
ARE LOOPHOLES IN THE PROHIBITION OF CHILD MARRIAGE ACT, AND PERSONAL LAWS CAUSING LOSSES TO THE INDIAN ECONOMY?

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ABSTRACT

The inspiration to write this paper came from the desire to approach the problem of declining economic growth from a legal point of view. A strong legislative framework is the most important tool in the hands of policymakers and India, being a welfare economy, where girls are disproportionately affected by the practice of child marriage, laws to check the same must be reviewed.

The paper argues that India's legal framework is not efficient in tackling the problem of child marriages. The inadequacy of such laws has a direct effect on economic growth and this paper, tries to show how this strong correlation between the two can be exploited to give the Indian economy the boost that it needs.

First, the paper has diagnosed several laws and provisions designed to abolish child marriages to find loopholes. The focus throughout the paper is on Prohibition of Child Marriage Act, 2006; Hindu Marriage Act, 1956; Muslim Personal Laws; Indian Christian Marriage Act, 1872; and judicial precedents. Further, a macroeconomic analysis has been provided of how fixing this legal framework can increase India's GDP (Gross Domestic Product) by up to eighty-five billion dollars (rough estimate based on certain assumptions). Finally, the paper also talks about certain reforms that may be adopted to fix this problem at hand. This paper, is, therefore, based on a multidisciplinary approach.

Keywords: Child marriage, Economic Growth, Loopholes, Reforms, Personal Laws, Public Policy

I. Introduction

According to UNICEF (United Nations International Children's Emergency Fund), India is home to the largest number of child brides as each year, over one and a half million girls under the age of eighteen years get married.¹ In 2006, India passed the Prohibition of Child Marriage Act to abolish child marriages in India. This act fixed the legal age of marriage for girls at eighteen years and for boys at twenty-one years.² Any marriage solemnised against this provision can be declared void by the court of law in case the party, who was a child at the time of marriage, approaches the court and files a petition for the same within two years of attaining majority.³ However, this law has failed to abolish the practice of child marriage in India.

The consequences of child marriage are harsh on both boys and girls who may be the victims of it. However, the impact is greater on the latter as they are subjected to sexual harassment and abuse, denial of reproductive rights etc. This was recognised by the honourable Supreme Court of India in the case of *Independent Thought v. Union of India and Another*, where the court opined in the favour of recognising rape within a child marriage while reading it with the provision of the Indian Penal Code that prevented criminalization of rape within child marriage.⁴

Child brides are disproportionately affected. They are deprived of freedom and human rights due to exposure to health risks such as Sexually Transferred Diseases, unwanted or early pregnancy, violence etc. Their fundamental right to education is violated resulting in poor skills and lower employability.

Therefore, as India is evolving and aspiring to be the fastest growing economy, it is important to look into the provisions established to abolish child marriages as significant reforms in the legal framework hold a great potential of becoming a pillar of the economic growth.

¹ Ending child marriage and adolescent empowerment, UNICEF INDIA, <https://www.unicef.org/india/what-we-do/end-child-marriage#:~:text=Estimates%20suggest%20that%20each%20year,fifteen%2D19%20are%20currently%20married.> (Last viewed Jul 9, 2022).

² The prohibition of Child Marriage Act. (2006), Section 2(a)

³ The prohibition of Child Marriage Act. (2006), Section 3

⁴ *Independent Thought v. Union of India and Anr.*, (2017) 10 SCC 800 (India)

II. Methodology

This paper aims to establish that “by covering loopholes in the Indian laws that have been designed to prevent child marriages, the GDP can be increased”. To prove this, a multidisciplinary approach has been used in this paper.

1. First of all, several laws such as the Hindu Marriage Act, 1956; Prohibition of Child Marriage Act, 2006 etc. were referred, to diagnose loopholes in the legal system.
2. After this data was gathered from the *World Bank database* and *National Family Health Survey-5* (released by the Government of India used it to conduct a macro-economic analysis that supports our claim that such loopholes are causing losses to the economy.
3. The paper also contains possible reforms in such laws and the methodology majorly followed in this section is “Literature Survey”. The opinions and the analysis presented are formed using the secondary data majorly collected from various government resources as well as archives of various international organisations. A literature survey of journals, published papers, books, reports, and magazines helped in gaining an insight into the possible solutions.
4. Finally, there has also been an attempt to predict an approximate positive impact on the GDP if these loopholes in the legal system are covered.

III. Data

With a Labour Force Participation Rate of about 19%, it is clear that men and women are not represented equally in the labour force in India.⁵ However, it has been found that the countries can create themselves an opportunity to achieve additional economic growth by increasing the size of their labour force by encouraging more women to contribute.

