

The Legal and Social Dimensions Of Child Marriage In Bangladesh: A Case Study of a Village in Joypurhat District



Daffodil
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Research Monograph

A Research Monograph Submitted in Partial Fulfilment of the Credit Requirements for Awarding the Degree of Master of Laws by Daffodil International University

Course Title: Research Monograph

Course Code:0421-814.

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To,
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Subject: Submission of The Legal Research Monograph.

Dear Sir,

It is a great pleasure for me to submit the research monograph on the topic “The Legal and Social Dimensions of Child Marriage in Bangladesh: A Case Study of a village in Joypurhat District” which is done for the partial fulfilment of the degree of Master of Law. I have given my level best effort to collect appropriate information and made this research to maintain the required standers.

I therefore pray and hope that you would be kind enough to go through this paper for evaluation. I will be always available for any kind of clarification, modification, rectification of any part of this research paper at your convenience.

Sincerely yours,

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This is to clarify that, the work “The Legal and Social Dimensions of Child Marriage In Bangladesh: A Case Study of a Village In Joypurhat District” is an original work prepared by Nishat Tasnim, ID: 232-38-009, Department of Law, Daffodil International University. This research monograph is prepared with my guidance and under my supervision to partial fulfilment the credit requirements for awarding the Master of Laws degree.



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Declaration

It is hereby declared and affirmed that the Research Monograph titled “The Legal and Social Dimensions of Child Marriage in Bangladesh: A Case Study of a Village In Joypurhat District” is an original work done by me and the citations are taken with proper references. The work I have presented does not breach any copyright.

I further undertake to indemnify the University against any loss or damage arising from breach of the foregoing obligations.

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Acknowledgment

Firstly, I would like to thank Almighty Allah for giving me the opportunity and ability to prepare this research paper successfully. With his shower of blessing, I have completed this research paper with all the necessary information.

First and foremost, I would like to express my sincere gratitude to my thesis supervisor, **Mr. Mohammad Badruzzaman, Assistant Professor**, Department of Law, Daffodil International University for his constant guidance, advice and encouragement as well as passion in motivating the completion of my Monograph.

I would also like to thank my friends for co-operation who's without help I might not have completed this paper.

Finally, I would like to give my Sincere thanks to beloved family members for offering consistent support in many ways and will always be remembered and deeply appreciated to me.

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Dedication

Firstly, I am showing very much respect and gratitude to Allah. I would like to express my gratitude and love to my parents and my younger brother for their encouragement and to provide me with opportunities for higher education. They are still guiding me to be a good human being and motivated me to dedicate myself to the benefit of the country.

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Abstract

The social norm of underage marriage is highly embedded, particularly for females. There are several reasons why children get married. Insufficient social security, poverty, superstition, and illiteracy are the most significant, though. With 64% of girls marrying before turning 18, Bangladesh has a high rate of early marriage, according to the UNICEF report "The State of the World's Children, 2009." As a result of child marriage, one-third of Bangladeshi girls between the ages of 15 and 19 are either pregnant or mothers at this time. Even though child marriage is illegal in Bangladesh, it is nonetheless widespread in rural areas. It violates children's rights to be free from discrimination in all its manifestations and to be free from cruel and degrading treatment and also it is a powerful societal norm in our country. There is no effective strategy to protect children from the abuse of child marriage. If social awareness and supportive legislation are not in place, efforts to preclude marriage of adolescents in Bangladesh will become a significant barrier to the realization of children's rights (1989). This work examines the legal and social aspects of child marriage in our country in detail and attempts to educate parents in rural regions about the legal protective measures for child marriage as well as the physical and socioeconomical consequences of adolescents marriage.

Keywords: Child marriage, rights of children, impoverishment, social instability, consciousness

Chapter 1: Preliminary

1.1 Introduction

One social disease that impedes the nation's overall socioeconomic development is child marriage in Bangladesh. It is still a prevalent social exercise in our country that explains why the population of the country is growing at a rapid pace. Bangladesh is the country with the highest rate of child marriage in both South Asia and the world (UNEPA & ICRW 2010)¹. According to the UNICEF State of the World's Children Report 2011², around 32% of Bangladeshi girls are married before turning 15 and approximately 66% of females get married before turning 18.

One of the most frequent and severe human rights abuses, this practice impedes a nation's social and personal advancement. The practice has been carried on by some lower-class communities in urban and rural areas, and some high-status individuals who have their own traditional reasons for doing so also engage in child marriage. It is often common to see that parents of a girl child in rural areas usually favor early marriage because they think that the cost of the dowry would rise as their daughter gets older. There are various ways to characterize this social phenomenon in Bangladesh, including as a demographic issue, a social issue, a health issue, a legal issue, or a problem with gender inequality. Child marriage is not only a form of discrimination against women but it also violates the rights of children. Since a large portion of the population is made up of children, the issue of child marriage must be adequately addressed in order to transform them into important human assets for the country. Any official or informal relationship between a minor and an adult or another minor under the age of eighteen is referred to as child marriage.

1.2 Statement of the Problem

In South Asia and among the top ten countries worldwide, Bangladesh has the highest rate of child marriage, according to a UNICEF report.

