



Breaking the chains of early marriage: The story of the Sarda act

Dr. R Kalaivani

Assistant Professor, Department of History, The Standard Fireworks Rajaratnam College for Women, Sivakasi, Tamil Nadu, India

DOI: <https://doi.org/10.66856/ijssrd.2026.8.3.8060>

Abstract

The Child Marriage Restraint Act, 1929, commonly known as the Sarda Act, represents a landmark in the history of social reform legislation in colonial India. The Act was introduced to restrain the widespread practice of child marriage, which had deep social, cultural, and economic roots. This paper examines the historical evolution of the Act, situating it within the broader context of nineteenth- and early twentieth-century reform movements, the rise of women's organizations, and legislative developments under British rule. It analyses the contributions of key reformers, the legislative debates surrounding the Bill, and the role of the Age of Consent Committee. The study further evaluates the provisions, limitations, and enforcement challenges of the Act, along with its long-term impact on Indian society. Finally, it traces the Act's legacy through post-independence legal developments culminating in the Prohibition of Child Marriage Act, 2006. The paper argues that while the Sarda Act had limited immediate enforcement success, it played a foundational role in transforming social attitudes and establishing the principle of state intervention in harmful social practices.

Keywords: Child marriage, Sarda Act, social reform, Colonial India, women's movement, legal history, Age of Consent Committee

Introduction

The Child Marriage Restraint Act, 1929, popularly known as the Sarda Act, occupies a significant place in the history of social reform legislation in India. Enacted during the colonial period, the Act represented the first comprehensive legislative attempt to curb the practice of child marriage, a social custom deeply embedded in many Indian communities. Although the law did not completely eradicate the practice, it marked an important turning point in the state's engagement with social reform and the protection of children, particularly young girls.

The passage of the Act was not an isolated legislative event. Rather, it was the culmination of decades of social reform movements, public debates, advocacy by women's organizations, and political negotiations. The legislation emerged at a time when Indian society was undergoing profound transformations. The spread of modern education, the growth of print culture, the emergence of women's organizations, and the rise of nationalist politics all contributed to increasing scrutiny of social practices affecting women and children.

Child marriage was widely regarded by reformers as a major obstacle to social progress. The practice often deprived girls of education, exposed them to early motherhood, increased health risks, and reinforced gender inequality. Reformers argued that any meaningful effort to improve the status of women in India required addressing the issue of child marriage. Consequently, the campaign against child marriage became an important component of broader social reform efforts during the nineteenth and early twentieth centuries.

Historical Background of Child Marriage in India

Child marriage has a long and complex history in the Indian subcontinent. While historical evidence suggests that

marriage practices varied across regions, castes, and communities, the practice of marrying girls at a young age became increasingly prevalent over time. Various social, cultural, economic, and religious factors contributed to its persistence.

One significant factor was the emphasis on family honor and social status. In many communities, parents believed that arranging marriages for daughters at an early age protected family reputation and ensured social acceptance. Early marriage was often viewed as a safeguard against perceived moral risks and social uncertainties.

Religious interpretations also played a role in sustaining the practice. Certain customary interpretations of religious texts were used to justify early marriage, although scholars have noted considerable diversity in historical understandings of marriageable age. Over time, these interpretations became deeply intertwined with social customs and community expectations.

Economic considerations further reinforced child marriage. Families often viewed early marriage as a means of reducing financial burdens associated with raising daughters. In some communities, marriage arrangements were linked to concerns about dowry, inheritance, and social alliances. Parents frequently believed that securing a marriage for their daughters at a young age would provide economic and social security.

The consequences of child marriage were severe. Girls married at a young age often discontinued their education and assumed domestic responsibilities prematurely. Early pregnancies posed significant health risks, including maternal mortality and infant mortality. Child marriage also limited opportunities for personal development and reinforced patterns of gender inequality that affected women throughout their lives.

By the nineteenth century, growing awareness of these consequences prompted social reformers to question the legitimacy of the practice. Their critiques laid the groundwork for future campaigns aimed at legal intervention.

Rise of Social Reform Movements

The nineteenth century witnessed the emergence of powerful social reform movements that challenged various social practices, including sati, female infanticide, restrictions on widow remarriage, and child marriage. These movements were influenced by a combination of indigenous intellectual traditions, modern education, and engagement with global ideas concerning human rights and social progress.

Reformers argued that social customs should be evaluated according to principles of justice, reason, and public welfare. They emphasized the need to improve the status of women and expand educational opportunities. Child marriage became a central focus because it was perceived as a major impediment to these objectives.

Among the earliest and most influential critics of child marriage was Behramji Malabari. Through newspaper articles, pamphlets, and public campaigns, Malabari highlighted the suffering experienced by child brides and advocated legislative reforms. His writings generated widespread discussion and drew attention to the urgent need for action.

Mahadev Govind Ranade also contributed significantly to reform efforts. Ranade believed that social progress required gradual but determined reforms. He emphasized education, public awareness, and legislative measures as essential tools for addressing social problems. His advocacy helped legitimize the reform movement and encouraged broader public engagement.