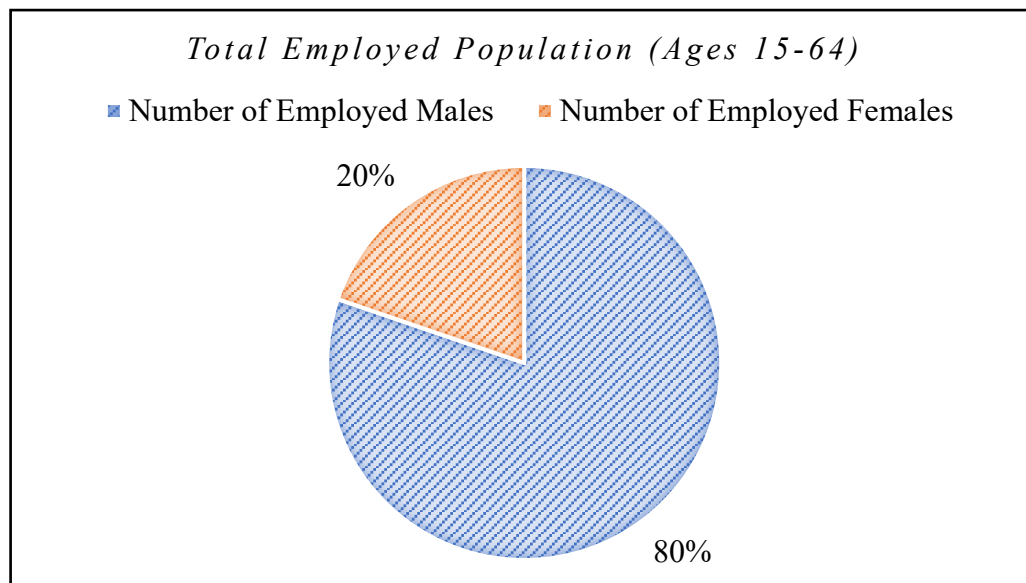
This bit is important as this paper is contesting, that due to the existing practice of child marriage,

⁵ Labor force participation rate, female (% of female population ages 15+) (modeled ILO estimate) - India, THE WORLD BANK, <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=IN> (last visited Jul 9, 2022).

the gender gap in India's labour force is increasing which ultimately slows down the rate of economic growth.

A. Current state of employment in economy

The chart below shows the existing gender gap in the labour force participation rates in India.



Now, consider the following data (*World Bank⁶ and National Family Health Survey-5⁷*)

- The total population of women in India = 66,29,03,415
- Population between ages of twenty to twenty-four years, female (as % of female population) = 8.69%
- Population between ages of twenty to twenty-four years, female = 57,63,8,993
- Women between ages twenty to twenty-four years married before the age of eighteen years (%) = 23.3%

⁶ The World Bank, <https://data.worldbank.org/country/india>, (last visited Jul 9, 2022).

⁷ National Family Health Survey-5 (2019-21), https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf

- Population between ages twenty to twenty-four years married before the age of eighteen years = 1,34,29,885
- Size of GDP of India = \$26,60,24,52,48,868
- Total employed males and females = 41,86,32,145
- GDP per person employed = \$6,355

The data provided in this section has been obtained from the World Bank and the *National Family Health Survey-5* and shall later be used to show the possible impact of fixing loopholes in the legal framework, on the GDP of India.

IV. Analysis

This part includes the following:

1. Loopholes in the Indian Legal System
2. Suggested reforms to cover such loopholes
3. Possible impact of such reforms on the Indian economy (prediction that provides an approximate estimation).

The loopholes in the following laws have been majorly looked at:

1. Prohibition of Child Marriage Act, 2006
2. Hindu Marriage Act, 1956
3. Indian Christian Marriage Act, 1872
4. Muslim Personal Laws
5. Judicial precedents

A. Loopholes in the Indian legal system

The Constitution of India has provided the children with several rights to protect themselves as it recognises their vulnerable state, often referred to as protective discrimination. This is the essence of Article 39 of the Directive Principles of State Policies⁸, Part IV of the Constitution of India, which states that the state should work towards securing opportunities, healthy lifestyle and dignity of children who are prone to exploitation. To combat one such form of evil, child marriages, the government has enacted several laws that have failed to protect children from being pushed into the practice of child marriage with girls being affected disproportionately. Such loopholes have been discussed below.

a) Different ages of marriage for boys and girls

Section 2(a) of the Prohibition of Child Marriage Act (PCMA) defines “child” based on sex. According to the act, a child is a person who, if a male, is below the age of twenty-one years and if a female, is below the age of eighteen years.⁹ This leads to several problems for girls, who are victims of child marriage more often than boys. Such provisions encourage unscientific stereotypes that men and women have a different rate of intellectual or physical development which in turn leads to an increase in the rates of child marriage.