A girl under 15 is married every seven seconds. 59% of females in Bangladesh get married before turning 18. Twenty-two percent of females get married before turning fifteen. Thirty-one

¹ UNEPA & ICRW, 2010

² UNICEF, The Worlds Children Report 2011

percent of girls aged 15 to 19 are pregnant. Due to the coronavirus, child marriage rates have significantly increased worldwide.

Lawyers say it's important to reduce child marriage. In order to stop child marriage, the law should also be upheld. Action should be taken against all individuals implicated and they should all be held accountable. To stop child marriage, clerics, and public officials should also face consequences. It is necessary to take legal action against individuals who encourage underage marriage

An effort has been made in this research to draw attention to the socioeconomic factors that contribute to and result from child marriage in our country. Additionally, this essay offers some suggestions for preventing child marriage in Bangladesh. Both primary and secondary data were used in the investigation. For primary data, a survey of 150 women in the hamlet of Dharki in the Joypurhat District of Bangladesh, aged 25 to 45, who were married before turning 18, was carried out between November and December of 2023. Newspaper articles, books, reports, and journals are some of the sources from which secondary data is gathered.

1.3 Research Question

The following research questions serve as the study's compass:

- What are the consequences of Child Marriage?
- How does child Marriage violate human rights?
- Is child Marriage legal from the perspective of Bangladesh?
- What are the basics of Legal Response to child marriage in our country?

1.4 Objectives of the Research

The aim of this research is to investigate the importance of child marriage's social and legal aspects in Bangladesh. This study's main goals are:

- To examine the adverse consequences of child marriage.
- To identify how child marriage play a role in the violation of human rights.
- To analyze whether child marriage is legal or not from the perspective of Bangladesh.
- To know the basics of Legal Response related with child marriage in the context of the Bangladeshi legal system.

1.5 Literature Review

The rapid expansion of child marriage has led to substantial changes across various sectors, notably affecting the socio-economic and legal system. This chapter offers a comprehensive review of existing literature that explores the impact of child marriage on social and legal dimension, with a specific emphasis on the context of Bangladesh. It aims to analyze the varied ways in which child marriage shapes public opinion, impacts legal processes and influences the decisions made by the legislature. In the context of Bangladesh, child marriage has become an alarming problem from a social and legal perspective. The chapter will investigate how child marriage awareness and discussions can sway public sentiment and in turn, impose pressure on legal institutions and actors. By examining these dynamics, the chapter seeks to understand the extent to which an alarming problem of child marriage can mobilize public opinion to influence legal and social outcomes.

Furthermore, the chapter will explore the role of public awareness in the legal process itself. This includes how legal professionals and law enforcement agencies gather evidence and information pertinent to cases, as well as the challenges associated with the admissibility and reliability of such evidence in court. The analysis will consider the current legal framework in Bangladesh and how it addresses these emerging issues, highlighting areas where the law is adapting or needs further development to keep pace with technological advancements. The chapter will also scrutinize the potential impact of social development on legal implications. It will discuss how public opinion, as shaped by social changes or awareness, might indirectly affect legal implementation and their rulings, particularly in high-profile or controversial cases.

This section will consider the balance laws must maintain between being aware of public sentiment and adhering to principles of impartiality and justice. To provide a thorough understanding of these interactions, the chapter will examine several theoretical frameworks. These include social change theory which examines public awareness and legal realism theory which influences public perception and decision-making. These frameworks will offer a robust foundation for analyzing the complex and evolving relationship between the social and legal systems in Bangladesh.

By addressing this aspects, this chapter aims to provide a detailed and nuanced overview of social and legal dimension of child marriage in our country, offering Insights which will inform the empirical research and analysis in subsequent chapters.

1.6 Significance of the study

Deeper understanding of the legal and social dimension of child marriage in Bangladesh. It provides insights into the social and economical impact and violations of human rights. Second, it highlights the ethical consideration for the perspective of legal context. In conclusion, this study identifies the primary cause of child marriage and also covered how legislation intended to stop child marriage in Bangladesh should be properly implemented.

Research on child marriage demonstrates how detrimental it is to girls' mental, physical, and educational development. Early marriage frequently results in early pregnancies, higher incidence of maternal death, and exposure to domestic and sexual violence.

1.7 Justification and scope

To establish the accountability and proper implementation of laws is needed to prevent child marriage is essential. In Bangladesh, a number of factors, including gender inequity, cultural norms, economic hardship, and lax legal enforcement, contribute to child marriage. Even if the government has passed legislation to stop child marriage, the social and economic causes of it remain engrained in the customs and institutions of the nation. In addition to enforcing the law more strictly, combating child marriage necessitates tackling the underlying social and economic factors, advancing gender equality, and giving girls more access to economic and educational possibilities. The study papers importance and significance in addressing the implementation of laws and social awareness, government and non-government agencies are highlighted by this organized method.

Chapter 2: Conceptual Framework

2.1 Core Reason of child marriage in Bangladesh

Bangladesh is not alone in its fight against child marriage; other nations throughout the world are also dealing with this issue. But it is quite alarming that the problem is worse in Bangladesh. The primary factors contributing to child marriage in Bangladesh include social and economic status, poverty, and ignorance. Inadequate social security, a lack of employment opportunities, cultural norms and traditions, parent's worries about their daughter's virginity and also the laxity of the country's current laws are some of the other contributing factors that also lead to child marriage in our country³. Below is an illustration of the causes:

2.1.1 Poverty

In Bangladesh, child marriage is primarily caused by poverty and it is estimated that poor people are more willing to marry their daughters before they are turning 18. It is not only the main cause but also the outcome of child marriage in Bangladesh. Bangladesh's poverty is unfortunate since it impedes the country's development. It has become a common disease that leads to all social problems. A young girl could be seen as an economic burden in areas of extreme poverty. In order to transfer the financial burden to the husband's family who have links to their daughters, poor parents who are unable to cover their daughter's education and other expenses usually wants to get their daughters married early.

