



Research on

“The Present Scenario of Child Marriage in Bangladesh Perspective”

Course title: Legal Research Methodology and Effective Writing

Course Code: Law-412

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Date of Submission: 12.10.2018

ACKNOWLEDGEMENT

Alhamdulillah!! I am so grateful to my respected parents that I am in the world for them. With the blessings of Allah Almighty the dissertation on an Empirical Study on topic of the Present Scenario of Child marriage in Bangladesh Perspective which is not easy for me. Alone it was difficult to me to done this research. First of all I am deeply indebted to our Honorable course Teacher Md. Safiullah, Senior Lecturer, Department of Law, who inspired me to write on this topic and also contributes his ideas and viewpoints

I am also thankful to the authors, journals and web mentioned in the references.

Declaration

The Student of LL.B (Hon's) solemnly declare that, the presented work has been done performed by me and has been submitted in the fulfillment of the requirement for the degree of Bachelors of Law (LL.B)

I declare that this thesis has been prepared by me and not submitted before to any other university, organization for any academic qualifications, certificate , diploma degree.

The work is my original work and it's not submitted before.

1.....

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Abstract

Child marriage is the most happening in our country. The sons and daughters of our country is a victim of child marriage. At present, those who are under 18 years of age are accepting more than the child marriage. In most cases, it was found that more girls than boys confessed child marriage is accepted. In Bangladesh, the girls who are 18 years old are considered to be minor. And marrying a minor girl at an early age is just like crime in the eyes of the society, and it will be proven to be equal abortion in the eyes of the law. To prevent child marriage, the government has enacted several laws that can prevent child marriage through laws. To prevent child marriage, the government has enacted several laws that can prevent child marriage through laws. Therefore, the government should be aware of the use of the laws. Human rights violations are due to child marriage, whereas fundamental rights are also violated. Children are deprived of their right to life, they are losing their right to move, girls are being harassed in various ways, their families have stopped sending them to school etc. Because of these problems are being deprived of the opportunity to watch all the girls in society. Therefore, to overcome these problems, the government will have to come forward and to stop the child marriage. I have worked with this child marriage to make people aware about the lightning wedding. I've done work on child marriage for this reason that people are concerned about child marriage. Later on, they should not ruin the beautiful life by marrying a child at an early age. In this research I first tried to know what caused the lightning wedding, why it might happen, how the child marriage can be reduced, etc. With the help of various journals, articles, links, books etc. I have prepared

some work on this research.. If the child marriage is to be stopped.. then the children of the country can live happily.

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Chapter: 1

Introduction of Child Marriage in Bangladesh Perspective

1.1. Introduction

Marriage is an important component of all over the world. Marriage acts as a significant part of our society and culture. Marriage is divided in different ways. Child marriage is a major problem for our country, society, state. Children of our country, who are under the age of 18, are generally accustomed as child marriage. As a result of child marriage, the children of this country are facing problems like this; people are facing problems of society, family, people everywhere and various problems of the country. If we look at the statistics then our country's children are neglected in society. A child is facing much trouble since birth. Since their birth, their family thinks of them as a burden, which is not right for our society. And to get rid of this burden, they arrange for the children to marry at a young age which is considered to be a child marriage. Often many children are accepting child marriage. Child marriage in our society, state, family, just as it is a waste of human rights violation is to a great extent. Child marriage is a threat to our children. A child's life has to face extreme disasters due to child marriage, a child's life many problems in the family are inevitable, their economic condition is deteriorating etc. Children as like the weakest and most unprotected section of the society. They are the dependent upon parties and others for growing up. They need the support of the family, community and also the state as an entire. In Bangladesh, an oversized variety of children are empty their basic human rights because of unacceptable health, nutrition and education moreover as a social condition. Additionally Child marriage represents a serious threat to children well being in Bangladesh. Because of our child marriage, our human society has folded these days. Since thae

start of child marriages, individuals of our country are suffering terribly badly nowadays. Child marriage is considered to be illegal, among other countries, including Bangladesh. All countries of the world up to the age of marriage has been fixed at 18 years. However some countries permits marriages at 16 years yet, particularly for girl children