By looking at this problem in the light of Indian legal system, the paper witnesses another issue which is regarding the age by which a person in a child marriage can move to the court. According to the law, a woman can invalidate a marriage only till the age of twenty years while a man can approach the court to ask for the decree of nullity until he is twenty-three years old.¹⁰ This is against the principles of equality under Article 14¹¹ of the Constitution of India.

b) One can approach the court for a decree of nullity only after one attains the age of majority

⁸ India Const. art 39

⁹ Ibid 2

¹⁰ Ibid 3

¹¹ Constitution of India, Article 14

As mentioned above, according to the *National Family Health Survey-5*, 6.8% of the women between the age of fifteen to nineteen years were already pregnant or mothers at the time of the survey.¹² In such cases the scope for women who would have wanted to invalidate the marriage after attaining the age of eighteen years narrows down, ultimately defeating the purpose of the clause.

c) A very small window of 2 years to get the decree of nullity

The legal system in India allows the victims of a child marriage to approach the court and demand a decree of nullity until two years of attaining the age of majority¹³. This window is too small for a girl who has just attained the age of majority. Second, in most of the cases they are made aware of this right after this window has passed away. Third, the onus of approaching the court lies on the victims who often have to face social stigma. Even in the cases where the girls are aware of their rights, they are not able to exercise the same due to financial constraints.

d) Inconsistency between different personal laws and the secular law

As discussed above, the legal age of marriage, according to PCMA, is eighteen years for girls and twenty-one years for boys¹⁴. However, there is a contradiction between personal laws and PCMA. This issue along with certain others have been discussed below.

i. Hindu Marriage Act, 1956

Even though the legal age of marriage under Hindu Marriage Act is the same as that in PCMA¹⁵, the major loophole lies in the fact that the parties to a child marriage are punishable even if they did not consent to the marriage. On the other hand, there are no provisions that may punish the people who have solemnised the marriage including parents. Further, a marriage is voidable only in a case where the girl was married before the age of fifteen years and challenges the marriage within two years of attaining the majority. The marriage may have been solemnised without the

¹² Ibid 7

¹³ Ibid 3

¹⁴ Ibid 2

¹⁵ Hindu Marriage Act. (1956), Section 5(iii)

consent of the parties but this is not considered fraud, which is a ground for attaining a decree of nullity under Section 12 of Hindu Marriage Act¹⁶.

ii. Muslim Personal Law

The Muslim Law is not codified but the attainment of puberty, which is around the age of fifteen years is considered to be the marriageable age for women. A marriage under Muslim Law is a contract and a woman above the age of fifteen years cannot be married off without her consent. However, for a girl below the age of fifteen years, guardians can arrange a marriage on behalf of the girl. Even though the girl has the “*option of puberty*”, where she can render such a marriage as void, it is only available to her if the following conditions are met:

- She is able to prove that the marriage has not been consummated
- The marriage was solemnised before the age of fifteen years
- The marriage was challenged before the girl attains the age of eighteen years

This concept has been defined as *Khyar-Ul-Bulugh*, which according to Muslim Laws is a safeguard against undesirable marriages. The right to render a marriage, given to women in the Muslim Laws flows through Hadith. This right comes to the rescue in a case where marriage has been forcefully imposed on them.

However, while projecting this right as a safeguard, several problems are faced by women which means that in several cases of forced and undesirable marriages, this right remains unutilised. The following loopholes must be addressed:

- The marriage, to be challengeable, has to be solemnised before the girl attains the age of fifteen years. Also, the girl must challenge the marriage before she attains the age of eighteen years. this leaves a very small window for her to challenge the marriage. Already being vulnerable, it is very difficult for a girl that young to take a step as big as rendering a marriage void. Often such women are financially dependent on their

¹⁶ Hindu Marriage Act. (1956), Section 12

husbands and are afraid of social stigma. This small window of about 3 years gets over before the girl attains the age where she can take a mature decision.

- The fact that only a marriage that was solemnised before the girl attains the age of fifteen years can be challenged leaves several girls between the age of fifteen-eighteen years vulnerable. This leads to violation of their basic human rights.
- To repudiate a marriage, the woman must prove that the marriage has not been consummated. However, it is seen that women are more vulnerable to sexual harassment and violence, making it extremely difficult for them to satisfy this condition.

Therefore, the fact that the provisions regarding the matters such as the legal age for marriage in the Muslim Law differs from that in PCMA has led to exploitation and harassment of several young girls. It is important that the laws remain uniform, which would act as a safeguard against forced child marriages.

iii. Indian Christian Marriage Act, 1872

The act requires that a marriage to which the parties are minor must issue a preliminary notice fourteen days prior to the marriage¹⁷. Once this notice period is over, the minors are allowed to marry even without the consent of their guardians and their marriage is valid. This means that the plea of a child marriage is not accepted as a ground for divorce under Indian Divorce (Amendment) Act, 2001.