2.1.2 Monetary and Social Standing

Child marriage can occasionally be attributed to the family's economic and social standing. Girls are commonly seen as a economic burden on their families. Thus, the parents wish to wed their daughter at a very young age. Parents may sincerely believe that a typical male guardian will be safer and better for their daughter. In a male-dominated society, some societies view their girl children as a burden and consider marrying them off at a young age in order to get rid of them. Elderly family members and society members can occasionally put pressure on younger people.

³ Bangladesh Bureau of Statistics Report, 2021

2.1.3 Absence of Instruction

The development of a country is largely dependent on its educational system. Without adequate education, no country can advance. Most of the girls usually drop out of school, especially in societies where it is anticipated that women will marry in a young age and spend the rest of their lives doing household chores. In Bangladesh, one of the main causes of this is lacking knowledge about the adverse consequences of child marriage.

2.1.4 Absence of Consciousness

Illiteracy and ignorance about the negative consequences of early marriage, particularly in Bangladesh's rural and slum areas, is another factor contributing to child marriage. Early marriage is bad for your health. Early pregnancy results from it, putting the mother and her unborn child at serious risk and their ignorance of the detrimental effects of child marriage on healthy parents rather than efforts to stop child marriages through arranged marriage.

2.1.5 The Absence of Social Security

The social security system and legislative measures in Bangladesh is insufficient to protect the girls. Even taunting and street harassment of schoolgirls by local guys, hoodlums, and teenage boys are most often seen in our community. Even females are occasionally the targets of eve teasing by their peers, rickshaw pullers, bus drivers, and street vendors who use offensive language. Due to the family's honour and prestige, parents never speak out against domestic violence on their daughters and sometimes they are unable to do so because the local political leader gives the perpetrators asylum .

2.1.6 Limitations of the Law

Child marriage is not sufficiently deterred by the penalties stipulated in the Child Marriage Restraint Act, 2017 (Act No. VI of 2017)⁴ for those who marry girls under 18, parents, and other guardians participating in child marriage, as well as those who solemnize child marriage. This is because parents and other close relatives preferably take part in child marriage, which is a very serious felony in Bangladesh. Because child marriage is a prevalent practice and the existing law

⁴ The Child Marriage Restraint Act, 2017

does not provide an exemplary penalty, parents occasionally alter birth certificates and marriages which go unreported.

2.1.7 Fragmented Family

Children, especially girls from dysfunctional homes, make up the bulk of victims of child marriage. Parents, grandparents, or other family members usually search for the children of shattered homes and orphans. These family members try to ease this load as quickly as possible since they see it as an extra burden. As a result, they arrange for young marriages to transfer their liabilities. Since the stepmother almost always manipulates the girls and the father has no other way to shield her from an early marriage, girls who are nurtured under her influence are typically the victims of child marriage. The lack of appropriate guardians makes it very difficult to prevent orphaned and broken-family girls from engaging in child marriage.

2.2 The Effects of Child Marriage

Child marriage breaks a child's rights in numerous ways. The main negative consequences of child marriage during infancy are the limitation of individual freedom and the lack of access to educational opportunities. Child marriage also has a negative effect on families and society at large. Child marriages have social and physical consequences. The following are some of the major and far-reaching effects of child marriage on the parties involved as well as on society at large:

- **Health Risks:** Pregnancy and delivery complications are more likely to occur for child brides, which may result in maternal death or long-term health problems. Due to their underdeveloped bodies, they are more susceptible to obstetric fistulas, malnourishment, and other health issues.
- **Limited education and Opportunities:** Girls who marry young frequently discontinue their schooling, which restricts their ability to further their education and pursue future employment. Because they lack the skills necessary to join the workforce and support the economy, this keeps them trapped in a cycle of poverty.
- **Economic Repercussions:** Women who marry young usually become economically dependent on their husbands. This contributes to wider economic inequality and makes it harder for them to escape poverty.

- **Psychological Impact:** Child brides frequently experience psychological and emotional stress, such as anxiety, despair, and a loss of individuality. Marriage at such a young age might cause emotional strain that can affect mental health for a long time.
- **Increased Risk of Domestic Violence:** Child brides are more likely to be victims of domestic abuse because they are less likely to have the resources or authority to leave abusive situations, and they may also experience social pressure to stay in these marriages.
- **Social and Gender Inequality:** Child marriage perpetuates gender inequality by limiting girls' freedom, rights, and capacity to make life decisions, as well as by reinforcing the idea that girls should put marriage before their own personal growth and that they are inferior to boys.
- **Effect on Future Generations:** Malnutrition, poverty, and health problems are more common in children born to child brides. This leads to a vicious cycle of disadvantage that is difficult to escape.