1.2. Background

To know about child marriage, we need to know about the history of the past from where this practice has been introduced. Historically child marriage was common round the world, the typical life failed to exceed 50 years previous. Therefore child marriage was thought about an efficient follow to sustain population. The observe began to be questioned within the twenty century, with the age of individuals first marriage increasing in several countries and most countries increasing the minimum marriage age. In ancient and medieval societies it was common for girls to be married at or even before, puberty. As a Friedman claims, arranging and contracting the marriage of a young girl were undisputed prerogatives of her father in ancient Israel. Most girls were married before the age of 15, often at the start of their puberty. In the middle ages the age of marriage seems to have been around puberty throughout the Jewish world.¹

Everyone would agree tradition plays an important role in the persistence of child marriage, at least to some extent. Though traditions obviously differ widely from culture to culture, there are nonetheless common threads. One is centrality of the family. In Traditional Societies the needs of the family-not the wishes or preferences of the individual- are at the forefront. Since tradition involves the preservation of practices form the past, the best place to start is probably with a little

¹ https://en.wikipedia.org/wiki/Child_marriage > Accessed on: 2 December 2018

history. Fortunately, a good deal of work has already been done. The centre for history and new media has researched the “age of consent” laws for selection countries around the world, mostly in the west.² The Relationship between age initially marriage and education is that the most powerful consistent documented literature. Most of the studies recognized the importance of education to extend the feminine age at marriage.

. 1.4. Research Question

1. How old are the children involved in child marriage?
2. What are the major problems of child marriage in society?
3. What are the main reasons behind child Marriage?
4. What could be the consequence of a child marriage?
5. How to provide adequate suggestions to stop child marriage in society?

1.5. Methodology

Methodologies are divided into several approaches. The Research of this methodology will be described of reliable secondary sources. The research has included books, data, journals, articles as a secondary data which will describe the problem of child marriage and effects of it. It is an analytical and descriptive research to collect the reasonable data to find the causes, impacts of it and solution for these issues.

² Tom Carroll, “*ISLAM AND THE PROBLEM OF CHILD MARRIAGE*,” G.L.O.B.A.L justice commentator International Security/Mideast, P: 2, http://www.globaljusticeonline.org/wp-content/uploads/2015/10/GLOBAL_Commetary_Carroll_June2016_-Child-Marriage.pdf > Accessed on: 2 December, 2018

1.6. Objectives

Basically two objectives must be necessary to the following research. Such as:

1. General Objectives: Child marriage has some objectives for those who want to succeed, we have to know what childhood marriage is. Child marriage rates will be reduced. The main objective of this research is to remove the child marriage in society. Because of child marriage is very rare to all over the world.

2. Specific Objectives: The objectives of this research shall be prevailed in a view of following such matters:
 1. To assess the present scenario major problem of child marriage in society
 2. To find out the cause and consequence of child marriage
 3. To Motivating and informing their families against the adverse effects of child marriage.
 4. To draw conclusion and put forward suggestions in order to eradicate in child marriage concept from the society.

1.7. Statement of the Problem

There are many problems arising in Child marriage. Young girls and boys who are below the age of 18 must be sufferer by this child marriage. Child marriage customs are going on in many countries of the present world. Child marriage has become a big problem for our country, society and for all. Children of our country are under the age of childhood due to child marriage.

Generally a boy or a girl under the age of 18 is considered to be a minor. So getting married at an early age is harmful to our human society. Child marriage is increasing in more than twenty countries of the world. Child marriage is a violation of our human rights. As a child is born, various problems are encountered. A child is faced with various problems as soon as he or she is born. For this problem many people think that marriage is the only way. Many people think that this marriage is the only way in which a boy or girl cannot do anything like them. But we think marriage cannot be solved any problem. Most of the people in our country are being acknowledged as child marriages. When a child was born, their parents' thinking was increased to them. It is found in the statistics that a girl faces problems in a special case than a boy. In view of this, girls have to accept child marriage. To prevent child marriage, there are various types of activities that help to prevent child marriage. These companies will do their best to prevent child marriage. There are some people in the society who believe in scandal and believe in this scandal because they give childhood marriage to their children. To save everyone from this evil of childhood marriage, the real problems will be uncovered. There are some national and international organizations that work for child marriage and work in different types of child marriage. There are some national and international organizations that work for child marriage and work in different types of child marriage. Among them, UDHR, UNICEF, Human Rights Commission, Fundamental Rights etc. Different types of acts have been created to stop child marriage. The government of Bangladesh has set an appropriate age to stop child marriage where no child can be given a marriage at a young age. If someone is bound in a child marriage, then the government will take strict punishments.