¹⁷ Indian Christian Marriage Act, 1872, Section 70

	<i>Prohibition of Child Marriage Act</i>	<i>Hindu Marriage Act (HMA)</i>	<i>Muslim Personal Laws</i>	<i>Indian Christian Marriage Act (ICMA)</i>
<i>Legal age for marriage</i>	Eighteen years for girls and twenty-one years for boys	Eighteen years for girls and twenty-one years for boys	A girl below the age of fifteen years can be married off with the consent of her guardians	Eighteen years for girls and twenty-one years for boys but minors can get married by issuing a preliminary notice fourteen days before the marriage.
<i>Remedies available</i>	Section 3: The marriage is voidable. The validity can be challenged at any time but before completion of two years after the minor attains the age of majority. In case a minor challenge the validity,	A minor who was a party to the marriage can approach the court for a decree of nullity within two years of attaining a majority.	A girl can avail the “option of puberty” after she turns fifteen but before she will turn eighteen years old. This is only in a case where the marriage has not	Being a minor at the time of marriage is not a ground for dissolution of marriage.

	his/her guardian may file the case.		been consummated.	
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Table 1: Comparison of provisions of PCMA, HMA, Muslim Personal Laws, ICMA

Several judgements have highlighted the superseding effect of the secular laws over personal laws, however judicial trends show that there is an inconsistency, with the latter at times prevailing over the former. For instance, in the case of *Ibrahim Mohammad Lokhat v State of Gujarat*, it was observed that the Muslim law allows girls to get married, without the consent of her parents, after she attains puberty or attains the age of fifteen years. In another petition filed by *Shoukat Hussain and Fauzia*, the High Court of Delhi allowed a thirty-six-year-old man marry a seventeen-year-old girl, on similar grounds. With such inconsistencies between the decisions of various courts, there is a state of ambiguity and irregularity.

e) Vaguely defined Section 16 of PCMA, 2006:

Section 16 of The Prohibition of Child Marriage Act, 2006 discusses the appointment and authority of the Child Marriage Prohibition Officer¹⁸. However, it doesn't specify the proper procedure for appointing such an officer. In practice, most state governments have failed to even appoint such officials, and many seats are vacant.

It is found that the Child Marriage Prohibition Officers are given other charges as well which leads to unfulfillment of responsibilities due to over-burden.

f) No age restriction for restitution of conjugal rights:

Section 9 of The *Hindu Marriage Act, 1955*¹⁹ defines restitution of conjugal rights. The restitution of conjugal rights entails the re-establishment of the marital duties of husband or wife. Since there is no age barrier defined in Section 9, this privilege can be extensively abused in a child marriage

¹⁸The prohibition of Child Marriage Act. (2006) § Section 16

¹⁹ Hindu Marriage Act. (1956). § Section 9

in the form of sexual harassment, verbal abuse, and marital rape, affecting a girl's reproductive and mental health.

g. Lack of legal remedies:

Due to weak implementation of laws, women have become a primary victim of child marriages. The lack of institutional assistance is evidently visible. Married girls often lack the agency needed to seek remedies to get their marriages declared void. Due to the lack of financial and social autonomy, it is hard for young females to have access to legal aid lawyers. Even when child marriages are reported, only few cases are fully prosecuted. According to data, the PCMA has one of the highest percentage of cases pending disposal. The problem of guardianship and maintenance also persists with married girls. The lack of reasonable alternative possibilities discourages girls from leaving the marriage.²⁰

h. Registration of marriage:

Registration of marriage is not mandatory, resulting in a large number of unreported child marriages. The Supreme court in a variety of cases has cited the importance of registration of marriage but no national law mandates it.²¹ The Madras High Court stated its concern, in the case of *Kanagavalli and 4 Others against Saroja and three Others (2001)*,²² about India's lack of framework for compulsory registration of marriages. The case of *Seema V. Ashwini Kumar & Others (2006)*²³ is a landmark case where the court directed the state and central government to create rules and procedure for the registration of marriages.

i. Lack of awareness:

The implementation of laws to abolish child marriages have a weak implementation due to lack of awareness among the majority. In Andhra Pradesh, where more than half of the marriages are child marriages, has implemented some cash incentive schemes such as the *Dhanalakshmi Scheme and*

²⁰ Uditia Prakash, The evil of child marriage: provisions, loopholes, and challenges, iPleaders, Last Visited on 16.09.2023, < <https://blog.iplayers.in/evil-child-marriage-provisions-loopholes-challenges/> >

²¹ The Wire. 2019. To Root Out Child Marriage, Existing Laws Need Tightening.

²² *Kanagavalli And 4 Others vs Saroja and 3 Others* [2001] AIR 2002 Mad 73, II (2001) DMC 603, (2001) 3 MLJ 360 (Madras High Court).

