

Child Marriage Restraint Act

The Child Marriage Restraint Act was a legislative act passed on 28 September 1929. The act fixed the marriageable age for girls at 14 years and 18 years for boys. It would be later amended to 18 years and 21 years for girls and boys respectively. It is popularly known as the Sarda Act after its sponsor, Harbilas Sarda.

Overview of the Child Marriage Restraint Act

A cursory detail of the act is given in the table below:

Child Marriage Restraint Act, 1929	
Long Title	An Act to define the age of marriage in India
Territorial Extent	The whole of British India with Princely states being exempted.
Enacted by	Imperial Legislative Council
Enacted	28 September 1929
Commenced	29 September 1929
Status	Amended

How was the Child Marriage Restraint Act Formed?

Various bills addressing questions on the age of consent were introduced in the Indian legislatures and defeated. The All India Women's Conference, Women's Indian Association and National Council of Women in India, through their members developed and articulated the argument in favour of raising of the age for marriage and consent before the Joshi Committee. Muslim women presented their views to the Joshi Committee in favour of raising the age limit of marriage even when they knew that they would face opposition from Muslim Ulemas.

The Joshi Committee presented its report on 20 June 1929 and was passed by the Imperial Legislative Council on 28 September 1929 and became a law on 1 April 1930, after approval from Lord Irwin extending to the whole of British India. It fixed 14 and 18 as the marriageable age for girls and boys respectively of all communities.

What is the significance of the Child Marriage Restraint Act?

The Child Marriage Restraint Act was the first social reform issue taken up by an organized women's group in India. This group pressured many politicians into supporting the act by picketing their delegations, holding placards and shouting slogans. They believed that with the passing of this act, it would show the world that India is serious about social reforms.

By showing support for this act, women in India were challenging the double standards of the ancient Shastras. Declaring they would begin to make their own laws, free of male influence, the women's organization brought liberal feminism to a forefront.

However, the Act remained a dead letter during the colonial period of British rule in India. As per Jawaharlal Nehru, this was largely due to the fact that the colonial British government did nothing to propagate awareness of it, especially in smaller towns and villages of India. In his autobiography, Nehru elucidates that this was largely due to the fact that the British did not want to earn the displeasure of the communal elements among the Hindus and Muslims.

In the 1930s, the only parties in India that continued to support the British rule were these communal groups. The British government did not wish to lose their support, hence they completely avoided implementing this and similar social reforms, instead of focusing their attention on preventing the Indian freedom movement. Thus their infamous "Dual Policy" which prevented any significant social reform in India.