Chapter: 2

Conceptual Framework on Child Marriage in Bangladesh perspective

2.1. Definition of Marriage

Marriage is that the lawfully or formally recognized union of two individuals as partners during a personal relation historically and in some jurisdictions specifically a union between person and a girl. The Definition of the word marriage or a lot of accurately, the understanding of what the establishment of marriage properly consist of continue to be extremely contentious. This is often not a difficulty to be resolved by dictionaries. Ultimately the dispute involves cultural traditions, spiritual beliefs, legal rulings and ideas concerning fairness and basic human rights.

In modern times, the most important aspects of marriage are social, religious as well as legal. Bertrand Russell says that “marriage differs, of course, from other sex relations by the fact that it is a legal institution. It is also in most communities a religious institution, but it is the legal aspect which is essential.” (Russell, 1959: 88).³

Islam says about the Definition of Marriage. Islam says that, the marriage could be a legal contract between man and girls.

³ Dr. N. A. Wimalasena, “*An Analytical Study of Definitions of the Term “Marriage”*” International Journal of Humanities and Social Science, vol.6 no. 1, Date of Publication: January, 2016, p:166, http://www.ijhssnet.com/journals/Vol_6_No_1_January_2016/21.pdf > Accessed on: 3December, 2018.

2.2. Definition of Child

There is a wide variation in the definitions of the term “child”. The Bengali word for child is “Shishu”. A “shishu” is only the first stage of childhood. In the Bangladesh Society “shishu” does not indicate a knowing and responsible child but an innocent, protected and dependent one. A shishu is a child who does not understand. The word “shishu” does not refer the age or physical development of a child. It also refers to a child’s life circumstances. There is no universal and uniform definition of child. It varies from society to society, statute to statute and country to country at large.⁴

Biologically a child may be soul between the stages of birth and time of life. The legal definition of child typically refers to a minor, otherwise called an individual younger than the age of majority.

Section 4 of the Children Act-2013 defines the word child. As per this section Child means a person under the age of eighteen years. In Addition, the United Nations Convention on The rights of the Child (CRC) defines a child as “a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”⁵

2.3. Definition of Child Marriage

Child marriage is usually understood to mean marriages that surface before age eighteen. Except for many women, marriage happens a lot of earlier. In some countries, woman as young as seven or eight are forced by their families to marry a lot of older man. The Reasons are women have

⁴ Ahmed Rizvi, *“Theory And Practice of Criminology Bangladesh Perspective”*, 2nd edition (2017), University Publications, Shams Publications, , P: 162

⁵ ibid

being married numerous and a person's father or mother generally believes that through marriage. They are protective their daughters and increasing their economic opportunities.

The Definition of Child Marriage means, as a proper marriage or informal union before age 18, could be a reality for each boys and girls. Though girls have being disproportionately the foremost affected. Child Marriage is widespread and may result in a period of time of disadvantages and deprivation. Worldwide, over 65million girls are alive nowadays were married children.

According to Article 2(b) of the Child Marriage Restraint act, 1929 defines that, "Child Marriage means a marriage to which either of the contracting parties is a child."⁶

2.4. Definition of Early or Forced Marriage

A forced marriage is a marriage where one or both people do not consent to the marriage and pressure or abuse is used. Forced marriage is an abuse of human rights, a form of violence against women and men, where it affects children, child abuse and where it affects those with disabilities abuse of vulnerable people."⁷

On the Other hand, Forced marriage may be a marriage within which one or additional the parties are married while not his or her consent or against his or her expressing inevitable events.

