose of this section, it shall be presumed unless and until the contrary is proved.
- ❑ That where a minor has contracted a child marriage, the person having charge of such minor has negligently failed to prevent marriage from being solemnized.



# PRACTICAL REALIZATION

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- ❑ Women in India were now challenging the double standards set in place by ancient *shastras*.
- ❑ They standing outside their delegations holding placards and shouting slogans such as **'if you oppose Sarda's bill, the world will laugh at you'**.
- ❑ Declaring they would begin to make their own laws, free of male influence, the women's organization brought liberal feminism to a forefront.
- ❑ Although this is a victory for the women's movement in India, the act itself was a complete failure.
- ❑ The all-India women's association pressured politicians for their support in the bill.



# SIGNIFICANCE

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- ❑ Pro-reform politicians, such as Motilal Nehru, were caught off guard when the organized women's association met with leaders to ask for their support in the bill.
- ❑ In the two years and five months it was an active bill, there were 473 prosecutions, of which only 167 were successful.
- ❑ The list goes on with 207 acquittals, with 98 cases still pending during August 1932.
- ❑ Out of the 167 successful prosecutions, only 17 or so did either all of or part of their sentence.

# SIGNIFICANCE

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- ❑ The majority of cases were in Punjab and the United Provinces.
- ❑ The percentage of widowed children had decreased from about 400,000 to about 320,000.
- ❑ The bill's census report, however, shows that the law reached and affected the masses, even if the numbers are very slight.
- ❑ However, the Act remained a dead letter during the colonial period of British rule in India.