Dhondo Keshav Karve further advanced the cause of women's rights through his work in female education and social reform. Karve's efforts demonstrated the close relationship between educational advancement and the campaign against child marriage.

These reformers were joined by numerous educators, journalists, religious leaders, and activists who sought to transform public attitudes. Their collective efforts helped create an environment in which legislative reform became increasingly feasible.

Early Legislative Interventions

Before the enactment of the Sarda Act, several attempts were made to address issues associated with child marriage. These measures reflected growing governmental concern regarding the welfare of women and children but often stopped short of directly prohibiting the practice.

One of the most significant developments was the Age of Consent Act of 1891. This legislation increased the age at which a girl could legally consent to sexual relations within marriage. Although the Act represented an important step toward protecting young girls, it did not prevent child marriages from taking place. Consequently, reformers continued to press for more comprehensive measures.

The Age of Consent Act generated intense debate throughout India. Supporters viewed it as a necessary humanitarian intervention, while opponents criticized it as an intrusion into religious and cultural traditions. These debates revealed the challenges that legislators would later

encounter when attempting to regulate child marriage directly.

During the early twentieth century, public concern regarding child marriage intensified. Medical professionals increasingly documented the health consequences of early pregnancies. Educators highlighted the impact of child marriage on female literacy and educational attainment. Women's organizations drew attention to the broader social implications of denying girls opportunities for personal and intellectual development.

As evidence accumulated, calls for stronger legislation became more difficult to ignore. The stage was set for a more direct legislative response.

Women's Organizations and the Demand for Reform

One of the most important developments in the campaign against child marriage was the emergence of organized women's activism. During the early twentieth century, women increasingly participated in public life through associations dedicated to education, social reform, and political advocacy.

The All India Women's Conference became one of the leading voices advocating reform. Established to promote women's education and social advancement, the organization recognized child marriage as a fundamental obstacle to gender equality. Its members organized conferences, prepared reports, and engaged with legislators to build support for legal intervention.

Similarly, the Women's Indian Association and the National Council of Women in India actively campaigned against child marriage. These organizations collaborated with reformers, educators, and medical professionals to highlight the harmful consequences of the practice.

Women's activists emphasized that child marriage was not merely a private family matter but a public issue affecting national development. They argued that a modern society could not achieve progress while large numbers of girls were denied education, autonomy, and opportunities for personal growth.

Through petitions, public meetings, newspaper campaigns, and legislative advocacy, women's organizations played a decisive role in transforming child marriage into a matter of national concern. Their efforts contributed significantly to the political momentum that ultimately led to the introduction of the Sarda Bill.

Har Bilas Sarda and the Introduction of the Child Marriage Restraint Bill

The movement against child marriage reached a decisive stage in the 1920s with the efforts of Har Bilas Sarda, a distinguished legislator, scholar, and social reform advocate. Sarda recognized that decades of public discussion and voluntary reform had produced only limited results. He believed that legislative intervention was necessary to discourage the practice and establish minimum standards for the protection of children.

In 1927, Sarda introduced a bill in the Central Legislative Assembly aimed at restraining child marriages. The proposal reflected the growing consensus among reformers that social customs detrimental to public welfare could no longer remain beyond the scope of legal regulation. Sarda argued that child marriage adversely affected the physical, intellectual, and moral development of children and hindered national progress.

The introduction of the bill generated considerable public interest. Newspapers, reform organizations, educational institutions, and community groups engaged in extensive discussions regarding its implications. Supporters praised the proposal as a progressive measure that would promote women's welfare and children's rights. Opponents, however, viewed it as an unnecessary interference with established customs and religious practices.

Despite these disagreements, the bill succeeded in placing the issue of child marriage at the center of national debate. For the first time, a comprehensive legislative proposal sought to address the practice directly rather than merely regulating its consequences.

Examination by the Age of Consent Committee

Recognizing the complexity and sensitivity of the issue, the government referred the proposal to a committee chaired by Sir Moropant Joshi. Commonly known as the Age of Consent Committee, this body was tasked with examining the social, medical, educational, and legal dimensions of child marriage.

The committee received evidence from a wide range of stakeholders, including physicians, educators, social reformers, religious scholars, women's organizations, and community representatives. Testimonies presented before the committee highlighted the severe consequences of child marriage for maternal health, infant survival, educational attainment, and women's social status.

Medical experts provided evidence linking early marriage and pregnancy to increased risks of maternal mortality and long-term health complications. Educational reformers emphasized that child marriage interrupted schooling and prevented girls from acquiring the skills necessary for meaningful participation in public life. Women's organizations underscored the psychological and emotional burdens imposed on child brides.

The committee's findings strongly supported the need for legislative intervention. While acknowledging the cultural sensitivity of the issue, it concluded that the welfare of children justified legal measures designed to discourage early marriage. These recommendations provided an important foundation for subsequent legislative action.