2.3 Bangladesh's National Law to Prohibit Child Marriage

In order to formally forbid child marriage, the Government of the People's Republic of Bangladesh passed the Child Marriage Restraint Act of 2017⁵. It is the most crucial law in Bangladesh to stop child marriage. The Act's Section 2 stipulated that the approximate age for marriage in Bangladesh is 18 years old for women and 21 for men. According to Section 3, child marriage prevention committees must be established by the government at the national, district, upazila, and union levels for preventing marriages in an early age. Section 5 of the Act states that the court may forbid a child marriage and impose a six-month jail sentence if it is convinced, either on its own or through a complaint from someone, that a child marriage is about to be consummated. The Hindu Marriage Restraint Act of 2012⁶ and the Muslims Marriage and Divorce (Registration) Act of 1974⁷ stipulate in Section 11 that no marriage register may record any child marriages. Violators risk a fine of 50,000 taka, a licence or appointment being withdrawn and a maximum sentence of two years in prison, but at least six months.

⁵ The Child Marriage Restraint Act, 2017

⁶ The Hindu Marriage Restraint Act, 2012

⁷ The Muslim Marriage and Divorce (Registration) Act, 1974 (Section 11)

2.4 Legal Prohibition of Child Marriage

Child marriage is illegal, which could push the practice underground and out of the judicial system. In certain nations, the strong emphasis on legislation against child marriage draws attention away from holistic and complementary strategies for involving families and communities, as well as assistance for girls' health, sexuality, education, and social services. The 2019 Human Rights Council resolution on child, early, and forced marriage supports an all-encompassing strategy for preventing child marriage. Despite efforts to address the issue, child marriage is still a major concern in our country especially in rural regions. Over time, Bangladesh's legal system has changed to forbid child marriage, although enforcement and implementation are still difficult. Bangladesh has laws that forbid child marriage, but political, economic, and cultural considerations make it difficult for them to be enforced. Reducing child marriage in the nation requires the effective application of current legislation as well as ongoing community-based projects, educational outreach, and public awareness campaigns.

Chapter 3: Research Methodology

3.1 Introduction

This chapter gives a thorough rundown of the research approach used to examine the social and legal aspects of child marriage in Bangladeshi villages. It describes the strategy used to ensure a thorough and rigorous study in terms of research design, data collecting methods, data analysis techniques, sample procedures, and ethical consideration.

3.2 Research Design

The research employs a mixed method approach including both qualitative and quantitative techniques in order to achieve a holistic understanding of research questions. Qualitative methods such as semi structured interviews with key stakeholders in the legal profession including lawyers and legal Scholars offer insights into the nectar dynamics of social media's influence on legal perspective and talk with people who live in village areas. This interviews allow for in depth exploration and interpretation of participants perspective and experience in parallel quantity methods, including service distributor to social and legal dimension across diverse demographics, provide statistical data to complement qualitative findings. By triangulating these different source of data, the research aims to generate comprehensive insights into the multifaceted relationship between legal and social dimension in Bangladesh.

3.3 Data Collection Methods

Data collection techniques encompass various strategies tailored to capture a comprehensive understanding of the research topic. Semi structured interviews with village people and those girls who have faced early marriage conducted to gather qualitative data on their perceptions, experiences and observations regarding the social and legal dimension. These interviews are designed to elicit detailed narrative and insights from participants, allowing for a rich and nuanced exploration of the research topic. Additionally, surveys are administered to rural people to collect quantitative data on their attitudes, behaviors, suffering and opinion related to the legal and social perspective. content analysis of the view of village people perspective and discussion is also undertaken to examine the nature and scope of public discourse surrounding legal cases.

Through these diverse data collection methods, the research aims to capture both subjective perspective and objective trends pertaining to the legal and social dimension of child marriage in Bangladesh based on a case study of a village in Joypurhat district.

3.4 Sampling Techniques

Sampling techniques are carefully employed to ensure the representativeness and validity of the research findings. Purposes sampling is utilized to select participants for interviews, ensuring diversity in terms of professional roles within the legal sector and perspective on social and legal dimension. The selection criteria prioritize individuals with extensive experience and expertise relevant to the research topic. For surveys, convenience sampling is suffering child marriage with social and legal perspective. The approach enables the efficient collection of data from a wide range of participants while recognizing the limitations inherent in convenience sampling methods.

3.5 Data Analysis Methods

Data analysis involves a systematic process of coding, categorizing and interpreting the collected data to derive meaningful Insights. Qualitative data from interviews and content analysis are analyzed thematically, identifying recurring themes, patterns and key findings related to social and legal dimension. Thematic analysis allows for the Organization and synthesis of qualitative data, facilitating the identification of overarching trends and insights. Quantitative data from surveys are evaluated using statistical software to bring about descriptive statistics, identify correlations and explore relationships between variables. The research aims to uncover the underlying dynamics and implications of social and legal dimension perspective through a rigorous data analysis process.

3.6 Ethical Consideration

To protect the integrity, confidentiality, and wellbeing of study participants, ethical considerations are paramount at every stage of the research process. All participants give their informed consent before beginning the study, discussing the goals, methods, possible hazards, and rewards of taking part. Participants' privacy and confidentiality are protected through the use of safe data handling and storage practices. Strict adherence is maintained to ethics rules for

research involving human beings, which include the preservation of private rights, informed permission, and voluntary involvement. To guarantee adherence to rules and ethical norms, approval is also acquired from the appropriate institutional review boards.