A forced marriage differs from associates organized marriage. The Universal Declaration of

⁶ The Child Marriage Restraint Act, 1929

⁷ <https://www.gov.uk/government/publications/what-is-a-forced-marriage>

Accessed on : 3December, 2018

Human Rights states that a person's right to decide on a relative and enter freely into marriage is central to his or her life and dignity and his or her equality as a person's being. The real age of marriage is 18 for women and 21 for men; however, underage marriage was a widespread drawback.

2.5. Current Practices of Child Marriage in Different Countries

2.5.1. Bangladesh

The concept of child marriage in Bangladesh has derived from the Hindu Community. The concept has first emerged Hindu society, later on it by being practiced in rural areas of Bangladesh as a traditional custom of marriage. Child marriage is considered to be an ancient practice associated with the institution of marriage in Bangladesh. The highest number of child marriage is in Bangladesh. There is a decrease in the number of child marriage in the country's population, which is going to increase awareness, and to reduce this reduction, we have to be aware of public opinion. If we look at UNICEF's direction we can see that girls are married to boys below 18 years of age in Bangladesh. From this point of view, girls are being neglected in our society, country and state. Normally girls are admitted to child marriage. To reduce the rate of this child marriage, the opportunities will be increased. If these facilities are not extended, then the rate of child marriage will decrease or not. The main reason behind the rise in child marriage in Bangladesh is the prevalence of prejudice, social degradation, degradation of morals etc. The main reason behind the rise in child marriage in Bangladesh is the prevalence of prejudice, social degradation, degradation of morals etc. Who says girls prejudice system is believed to be child marriage is accepted. That's why girls' lives are in danger.

2.5.2. India

India is another country where child marriage is practiced. India is caught between 20 countries on the basis of child marriage. Child Marriage in India, According to the Indian law, is marriage where either women is below age 18 or the man below age 21 for. Most Child marriages involve underage women, many of whom are in poor, socio-economic conditions⁸

Child Marriage in India has been practiced for hundreds of years, with Childs married off before their physical and mental maturity. The matter of child marriage in India remains stock-still in a very advanced matrix of spiritual traditions, social practices, economic sectors and deeply stock-still prejudices. Notwithstanding its roots, child marriage continues a gross violation of human rights, deed physical, psychological and emotional scares for all times. India has made a lot of child marriage laws, which helps to prevent child marriage. The people of India generally believe in the practice of prejudice, because they give child marriage to children. Due to this child marriage, the culture of India is going to end.

2.3. Real Age of Child Marriage

Child marriage has a big problem size in our country. To stop child marriage, the government has constituted an age where it has been asked to reduce child marriage. In our country, the age of marriage is 18 for girls and 21 for boys. This age has been valid in several countries of the world including Bangladesh. If anyone is to be married at an early age, then measures are going to be taken for the Act.

2.6. Advantages of Child Marriage

⁸ https://en.wikipedia.org/wiki/Child_marriage_in_India > Accessed on: 4December, 2018

Young people who continue into a relationship usually favor to solemnize their relationship. They like to induce married as they feel currently recognize one another higher and marriage can make sure that they rest forever. They feel that they are created for every different and marriage could be a reply for them.

2.7. Disadvantages of Child Marriage

Due to child marriage, women face many disadvantages Some people got married to soon. They might prefer to get into matrimony as presently as their prayer is over .They feel subsidence down in life early facilitate them found out their freelance home. Many children are victims of physical and mental torture due to child marriage. And due to the physical and mental disabilities, many people have died due to prey. There are many children in our country who are constantly faced with this problem. As a result of marriage at a young age, there is a lot of conflict between the two.

Chapter: 3

The Present Scenario of Child Marriage in Bangladesh perspective

3.1. The Major problems of Child Marriage

Bangladesh is a deserving country. The population of the country is 1, 40,570. Our Countries population has been gradually growing day by day and the number of problem in our country increasing due to this increase in numbers. Marriage is the major component of our country. Child marriage is one of them. Child marriage is the massive problem of all over the world. due to child marriage, many of our children are facing many problems. At present, the people of the village and their children's are usually victims of child marriage. the people of the village usually face many problems.the Problems that are encountered are those poverty, lact of education, economic problem,social problem,gender discrimination,sexual harresment etc. These are the problem are mainly sufferer form children and their village people. Child marriage is that the the main violations of human rights. Children of our country have being emply all the facilities because of child marriage.There are several sectors in our country that are serving to several to prevent this child marriage. there are such a large amount of acts that are rising to prevent child marriage. The Obstacle is kind of simple whereas persons sanctioning child marriages might face punishments, the child marriage itself remain absolutely legal in Asian Country.