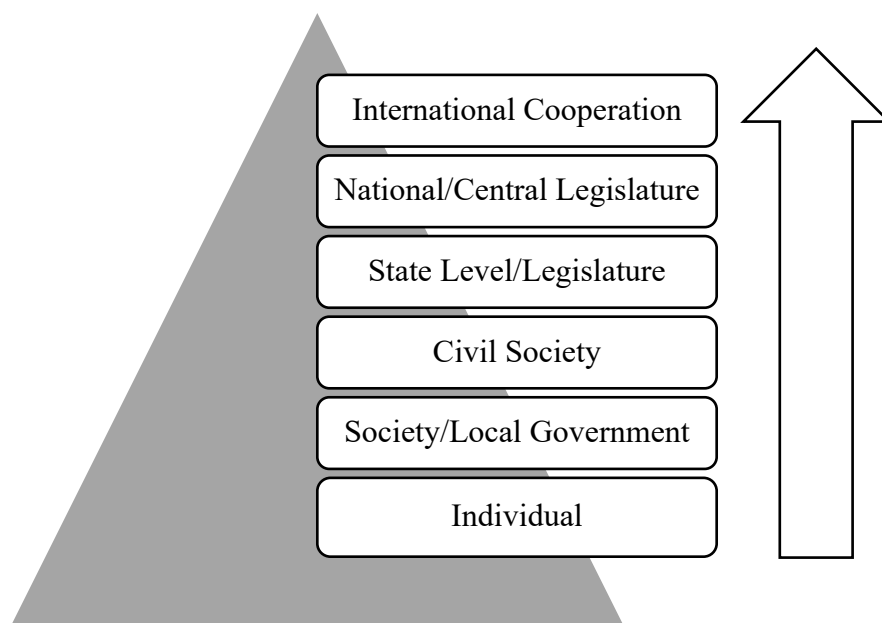
²³ *Smt. Seema Vs Ashwini Kumar & Ors* [2006] AIR 2006 SC 1158.

the Banguru Thalli Scheme, which require girls to remain unmarried and to complete schooling up to a certain level to be eligible for such schemes. Similar kind of schemes has been implemented by the states of Haryana, Karnataka, and Bihar. However, the low level of awareness about these programs is a hinderance in their effectiveness.

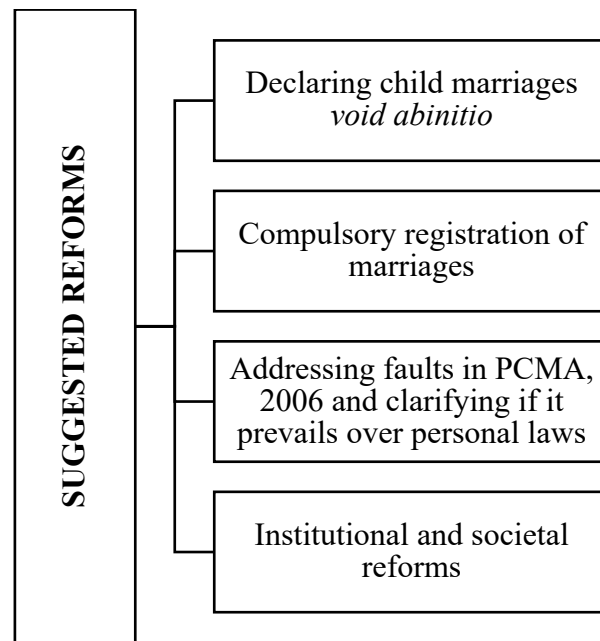
B. Suggested Reforms to Cover the Loopholes

The goal of every step taken by the government is welfare and when initiatives taken do not deliver desired results, the need to reform those institutions emerges.

Reforming the legal system of India is the strongest tool in the hands of the government to deal with the problem of Child Marriage. However, it is impossible to bring a change at the grassroots level until a bottom-up approach is adopted (as explained in the pyramid below).



The scope of this paper covers changes that need to be brought at the national, state and local levels which shall be discussed under four major categories mentioned below:



a) Declaring child marriages void ab initio

According to the Section 3 of the PCMA, 2006 and most of the personal laws; child marriages are “voidable” at the option of contracting party being a child who was a minor at the time of marriage.²⁴

Such provisions must be amended to declare Child Marriages *void ab initio*. Similar reform has been implemented in the state of Karnataka. According to an amendment in the PCMA, by Karnataka, every child marriage solemnised shall be declared *void abinitio*.²⁵

Is declaring Child Marriages *void ab initio* viable?

Under Section 4(c) of the Special Marriage Act²⁶, the age of the male at the time of marriage the male must have completed the age of twenty-one years while the female must have completed the age of eighteen years. A marriage solemnised in contravention to this clause is treated as void. It can be declared so under the Section 24 of the same act.²⁷

²⁴ Ibid 3

²⁵ The Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 § Section 2

²⁶ Special Marriage Act, Section 4(a)

²⁷ Special Marriage Act, Section 24

With such provisions already in place, the legislature has the idea of possible outcomes of declaring child marriage *void abinitio* in all cases.