Chapter 4: Legal Protection of Child Marriage

4.1 Child Marriage Restraint Act, 1929

The Child Marriage Restraint Act of 1929⁸ is the main law that controls early marriage in Bangladesh. According to the Act, a woman cannot legally get married until she is at least eighteen years old. In addition to this Act, child marriage is illegal under the law. Section 3 describes the penalty for a male adult under 21 who marries a child. Under this provision, "Anyone who, as a male who is older than eighteen but younger than twenty-one, enters into a child marriage faces a maximum sentence of fifteen days in simple imprisonment, a maximum fine of one thousand rupees, or both." Additionally, section 5 of the aforementioned Act lists the consequences consecrating a juvenile marriage.⁹

It makes sense that early marriages are occurring arbitrarily with only a passing regard for the law. Social workers and human rights advocates claim that although early marriage is illegal, it is not prohibited by legislation. In addition, there is very little effort to increase public consciousness of the law, let alone address societal issues, therefore many do not abide by it.

4.2 The Convention on Consent to Marriage, minimum age of marriage and registration of marriage, 1964

As stipulated by Articles 1, 2, and 3 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1964, no marriage may be lawfully consummated without the free and informed consent of both parties, which must be given in person. As a nonbinding recommendation, this Convention requires that Parties to the present Convention establish a minimum marriage age of "not less than 15 years¹⁰." Until a competent authority issues an age-related dispensation for some serious reasons that are in the best interests of the

⁸ The Child Marriage Restraint Act, 1929

⁹ The Child Marriage Restraint Act, 1929 (Section 5)

¹⁰ The Convention on Consent to Marriage, minimum age of marriage and registration of marriage, 1964 (Article 1, 2, 3)

prospective spouses, no one under this age may legitimately get married. Each and every marriage must be registered by the proper authority.

4.3 Universal Declaration of Human Rights (1948)

The equality between men and women, as well as the dignity and oath of every human being, were all affirmed by the Universal Declaration of Human Rights. The right to a free and full marriage was acknowledged in the 1948 Universal Declaration of Human Rights and various subsequent human rights declarations. Marital standards that address women's property and personal rights and the maintenance of equality within the union are part of many human rights protocols. When one of the parties is too young to make an informed choice regarding a life partner, consent cannot be free and complete which is against the Universal Declaration of Human Rights. The declaration affirms the right to be free and fully concerned with a marriage¹¹.

The Universal Declaration of Human Rights (1948) states in Article 16 that both men and women of legal age are entitled to marry and have children. Both partners must give their free and informed permission before a marriage can be consummated, and they have equal rights to it both during and after the consummation¹².

4.4 The Convention on the Rights of Child (CRC) 1989

As stated in the Convention on the Rights of the Child (1989), children have the right to human rights in their own right. The CRC reflects a more progressive view of the child as the bearer of legal rights under international law, moving away from the notion that children should receive advantages whenever the state, family, and community feel like it.

The CRC has been ratified by all countries worldwide. Nearly every clause in the CRC has some connection to the issue of child marriage. A person must be of "full age" at the moment of marriage, which must be consummated "freely" and with "full consent," according to Article 1, which defines a child as anyone under the age of 18¹³.

¹¹ The Universal Declaration of Human Rights, 1948

¹² The Universal Declaration of Human Rights, 1948 (Article 16)

¹³ The Convention on the Rights of Child (CRC) 1989 (Article 1)

4.5 The children Act, 1974

The punishment for child abuse is outlined in detail in Article 34 of the Children Act of 1974. Article 34 of the aforementioned Act provides that "If any person over the age of sixteen has custody, charge, or care of any child assaults, ill-treats. UDHR 1948 states: (1) Men and women of full age have the right to marry and start a family." They have the same rights before, during, and after marriage. (2) Only with the free and informed consent of the intended parties may a marriage be entered into¹⁴. Both the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social, and Cultural Rights have comparable clauses.

4.6 The Birth and Death Registration Act, 2004

The problem of early marriage is made worse by the fact that most births go unreported. The Law and Local Government Ministry has been carrying out the 2004 Birth and Death Registration Act since 2006. The Act states that a birth certificate serves as identity for a number of essential services, such as applying for a passport, registering for marriage, and enrolling in school¹⁵. However, in Bangladesh, birth registration is a frequent problem. Girls frequently marry young, especially in rural regions, even though it is illegal to do so. The girls' actual ages cannot be ascertained due to the incomplete birth registration system, which restricts the application of the relevant legislation.

¹⁴ The Children Act, 1974 (Article 34)

¹⁵ The Birth and Death Registration Act, 2004

Chapter 5: Legal Framework and Case Law

5.1 National Obligations

Every Bangladeshi citizen has the right to equal protection under the law and is treated equally before it, according to Article 27 of the 1972 constitution¹⁶. Therefore, children are not exempt from the fundamental promise.

Children are distinct human beings with their own sensitivities; they are not miniature versions of adults. Accordingly, protective legislation and their proper perpetration through a functional, kid-friendly legal system can defend children's rights. In Bangladesh, child marriage is widespread, particularly in rural areas; ignorance and poverty are the primary causes, even though it is prohibited. Approximately 17% of all weddings are between girls under sixteen. According to the Child Marriage Restriction Act, a woman in Bangladesh cannot lawfully get married until she is at least eighteen.