Child marriages in Bangladesh are primarily regulated by the Child Marriage (Restraint) Act 1929, which is often understood (by lay persons, documentarians and activists) as outlawing child marriage. However, this is simply untrue as the Act only sets minimum ages of marriage for both sexes (21 for males and 18 for females), and itself states that it is “an Act to restrain the

solemnization of child marriages”. It does so by prescribing punishments for all categories of persons who may be involved in the child marriage process. This includes any [adult] person who marries a minor, any person who “conducts” any child marriage and any lawful or unlawful parent/guardian who permits the child marriage to occur or “negligently fails to prevent it” from taking place. Whether it is an anomaly in the law or a deliberate omission, empirical evidence clearly exposes the futility of the 1929 Act in restraining child marriage.”⁹

3.2. Reason behind Child Marriage

There are many reasons for child Marriage. Such as:

- a) Deprivation: Deprivation is a big problem for the present Bangladesh. Increasing the population of the country has increased the quantity of deprivation day by day. For this, the children of our country are becoming married within the town. For this poorness they are being benefit of numerous advantages and deprivation. Parents do not think they will afford to pay any of their children's facilities. So, to overcome this poorness, they survived the method of child marriage. To alleviate poorness, but child marriage cannot be an answer. In order to protect children from child marriage, the rate of poverty in Bangladesh will be reduced.

- b) Lack of Education: It has been said that the backbone of the nation is education. However the speed of education in our country is a smaller amount than the opposite countries. As a matter of reality, rural children are generally excluded from the rate of education compared to the city. And due to the absence of this education rate, the people of the

⁹ Taqbir Huda, “*The Problem with Child Marriage Act,*” The Daily Star, Date of publication: 10 January. 2017, <https://www.thedailystar.net/op-ed/the-problem-the-child-marriage-act-1342720> > Accessed on: 3 December, 2018.

village arrange the marriage of their children who are considered as child marriage. And by giving them their marriage at an early age, they are discontinuing their studies, in which our children are deprived of the opportunity to study. And by giving them their marriage at an early age, they are discontinuing their studies, in which our children are deprived of the opportunity to study. Many people in the village think that their children will spend a lot of money to make excuses to their children so that they can not bear this expense, because they are not able to pay them, they get married at an early age and their life crosses the path. Thus Lack of Education is taken into account one in all the foremost common issues for our child marriage.

c) Gender Discrimination: Gender Discrimination is one among the most issues of child marriage. There is a great deal of discrimination between our boys and girls in our country. Because of this discrimination, women face more problems. Many people think that boys are lucky to be born, and then girls cannot be lucky. As a result, they are married at a young age. But child marriage in our society system can never be solved. The people of the village think that the girl child can never be one and this discrimination ruins people, society and the environment. Due to this discrimination, the level of child marriage is increasing day by day. So to reduce child marriage, the discrimination of this country must be eliminated first; the rate of child marriage will be slightly lower.

d) Economical Problem: Economic problems are considered as another cause for child marriage. The current Bangladesh economic problem has become a prominent issue. The people of the village cannot afford the benefits of their children due to lack of due

diligence, and due to lack of this, economic problems are increasing day by day. That is why they are making a lot of worry about the lack of children due to their lack of urgency, so that they lack the freedom of children, especially to get rid of the lack of urgency. The birth of a child in our country means that they think of them as a person. The birth of a child in our country means that they feel as they understand that they think that the birth of a child means that they are irresponsible.