However, along with declaring child marriages *void abinitio*, financial security, maintenance of such women and their children, laws related to custody of their children, societal support etc must also be carefully looked at to ensure that child brides do not suffer.

Not declaring child marriage as *void abinitio* violates the Fundamental Rights guaranteed under Article twenty-one as the parties are often forced into marriage and do not get the choice to choose their life partner. At times girls are sexually abused, violating their right to live with dignity. Therefore, such reforms are urgent.

b. Addressing the faults in PCMA

The most important of all the legislations to abolish child marriages is the Prohibition of Child Marriages Act, 2006. However, instances of Child Marriages are common even after passing of this act. Effectiveness of the PCMA can be improved by making following improvements:

- Amend the definition of child under Section 2(a) of the act to declare the same legal age of marriage for boys and girls. This will give them an equal opportunity to approach the court for a decree of nullity as boys and will encourage parents to let their daughters pursue higher education²⁸.
- Amend Section 3 to allow activists, well-wishers, parents and civil society to the help of the minor in filing petition to render a child marriage void.
- The sections (9, 10 and 11) must award harsher punishments for solemnising a child marriage. A girl in a child marriage may be subjected to sexual abuse, denial of reproductive rights, dignity etc. Therefore, punishment for those who are responsible must be in proportion.

²⁸ Apurva Vishwanath, Explained: Personal laws in Marriage, Last Visited: 16.09.2023, < <https://indianexpress.com/article/explained/personal-laws-in-marriage-explained-7686088/> >

- Clarify that the secular laws must prevail over personal laws as the legal age to get married differs in to personal laws. A Uniform Civil Code can be established, which would make gender justice achievable. *Uniform Civil Code can be understood as setting uniform laws to govern personal matters of all the citizens, irrespective of their religion. These laws cover matters such as divorce, marriages, succession, inheritance, adoption and guardianship.*²⁹ *With a Uniform Code in place, the inconsistency in the judicial decisions regarding conflict between personal laws and the PCMA will also come to an end.*
- Adequate structural support in the form of well-defined duties of the Child Marriage Prohibition Officer (CMPO). These officers must be trained and the focus should be on their capacity building.

c. Mandatory registration of marriage:

“Marriage” is a subject under concurrent list, which implies that both state and the central government can make laws on it, but a national law governs the registration of child marriage is necessary. According to a study by the Law Commission titled as '*Obligatory Registration of Marriages*,' compulsory registration of marriages in each state would be a step in the right direction.

- Compulsory registration would increase access to documentary evidence to child brides who may later want to render the marriage void.
- The registration of child marriage will permit minors to assert their legal rights and prevents the opposite party from subsequently denying the marriage.³⁰
- Strengthen civil registration system and encouraging information exchange between registrars to increase transparency in collection of data related to child marriages.³¹

²⁹ Rupam, Uniform Civil Code Towards Gender Justice, Last Visited: 16.09.2023, <
<https://www.legalservicesindia.com/article/1832/Uniform-Civil-Code-Towards-Gender-Justice.html> >

³⁰ Ibid 29

³¹ unicef.org. 2020. child marriage and the law: technical note for the global programme to end child marriage, Pg 9

- Before the event of mass marriages, a prior notice must be mandatory to allow age verification of the brides before-hand by the competent authority.

d. Institutional reforms

The Government of India runs several schemes to empower women and create awareness about the problems faced by them. These schemes may be run by the Central or State Government. Some of the schemes have been listed in the table below:

<i>Scheme</i>	<i>Aim</i>
<i>Beti Padhao Beti Bachao</i>	The aim is to prevent sex selective abortion and create awareness about the importance of educating women and girls.
<i>Ladli Scheme</i>	Incentive based scheme aiming at delaying the age of marriage for girls.
<i>Kishor Shakti Yojana</i>	Reach out-of-school adolescent girls to provide them access to information related to health, nutrition, opportunities and life skills.
<i>Shagun Ashirwaad Scheme</i>	Financial assistance of rupees fifteen thousand to Rs. twenty-one thousand is provided for the marriage of a girl who belongs to a low-income family. The scheme is available only for the women who are above the age of eighteen years.

Balika Samridhi Yojana

Limited saving opportunities are offered for the parents of a girl child.

Table 2: Schemes run by the Government of India

Despite the fact that the state and central government has launched several schemes to support the girl child to prevent underage marriages, the instances of child marriages have not come down. The solution does not lie in increasing the number of schemes but it lies in the better implementation of the existing schemes. By taking the following steps, the government can optimise the returns in terms of lower rates of child marriages.