In Bangladesh, especially for girls, child marriage is a deeply ingrained societal norm. A number of things might cause child marriage. However, poverty, superstition, ignorance, and the absence of social security are the most important. The UNICEF study "The State of the World's Children, 2009" revealed that sixty-four percent of Bangladeshi girls get married before they turn eighteen. Kid marriage can lead to early pregnancy; in Bangladesh, one-third of 14–19-year-old girls are either pregnant or already has a kid¹⁷. Despite being against the law, child marriage continues to occur in Bangladesh's rural communities.

5.2 International Obligations

Numerous later human rights documents, including the 1948 Universal Declaration of Human Rights, acknowledged the right to free and informed authorization to marriage. Age, consent, equality in marriage, and women's property and personal rights are among the standards that are outlined in a number of human rights documents¹⁸.

¹⁶ The Constitution of the People's Republic of Bangladesh, 1972 (Article 27)

¹⁷ UNICEF

¹⁸ UDHR, 1948

created a legal framework for international agreements Bangladesh is a signatory to the CRC and has pledged to uphold its principles in order to protect children's rights. However, Bangladesh's legal system lacks a mechanism for directly incorporating international convention and rule principles at the national level. There is no official requirement to carry out the agreements' terms, even though the ratifying governments are given certain obligations by the international conventions. The state parties should provide enabling mechanisms in this regard so that the international standards can be implemented. The CRC must also be incorporated into domestic law in order to be effective.

5.3 Initiative of NGOS and Civil Society

In the global fight against child marriage, NGOs and civil society groups have been instrumental. In order to protect children, prevent child marriage, and assist survivors, these organizations take part in a wide range of activities. Among the important initiatives are:

Advocacy and Awareness Campaigns: Nonprofits frequently launch campaigns to increase public knowledge of the negative impacts of child marriage, including its effects on gender equality, health, and education. These campaigns seek to alter social norms that encourage child marriage by influencing public opinion and policy.

Programs for education: A lot of organizations offer scholarships, career training, and assistance with attending school so that females can postpone marriage. To guarantee that girls continue their education and are aware of their rights, they frequently collaborate with local governments.

Policy Reform and Legal Advocacy: Civil society organizations support stricter legislation against child marriage as well as the upholding of current laws. They seek to guarantee that a minimum legal age for marriage is established by national legal frameworks and that infractions are dealt with appropriately.

5.4 Government Initiative

In an effort to lower the nation's maternal mortality rate, the government will take the required actions to eradicate child marriage from society. Bangladesh's education program offers free books and school expenses to girls enrolled in classes. In order to end child marriage and lower

the country's maternal mortality rate, the government should establish a secondary school registration program where parents pledge not to marry their daughters until they are 18.

5.5 Case Studies of High Profile Legal Cases

This section embarks on an in-depth exploration of the intricate interplay between social media dynamics and public discourse surrounding high-profile legal cases in Bangladesh. By scrutinizing specific examples, such as landmark court rulings or contentious trials, the chapter aims to unveil the multifaceted nature of social media reactions, encompassing diverse perspectives, narratives and emotions. There are a few Bangladeshi case laws that deal with the advocacy of Child Marriage. High Court ruled that child marriage violates fundamental rights, including the right to life, liberty, and dignity, as enshrined in Articles 32, 33, and 34 of the Constitution¹⁹.

Key laws and agreements pertaining to the defence of human rights and children rights have been ratified on both the national and international levels. Listed below are some significant case laws:

BLAST v Bangladesh: BLAST v. Bangladesh was a significant legal action filed by the Bangladesh Legal Aid and Services Trust (BLAST) in 2017, focused on the issue of child marriage in Bangladesh. BLAST, a prominent human rights organization, filed the case to challenge the Child Marriage Restraint Act of 1929 and its provisions that allowed exceptions for child marriage under certain conditions, particularly if the marriage was considered in the "best interest" of the minor²⁰.

BLAST's petition, the High Court of Bangladesh ruled in 2017 that child marriage, regardless of the situation, was a violation of children's rights and an infringement on their health and dignity. The court called for stronger measures to prevent child marriage and ordered the government to take steps to implement stricter laws to protect children from this practice.

Md Abdul Hosain V. Government of Bangladesh and others 2011 BLD(HCD)31

¹⁹ The Constitution of the People's Republic of Bangladesh (Article 32, 33, 34)

²⁰ BLAST v. Bangladesh (2017)

In this highly publicized case, the higher judiciary has rendered a number of judgments in recent years to combat child marriages. The High Court Division of the Supreme Court of Bangladesh upheld a government action that revoked a Nikah Register's licence to register child marriages, nothing that in order to prevent child marriages, Nikah Registers must determine the age of the bride and groom prior to the marriage being solemnized²¹.

Kazi Obaidul Haque V. State 51 (DLR) (1999) HCD.

This case examines a landmark court ruling on Forced Marriage issue that garnered significant attention on social media platforms. Through content analysis of discussion, this case study explores the diverse array of reactions, opinions and sentiments expressed by users in response to the ruling²².