- e) **Social Problem:** Social problem is the cause of child marriage. It's additionally one of the social factor is to blame for child marriage system. Its general perception that's adult female is safer against offenses than associate unmarried woman. Unmarried woman are have been viewed with mollified intentions. It's the mollified intentions that lead to crime against unmarried girls. Many of the girls are neglected due to social problems.
- f) **Lack of Population:** Lack of Population is the biggest problem of our Country. Due to the increase in population, the trend of child marriage is increasing day by day. Due to the increase in popularity, girls face more problems than boys in our country. As the population increases, the common people, especially the people of the village, refrain from taking proper care of their children. Then they do not have a good way to do this child marriage. As a result, they avoid all kinds of benefits. To reduce the population of our country's birth rate will decrease. The population should be aware that if you reduce the rate of child marriage.
- g) **Sexual Abuse:** Sexual Abuse is the other cause of child marriage. At present, girls are not protected in society, anywhere in the country. The girls are being harassed in different

ways. When a girl comes out of the house she encounters various problems. So the parents give them marriage to these fears so that they are protected in society. It is generally seen that children are more likely to accept this harassment. And they are admitted to this harassment at this young age, because their parents marry them at a young age. As a result, a baby's life cannot grow well. Since a child is born, he or she is thinking of living a decent life, but when he or she thinks of them, his or her life is miserable. This is a beautiful way of life for harassment of a child to grow up and not be able to. So this harassment is a serious threat to child marriage.

- h) **Physical Problem:** Child marriage is almost accepted due to physical problems. If the physical aspects are considered then the girls face more problems. Due to getting married at a young age, she faces many problems in a physical way in a variety of ways. Due to getting married at a young age, she faces many problems in a physical way in a variety of ways.
- i) **Mental Torture:** If we look at the mental aspect is more a girl than a boy suffering is acknowledged. As a result, they have a child at an early age to suppress the mental break. Therefore, to stop child marriage, they must be careful about their mental health.
- j) **Superstition:** Superstition is a big problem in our country. Many people believe in the practice of superstition in our society because they give their children a child marriage. The people of the village believe in superstition more. And for them, children are more likely to suffer.

k) **Psychological abuse:** Basic outcomes psychological abuse includes depression and anxiety. Among the victims most psychological test results have shown victims think they are in mental imprisonment. Some cases have reported that certain number of the victims blame themselves for the psychological abuses. These may include psychological torture and this may result in sleep deprivation, treating the wives like animal, isolation. So this is another Reason behind child Marriage.

3.3. Consequences of Child Marriage

There are reasons for child marriage and there are some consequences. The Consequence of child marriage obtain devastating and sometimes confirm a life's flight .Child marriage is facing serious harm to the children of our country. As a result, there is a problem with the movement of a child, everything else in life. Reduce child mortality due to child marriage. When a girl is married, she faces many problems physically. Due to child marriage, many problems arise when a child gives birth to a child. Girls are usually married to the risk of death and are married. And when they marry and when they do not have a baby then they die with the first childish birth. As a result of childbirth, the rate of child mortality decreases. This resulted in a baby's life falling prematurely. In addition to death, girls face tremendous health risks in giving birth as well as a significant condition known as medicine fistula. Therefore, to reduce child mortality, child marriage must be stopped. The Negative consequence of child marriage reach on the above the woman themselves children of child brides are sixty percent are additional possible to die within the initial year of life than those born to mothers older than nineteen and families of child brides are a lot of probably to be poor and unhealthy.

Chapter: 4

Reduce to Child Marriage in Bangladesh Perspective

Child marriage has become a big problem in our country. And to reduce this child marriage, some steps have to be taken. These steps are briefly described:

4.1. Female Education

Female Education is the most important process that helps to reduce child marriage. As a result of increasing the rate of child marriage, children of our country are deprived of opportunities to study. As a result of increasing the rate of child marriage, children of our country are deprived of opportunities to study. To reduce the rate of child marriage, children of our country should be illuminated in the light of education so that they can grow as a good people. If we look at the present situation then it is seen that girls are less interested in studying than boys and girls. In fact, the longer a woman stays in class. The less possible she is to be married before age 18 and have children throughout her young years. The measures to ensure the education of girls in different places should be sent to them so they can help their families in all. To protect them from poverty. They can achieve their skills in all the tasks. To overcome these problems, the rate of child marriage will be reduced. As a result of the reduction in the rate of child marriage cannot be kept away from anyone the opportunity to study. Therefore, the quality of education in our country should be improved further.