- Following a bottom-up approach: This means that the schemes should be implemented by the agencies that work at the ground level. In India, the local or gram panchayats are the lowest level of governmental bodies that have the greatest knowledge regarding local conditions and traditions. Their knowledge can be exploited to re-design certain elements of a scheme to suit the local conditions. Also, people find these organisations more approachable, reducing the gap between administration and the public.
- Focusing on skill development instead of distributing money: Most of the government schemes that are incentive based can be optimised by linking the incentive to skill development. With better skills, women who fail to render marriages void due to reasons like financial dependence will benefit tremendously. A skilled population will also contribute more towards the economic development.
- Vocational training in schools: With basic skills at hand, women can focus on entrepreneurship and achieve financial independence.

e. Reforms needed at societal level:

The major reason why the practice of child marriage still thrives in India is that population, mostly in the rural areas, is ignorant. They are unaware of their rights and legal consequences of child marriages. Therefore, the most important of all reforms is the reform at societal level.

- Encourage people to report any instances child marriages that may occur around them.
- Educate the rural masses about the negative impacts of early marriage on the reproductive, physical and mental health of the girl. This can be done by engaging with Non-Governmental Organisations (NGOs) that work at the ground level.
- Adapt the "Aware One Being" Policy, where one person educates only one child at a time, about the need to abolish the tradition of child marriage to set a positive chain of awareness in action.
- Encouraging sponsorship for girl child through Corporate Social responsibility to lower the instances of child marriages where poor parents marry off their daughters due to lack of funds for her education.

C. Possible impact of reforms on the Indian economy

When a girl is married off before the age of eighteen years, say fifteen, it affects her in multiple ways. First, her physical and mental health is severely affected as at such a tender age she has to carry the burden of looking after her family. Second, she may be a victim of sexual and physical violence. Third, according to the *National Family Health Survey-5*, 6.8% of the women between the age of 15-19 years were already pregnant or mothers at the time of the survey³². This severely affects their physical and mental health and at the same time they face discrimination when it comes to healthcare facilities. Fourth, in most of the cases the girl has to give up on her education. *This means that she remains unskilled and not fit to be employed in most of the highly productive jobs.*

A girl trapped in this vicious cycle hardly gets an opportunity to participate in the labour force as they are unskilled and burdened with the responsibility of raising children and her household. *Clearly, if not the most prominent, child marriage is an important factor leading to a low participation of women in the labour force.*

³² Ibid 7

The basic assumptions behind this analysis:

- With a decrease in the instances of child marriages, once the loopholes in the legal framework are fixed; women will get better opportunities to educate themselves and will improve their skills which would ultimately increase their chances of being employed in productive sectors.
- The contribution of males and females in the economy is the same.

Once the loopholes in the legal framework are fixed, there will be fewer and fewer cases of child marriages while girls will get an opportunity to educate themselves and look after their physical, mental and reproductive health. With an increase in their skillset, they will be more gainfully employed in the economy which will ultimately increase the share of women in the labour force participation rates.

Impact of increase in women's share in the labour force participation rates:

The population of women between the ages twenty to twenty-four years who get married off before the age of eighteen years, will get an opportunity to educate and gainfully employ themselves; contributing to the economic growth. However, it will be wrong to assume that none of these 23.3% of women population between the ages of twenty to twenty-four years are unemployed. Therefore, given below is the chart and data that shows increase in GDP if some portion of this section of population moves from being unemployed to being employed.

This has been done by gradually increasing the percentage of women between the ages of twenty to twenty-four years who were married off before the age of eighteen years from being unemployed to being employed. This will happen once the legal framework is fixed and the instances of child marriages will have reduced.

Now,

- Size of GDP of India = \$26,60,24,52,48,868
- Total employed males and females = 41,86,32,145