²¹ Md Abdul Hosain V. Government of Bangladesh and others 2011 (BLD) (HCD)31

²² Kazi Obaidul Haque V. State 51 (DLR) (1999) HCD

Chapter 6: Discussion of Findings

6.1 The Study Analyses

Interviews conducted with victims, law enforcement officials, law enforcement agencies. NGOS that have a strong connection to protect child marriage. It has been a great experience.

6.2 Victims perspective

Due to the fact that this is a matter of great concern for those who are in some way victims of child marriage or early marriage, I conducted interviews with forty victims. Of them, ninety percent answered questions under the condition of keeping their identities hidden. Two main questions for victims are: How & why they are getting married early? are they suffered any violations for child marriage?

Thirty of forty victim claimed to have suffered torture and they are victim of child marriage because of poorness.

whereas five victims said that they are not aware of child marriage. It is a matter of great concern there are so many people and girls are not aware of child marriage, children Rights.

A victim from Dharki village said she knew nothing about his marriage. She was married off at a young age without her consent.

6.3 Law Enforcement Agencies Perspective

Although Bangladeshi law enforcement agencies are aware of the negative consequences of child marriage, societal, cultural, and systemic issues frequently make their interventions less successful. To tackle this issue, it is imperative that ongoing efforts be made to empower law enforcement personnel, increase awareness, and reinforce enforcement procedures.

Child marriage is illegal, which could push the practice underground and out of the judicial system. In certain nations, the strong emphasis on legislation against child marriage draws attention away from holistic and complementary strategies for involving families and communities, as well as assistance for girls' health, sexuality, education, and social services. The 2019 Human Rights Council resolution on child, early, and forced marriage supports an all-encompassing strategy for preventing child marriage.

Law enforcement authorities have launched campaigns to educate the public about the negative impacts of child marriage and provide officers with the necessary training to deal with these instances more skillfully, working in tandem with non-governmental organizations (NGOs) and international organizations. Enhancing reporting procedures and giving officers more authority to enforce the law more strictly are the goals of these initiatives.

Law enforcement organizations are supposed to step in and make sure that those responsible for child marriage are prosecuted when incidents are reported. But because of the difficulties outlined above, these crimes frequently never make it to court, and those who commit them are rarely held responsible. Additionally, victims are not well followed up with, particularly in rural areas where families could coerce young girls into staying in these marriages.

6.4 Legal Practitioners Perspective

a legal practitioner's perspective, child marriage is a violation of basic rights and an issue that requires comprehensive legal, societal, and cultural responses to protect children, particularly girls, from the harmful outcomes of early marriage. Legally speaking, child marriage frequently transgresses both national and international human rights norms, which establish 18 as the minimum marriage age in order to safeguard children's rights to health, educational opportunities, and freedom from exploitation and domestic violence.

Legal professionals' main viewpoints on child marriage include:

Violation of Human Rights: Child marriage is considered a violation of children's fundamental human rights, including the right to freely choose a marriage partner, the right to education, and protection from violence and exploitation. Legal frameworks like the Convention on the Rights of the Child (CRC) and the Universal Declaration of Human Rights (UDHR) prohibit child marriage.

Effects of Child Marriage : Legal professionals emphasize the long-term negative effects of child marriage, including limited educational opportunities, economic dependency, psychological trauma, and an increased risk of domestic violence and early pregnancies, which can cause significant health risks.

Many legal experts advocate for stronger enforcement of laws against child marriage, public awareness campaigns, and societal shifts to reduce cultural and economic pressures that perpetuate child marriage.

6.5 Findings of The Study

The study shows that collaborating with communities to put in place comprehensive programs that help girls develop their abilities will help lower the occurrence of child marriage in a comparatively short amount of time. The program's impact was equally significant and independent of the kind of skills provided.

According to the study, several factors, including the following, might lead to violations of human rights, children rights and key findings include:

Social Awareness and public Opinion: Social awareness have become significant in shaping public opinion on legal and social dimension of child marriage. The rapid reducing of child marriage in Bangladesh perspective will be effective while people will be aware their Rights.

Judicial Awareness: Child marriage is illegal, which could push the practice underground and out of the judicial system. In certain nations, the strong emphasis on legislation against child marriage draws attention away from holistic and complementary strategies for involving families and communities, as well as assistance for girls' health, sexuality, education, and social services.

Case Studies and Victim Witness : High profile legal cases in Bangladesh often reflect the strong influence of Child marriage in Bangladesh. Case studies demonstrate that public discourse on child marriage can affect the perception and outcome of legal proceedings.

Policy Gap and Recommendations: There are significant gaps in the existing legal framework regarding the legal and social dimension of child marriage in Bangladesh. Comprehensive guidelines, ethical standards and ongoing awareness of people are needed to address these challenges effectively.

