

Illustration: Angela Ferrao



encounter in the process must form part of the policy discourses that seek to protect the rights of girls. Understanding the interface of the law and the social context is not an option but a necessity.

Kriti Bharti, a social activist who established the Saarthi Trust in Jodhpur and has been able to stop and annul about 1400 child and underage marriages, has often faced opposition in such operations. "When we try to counsel the family on the ill-effects of underage marriages, sometimes they turn hostile, sometimes they make false promises to call the marriage off, but later they take the girl to another location hastily to marry her off. So direct confrontation with family can be counter-productive," she says.

Most experts say raising the legal age limit on its own would not be effective. Other parallel processes have an important role to play. To ensure nullification of underage marriages, social workers have to engage with caste leaders to avoid ostracism of the girl and her family. Social boycott and fines invariably follow if the girl or her family

avoids fulfilling the promises taken during the marriage agreement. Social workers then combine persuasion with information about legal consequences of not just child marriage laws but also domestic violence laws that can be invoked over extended periods of time.

Madhu says there are other difficulties when parents are prosecuted for the early marriages of their daughters. "In cases where the police arrest the parents for violating the PCMA, it often breaks the morale and confidence of the girl as it means harm to her parents. This affects the social workers' efforts to have dialogue with parents and community members. Social workers prefer to just invoke the law to negotiate with the family rather than follow the letter of the law. Moreover, court processes take their own time, paying little heed to the ground realities where the custody of the girl is precarious with a high risk of her disappearance," she explains.

Experts say the task force should also take into consideration the fact that law reform proposals often assume that the law operates

uniformly, without reference to social pressures under which it functions. They argue there is a need to distinguish between different kinds of underage marriages – forced, arranged, self-arranged (elopement) marriages and marriages where the parties are in early or late adolescence.

Civil society workers should also use an intersectional lens to see how identification of caste, religion, poverty, sexual orientation and gender identity of the children and their families contribute to forced marriages or elopements, thus nuancing the complex areas of kinship intimacies and marriages.

Although Kriti agrees that raising the age limit is a step in the right direction, she feels it requires more than just an amendment to really empower girls. She believes that they would get some more years to pursue their education, but what is needed is skill development of girls – empowerment will follow. ■

*(Courtesy: Charkha Features. The writer is a freelance journalist based in Jaipur.)*