4.2. Empowering Girls

Every girl wishes that she will determine her own future with her own ability. She has the right to give this power. When the girls began to think of themselves as self-reliant, since they may be the ability to formulate the right. Empowered women are able to re-shape views and challenges standard norms of what it suggests that to be a woman.

4.3. Social Media

Social media play an important role in reducing child marriage. People are preventing child marriage; masses perform different types of movement on the street so that girls do not accept child marriage. This child marriage is done by social organizations. Each of these organizations is to be aware of the people. Life of a child teenage is not just a boundary between the marriages. So social media to prevent child marriage is obliged to provide all kinds of support work.

4.4. Media

Media plays an important role in broadcasting totally different programs concerning the adverse result of early marriage. The media's role is not less about any information about child marriages. The media's role is not less about any information about child marriage. Media provides all kinds of opportunities that are very important to reduce child marriage rates.

4.5. Economic Support

Economic support plays an important role in reducing child marriage rates. Due to semi-economic deficiency, people of our country cannot live well enough, so that their children are victims of this. Families could understand the harmful effect of child marriage. Providing Economic support to families could also be the way of serving parents who don't need to their daughters to induce married early. .

4.6. Statutory law

The government has enacted various laws to reduce child marriage rates. These laws play an important role in preventing child marriage. The government has enacted various laws to reduce child marriage rates. These laws play an important role in preventing child marriage. The Child Marriage Restraint Act, 1929, The Children Act, 1974, The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964, The Convention on the Elimination of All Forms of Discrimination against Women, 1979, The Convention on the Rights of the Child (CRC), 1989 etc is necessary. Through this legislation, the government has different kinds of penalties. If these laws are used properly, then the rate of child marriage rate in the country will be reduced. If these laws are used properly, it will be possible to prevent child marriage rates in the country.

4.7. Support Anti- Child marriage Organization

There are many organizations that are implementing some unbelievable campaigns to pace associate finish to child marriage with encouraging result.

4.8. Awareness by Campaign

Alternative media such as theater groups, puppeteers, musicians and street performers can successfully address and create public awareness against Child marriage. By publishing related news and making the authorities aware of any reported case of child marriage related crime, they can keep an effective check upon the prospects and also can enhance information. Interchange is the first step to a well-aware community and media is the perfect medium for the task.

Chapter: 5

Legislation Regarding on Child Marriage in Bangladesh Perspective

There are some acts that are very important to prevent child marriage. These Acts are:

1. The Child Marriage Restraint Act, 1929.
2. The Children Act, 1974.
3. The Convention on the Elimination of All Forms of Discrimination against Women, 1979.
4. The Convention on the Rights of the Child (CRC), 1989.

Now, briefly describing the following acts which are given below:

5.1. The Child Marriage Restraint Act, 1929

In Bangladesh, the Child Marriage Restraint Act of 1929 is the main law for controlling early marriage. According to the Act the minimum legal age for marriage is 18 years for females. Along with this Act early marriage is punishable by law. According to Section 4 states the punishment for male adult below twenty-one years of age marrying a child. This section states that “Whoever, being a male above eighteen years of age and below twenty-one, contracts a child marriage shall be punishable with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or with both.” According to section 5 of the said Act stipulates the punishment for solemnizing a child marriage. According to this section, “Whoever performs conducts or directs any child marriage shall be punishable with

simple imprisonment which may extend to three months and shall also be liable to fine, unless he proves that he has reason to believe that the marriage is not a child marriage.”¹⁰

5.2. The Children Act, 1974

Article 34 of the Children Act, 1974 specifically stipulates the penalty to be imposed for cruelty to children. According to section 34 of the said Act,

“If any person over the age of sixteen years, who has the custody, charge or care of any child assaults, ill-treats, neglects, abandons or exposes such child or causes such child to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering or injury to his health, including loss of sight or hearing or injury to limb or organ of the body and any mental derangement, such person shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka one thousand or with both.”¹¹

5.3. The Convention on the Elimination of All Forms of Discrimination against Women, 1979

The Convention defines discrimination against women as "any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field."¹²

¹⁰ The Child Marriage Restraint act,1929

¹¹ The Children Act, 1974

¹² <http://www.un.org/womenwatch/daw/cedaw/> > Accessed on 5th December,2018

According to Article 16 (1) provides that, States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent.” According to Article 16(2) provides that, the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”¹³