Chapter 7: Policy Implications and Recommendations

7.1 Awareness Through Media

In Bangladesh, the media is essential for increasing awareness and lowering the rate of child marriage. Both traditional and digital media have been utilized successfully in recent years to raise public awareness of the negative effects of child marriage and to encourage social and legal reforms. The following are some ways that the media has helped to lower child marriage in Bangladesh:

- **Education and Awareness Campaigns:** Public awareness campaigns stressing the detrimental impacts of child marriage on education, health, and personal growth have been conducted via radio, television, newspapers, and social media platforms.
- **Stories of Empowerment:** Real-life accounts of girls who have managed to evade or escape child marriages and pursue their academic or professional aspirations are frequently featured in the media. Other young girls and their families may find great inspiration in these heartwarming tales.
- **Legal and Policy Advocacy:** The media has also contributed to the push for stricter laws against child marriage. Public debates on child marriage laws and coverage of court cases have put pressure on the government to crack down harder on the practice.
- **Community Outreach:** In rural areas, where child marriage rates are frequently higher, local media, including community radio and television programs, have a significant impact. In addition to emphasizing the need of keeping females in school, these programs can offer a forum for talking about topics including dowries, gender-based violence, and early education.

7.2 Challenges in Implications of Law

Although there is legal protection against child marriage, it might be difficult to implement these rules. Child marriage is still prevalent in underprivileged and rural areas due to a number of factors, including poverty, cultural norms, and ignorance. To effectively address the practice,

thorough awareness campaigns, educational initiatives, and poverty reduction strategies must be implemented with legal reforms and policy enforcement.

7.3 Recommendations

Raising awareness of the frequency of child marriage and its detrimental effects is crucial, especially among underserved groups.

The government ought to pass new legislation to stop child marriage and establish secure areas where girls can gather and socialize. Marriage is seen as a delicate and private matter.

- Effective utilization of government programs that aid low-income or disaster-affected families is necessary to stop child marriage.
- To lessen the adverse consequences of forced child marriage, the government and development partners should concentrate more on strategies to keep girls in school, support girls who are at risk of child marriage, combat sexual harassment, and give them access to reproductive health information and contraceptive supplies.
- The procedure to keep girl child in school, support girls especially who are at risk of child marriage, combat sexual and mental harassment, and give them access to contraceptive supplies and reproductive health information should be the government's and development partners' primary focus.
- The enforcement of laws pertaining to early marriage requires a change in implementation and practice in order to lessen forced child marriage and its adverse effects.
- From grassroots projects to governmental regulations, efforts to educate and increase awareness at all societal levels need to be strengthened.
- Bangladesh's child marriage law has to be changed but more importantly, it needs to be properly enforced awareness of this issue and ensure that the poorest and most rural populations in Bangladesh are enlightened about this issue, and government and non-governmental organizations must work together.
- Priority should be given to enhancing the birth and marriage registration systems' efficacy and efficiency, particularly their attainability and coverage in remote areas, implementing the legal age of marriage, and strengthening the authorization for noncompliance.

- crucial first step in giving a girl the freedom to select her own path in life is to empower her.
- The curriculum for schools may contain information about child marriage.
- society guarantees a free-flowing conversation and gives girls a suitable forum to express their opinions and raise concerns about forced marriage.
- To promote initiatives that limit child marriage, more financial and technical support is required.

Chapter 8: Concluding Remarks

8.1 Limitations of The Study

Despite its comprehensive approach, this study has several limitations:

- **Scope of Data:** The data collected, including case studies and interviews, may not fully represent the entire social and legal dimension of child marriage in Bangladesh. The findings are based on selected high -profile cases and a limited number of interviews.
- **Rapid Technological Changes:** The first evolving nature of social media technology means that the findings may quickly become outdated. Continues Monitoring and adaptation are necessary to keep pace with new development.
- **Geographical Focus:** While the study focuses on Bangladesh, the findings of the study may not be entirely applicable to other countries with different legal systems and socio economic landscapes.

8.2 Directions for Future Research

Future research can investigate a number of directions, building on the findings and constraints of this research work:

- **Comprehensive Study:** Conducting comparative studies Between different countries can provide a broader perspective on how to reduce child marriage in various social - economic and legal context.
- **Longitudinal Studies:** Long term studies that track the impact of Child marriage on legislators over time can offer deeper Insights into the evolving dynamics of the relationship.
- **Technological Integration:** Future research should investigate the integration of new technologies, such as artificial intelligence (AI) and big data analysis, in managing social awareness and implications of the legal system.
- **Public Education and awareness:** Studying the effectiveness of public education and awareness campaigns about the child marriage and the role of legislation can help in

designing better strategies to mitigate misinformation and promote informed public discourse.

8.3 Conclusion

Bangladesh's underage marriage problem poses serious social and legal issues. By enacting legislation like the Child Marriage Restriction Act of 1929 and more recent modifications, the nation has attempted to legally prevent child marriage. Despite the global standard of 18, the 2017 amendment controversially cut the minimum legal age for marriage for girls to 16. Due to the fact that it violates international human rights norms and puts girls at greater danger of violence and abuse, as well as having less possibilities for education and economic independence, this legal gap helps explain why child marriage is still so common.

Child marriage is socially entrenched in poverty-driven situations and cultural norms. Because of financial difficulties, societal pressures, and the notion that an early marriage offers security, many families want to marry off their girls at a young age. Particularly impacted by these forces are marginalized and rural communities. The frequency of child marriage also contributes to the continuation of cycles of poverty, bad health, and social injustice, as girls are frequently subjected to early births and limited educational opportunities.

Bangladesh needs to prioritize social and educational interventions to alter cultural views on marriage and increase the implementation of laws and regulations that safeguard minors, such as raising the legal marriage age to 18. In addition, raising awareness and providing financial assistance to families in need can help lower the rate of child marriage and improve the welfare of children.

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