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Elopement primary cause for legal action in underage marriages: Study

Elopement is the primary cause for legal action in 65 per cent of underage marriages in the country, according to a report.



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By Express News Service

CHENNAI: Elopement is the primary cause for legal action in 65 per cent of underage marriages in the country, according to a report. While use of force was the cause of just five per cent of such marriages, around 30 per cent of them were arranged.

However, it also emphasised that, most likely, many of the arranged marriages were in fact forced, and equally likely that elopement was often a means to escape an impending forced marriage. The study by Partners for Law in Development reviewed 83 cases of child marriage prosecutions over a period of 10 years between 2008 and 2017 across the country. It also found out that the occurrence of underage marriages is overwhelmingly within the context of poverty, lack of opportunities, and resources.

A majority of the 83 cases were considered for review from Punjab and Haryana (29), Delhi (21), Karnataka (13). The remaining 20 were from other States, including Tamil Nadu, Kerala, Gujarat and Rajasthan. Most of the cases considered for the study were reported after 2012, when the age of consent was increased to 18 years by the enactment of the POCSO Act in 2012.



Stating that a girl's minority age was a criterion for initiating legal proceedings, the study concluded that it was not a primary motivation. "Age appears to have been instrumental for accessing the legal system, although the real driver was

parental disapproval for elopement, breakdown of marriage, and so on,” it said, adding that parents have greatest access to the law, while girls have the least access.

In 56 cases (67.4 per cent) out of the sample, parents approached the legal system with their grievances, including seeking custody of their daughters, to prosecute the husbands, seeking to nullify their daughters’ marriage, among others. It added that husbands were the second-most active in seeking legal recourse, while only seven per cent of cases were initiated by child marriage prohibition officers.

“The law cannot eliminate child marriage, but if sensitive to social contexts, power relations and vulnerabilities, the law can better redress violations while avoiding unintended harmful consequences,” it concluded.

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