5.4. The Convention on the Rights of the Child (CRC), 1989

The United Nation Convention on the rights of the child is a human rights treaty which sets out of the civil, political, economic, social and cultural rights of children. The convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation.¹⁴

According to Article 1 says that, “a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” According to Article 2 says that, “The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. It doesn’t matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability or whether they are rich or poor. No child should be treated unfairly on any basis.” According to Article 3 provides that, “The best interests of children must be the primary concern in making decisions that may affect them. All

¹³ The Convention on the Elimination of All Forms of Discrimination against Women, 1979.

¹⁴ https://en.wikipedia.org/wiki/Convention_on_the_Rights_of_the_Child > Accessed on 5th December, 2018

adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.” According to Article 36 says that, “Children should be protected from any activity that takes advantage of them or could harm their welfare and development.”¹⁵

5.5. Right to Life

Bangladesh has the right to life on Article 32 of the Constitution. The right to life is one of our fundamental rights. After a child's birth, some desire awakens how she is quite well. But in our social system it is seen that they have to face many problems in this life which impairs the basic rights of a child. Their parents damaged their right to survive by marrying them at an early age.

5.6. Child Marriage Violates the Human Rights

Marriage of a child before 18 years violates the fundamental violations of human rights. For many reasons children are given marriage. Poverty, family honor, social norms, formal or religious law, which neglects the practice of the law. Child marriage often hinders the movement of a girl, keeps away from social isolation, and prevents her from going to school, limiting their comfort for a living. The boys are also victims of child marriage. But girls are more likely to suffer from child marriage. So this is the violation of human rights.

¹⁵ https://www.unicef.org/crc/files/Rights_overview.pdf > Accessed on: 5th December, 2018

Chapter: 6

Point of View on Child Marriage in Bangladesh Perspective

6.1. Recommendation

There are some recommendations which are very important to prevent child marriage. Such as:

1. People will have to change the thinking patterns.
2. Children need to be enlightened in the light of education and need to take necessary education.
3. Empower women to manage all types of facilities.
4. Some programs should be conducted to prevent child marriage through social media.
5. No girl should be aware of the harassment.
6. Appropriate measures must be taken for the protection of children.
7. In order to eliminate the prevalence of prejudice, it would be possible to reduce the rate of child marriage in the country.
8. In each case, the support of the boys and girls will be extended.
9. The children will be provided with the benefits of all types of economic benefits.
10. The government has to take various steps to stop child marriage.
11. The laws of our country can be used properly. It would be useful to prevent child marriage.
12. Child marriage will be stopped by considering women's health.

13. Everyone should be informed about the real age of child marriage so that they are aware and who are not victims of child marriage.
14. Inequality of discrimination among our country's children will be removed.
15. A girl and her true age to register properly demonstrate to help prevent child marriage.
16. The media should always be aware of any information about child marriage.
17. All of us need to be aware that young people from our country do not accept any kind of harassment.

6.2. Conclusion

Child marriage is a curse in the present society. This is the massive problem in all over the world. To stop child marriage, the government will have to take various steps, if the rate of child marriage rate in the country is reduced, it will be possible. Development of child marriage laws in our country that has been imposed on them should be further strengthened. We have to overcome the problems of child marriage. The government must be aware of the problem of deprivation, social degradation, child abuse, prejudice of the country, to overcome this problem. Different types of employment will be created for child marriage. In order to prevent child marriage in the light of the decisions that they make, they should be kept in mind. As the rate of child marriage increases in our country, the girls refrain from mobility. Girls in our country are not ignorant, so their families want to free them from danger by marrying them at a young age. So that they cannot face any kind of problem. Due to these problems girls are neglected in society. And they cannot take advantage of all the benefits of society for this negligence. So the government has to take various steps to protect the girls. Providing all kinds of protection should be given to all women from all over the country as far as protection is concerned. In the country,

the rate of child marriage decreases slightly. To stop the marriage of childhood, to change the thinking of a different person, just like that, there should be awareness that no one can accept child marriage.

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Related Acts

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