- GDP per person employed = \$6,355

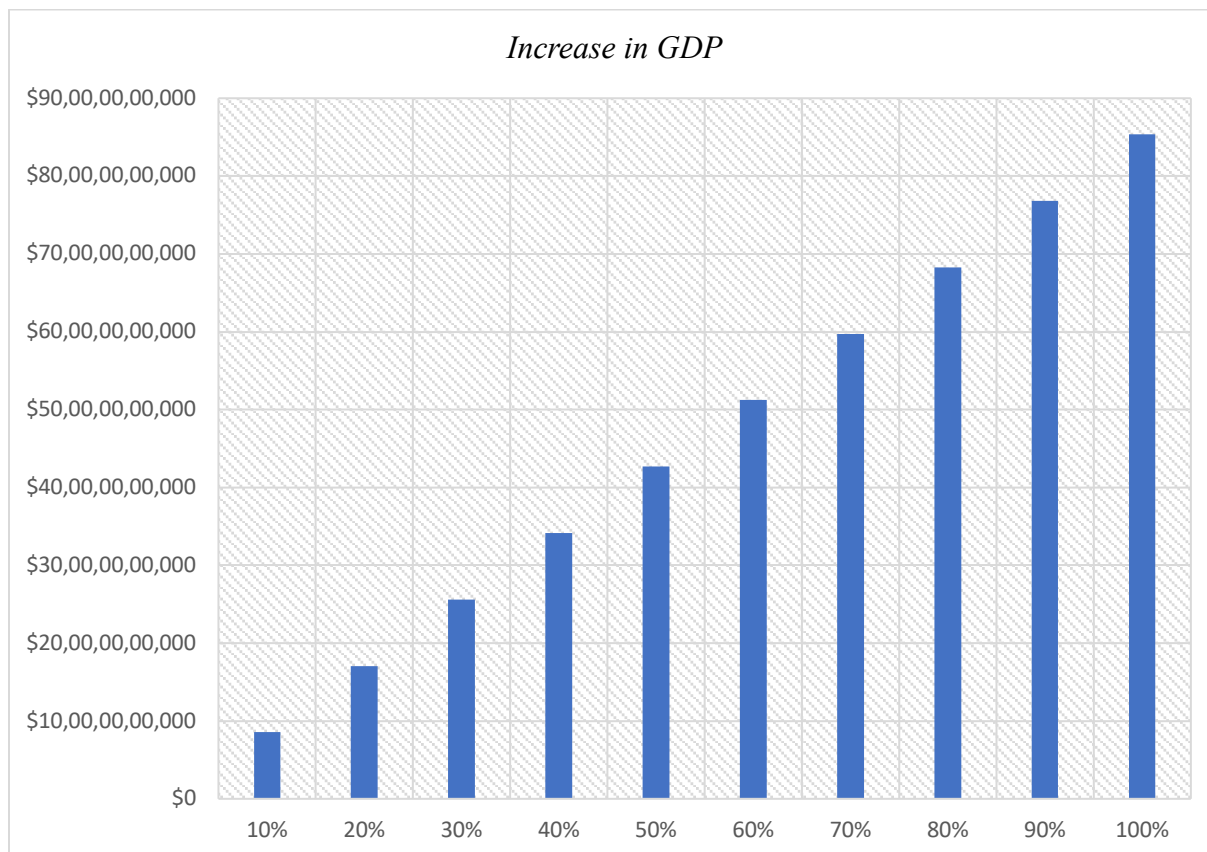
It is assumed that once this portion of population is free from the burden of early marriage and pregnancy, they will join the labour force. Given below is the table that shows the increase in GDP with an increase in the number of employed as the women population between the ages of twenty to twenty-four years who were earlier unemployed, move towards being employed.

Labour Force Joining Percentage	New Total Employees	New GDP	Increase in GDP	Percentage Increase in GDP
10%	41,99,75,133	\$26,68,77,94,21,216	\$8,53,41,72,349	0.32%
20%	42,13,18,122	\$26,77,31,35,93,565	\$17,06,83,44,697	0.64%
30%	42,26,61,110	\$26,85,84,77,65,914	\$25,60,25,17,046	0.96%
40%	42,40,04,099	\$26,94,38,19,38,262	\$34,13,66,89,395	1.28%
50%	42,53,47,088	\$27,02,91,61,10,611	\$42,67,08,61,744	1.60%
60%	42,66,90,076	\$27,11,45,02,82,960	\$51,20,50,34,092	1.92%
70%	42,80,33,065	\$27,19,98,44,55,309	\$59,73,92,06,441	2.25%
80%	42,93,76,053	\$27,28,51,86,27,657	\$68,27,33,78,790	2.57%
90%	43,07,19,042	\$27,37,05,28,00,006	\$76,80,75,51,138	2.89%

100%	43,20,62,030	\$27,45,58,69,72,355	\$85,34,17,23,487	3.21%
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Table 3: Increase in GDP

The Graph below shows a *constant increase in the GDP*.



This shows, that by fixing the loopholes in the legal framework of India, that has been set up to abolish the practice of child marriages, *the GDP of India can be increased up to 85 billion dollars*.

V. Conclusion

By ending the practice of child marriage, children, especially girls, can be provided with their right to survival, participation, protection and development. By helping them discover who they are, they can be given a brighter future.

The constitution has entitled every child with these rights and being a welfare state, it is the

responsibility of the government to ensure that these rights are not just on paper. Being a parliamentary democracy, the leaders have vast legislative powers and by taking steps to reform the legal structure it can set a chain of positive reactions into action. A strong legislative framework will give a tool in the hands of the other organs of the government that is the executive and the judiciary. At the same time, it would protect the rights of children who get married before they attain the age of majority.

Being a country as big and diverse as India, it is not possible for different organs and departments to function in silos. Therefore, a multidisciplinary approach where its strong legal system will support India's economy, is needed.