Passage of the Child Marriage Restraint Act, 1929

Following extensive deliberations, revisions, and negotiations, the Child Marriage Restraint Bill was passed by the Imperial Legislative Council on 28 September 1929. The legislation came into force on 1 April 1930.

The enactment of the Act represented a historic achievement for social reformers and women's organizations. It demonstrated that sustained advocacy, public education, and legislative engagement could produce meaningful legal change even in areas traditionally regarded as private or religious matters.

The Act established minimum marriage ages of fourteen years for girls and eighteen years for boys. Individuals who participated in or facilitated marriages involving children below these ages could be subjected to penalties. The law sought to discourage child marriage by imposing sanctions on adult males, parents, guardians, and marriage officiants who knowingly violated its provisions.

Although the penalties were relatively modest, the legislation carried considerable symbolic importance. It signaled official recognition that child marriage constituted

a social problem requiring legal intervention and public regulation.

Major Provisions of the Sarda Act

The Child Marriage Restraint Act contained several key provisions intended to reduce the incidence of child marriage.

- First, the Act defined the minimum marriageable age for boys and girls. By establishing legally recognized age thresholds, the legislation sought to discourage the arrangement of marriages involving very young children.
- Second, the Act imposed penalties on adult males who contracted marriages with underage girls. This provision reflected the belief that adult participants bore primary responsibility for preventing child marriages.
- Third, parents, guardians, and individuals responsible for arranging child marriages could also be punished under the Act. The inclusion of these provisions acknowledged the central role played by family members in the continuation of the practice.
- Fourth, persons who performed, conducted, or facilitated child marriages were made liable for penalties. This measure extended legal responsibility beyond the immediate parties involved in the marriage.
- Finally, the Act provided mechanisms for legal proceedings against offenders. Although enforcement powers remained limited, the legislation established a legal framework through which violations could be addressed.

These provisions represented a significant departure from previous approaches that had largely avoided direct regulation of marriage customs.

Limitations of the Act

Despite its importance, the Sarda Act contained several limitations that restricted its effectiveness.

Perhaps the most significant limitation was that the Act did not declare child marriages void or invalid. A marriage performed in violation of the prescribed age requirements remained legally valid despite the possibility of penalties. As a result, the law often failed to provide meaningful relief to children who had already been subjected to marriage.

Enforcement posed another major challenge. Many child marriages occurred within private family settings, making detection difficult. Local authorities were frequently reluctant to intervene in matters perceived as involving religious or cultural traditions. Consequently, prosecutions under the Act remained relatively limited.

Public awareness of the legislation was also uneven. In rural areas, many families continued to follow established customs without fully understanding the legal implications of their actions. Limited educational opportunities and inadequate administrative resources further hindered effective implementation.

Social resistance represented an additional obstacle. Deeply entrenched beliefs regarding family honor, gender roles, and marital traditions often outweighed legal considerations. In many communities, social pressures continued to encourage early marriage despite the existence of legal restrictions.

These limitations demonstrate the challenges of using legislation alone to transform deeply rooted social practices. While legal reform was essential, broader changes in social

attitudes and educational opportunities were equally necessary.

Implementation and Enforcement of the Sarda Act

The implementation of the Child Marriage Restraint Act, 1929, revealed the gap between legislative intent and social reality. Although the Act established legal penalties for child marriage, its enforcement remained inconsistent across British India. The success of the legislation depended heavily on administrative machinery, public cooperation, and judicial willingness to prosecute offenders—factors that were unevenly developed at the time.

In practice, enforcement was largely dependent on complaints brought before local authorities. However, child marriages were often conducted as private family affairs, limiting opportunities for detection. Community norms and social pressures discouraged reporting, particularly in rural areas where traditional practices remained deeply entrenched.

Moreover, colonial administrators were often hesitant to interfere aggressively in social and religious customs. This reluctance resulted in selective enforcement, where cases were pursued only when they attracted public attention or involved extreme violations. Consequently, the deterrent effect of the Act was limited.

Social Impact of the Sarda Act

Despite its enforcement challenges, the Sarda Act had an important symbolic and educational impact on Indian society. It marked the first time that the state formally acknowledged child marriage as a social problem requiring legal regulation. This recognition itself contributed to changing public discourse.

The Act helped strengthen the position of reformist groups and women's organizations, which used the legislation as a foundation for continued advocacy. Educational campaigns increased awareness about the harms of early marriage, particularly in urban centers and among emerging middle-class communities.

Gradually, the Act contributed to a slow but visible shift in attitudes. While child marriage did not disappear, especially in rural regions, there was increasing recognition of the importance of delaying marriage and promoting female education. The law thus functioned more as a catalyst for social change than as an immediate solution.

Post-Independence Developments

After India gained independence in 1947, the constitutional framework placed greater emphasis on equality, dignity, and social justice. These principles provided a stronger foundation for reforming personal laws and addressing harmful social practices.

The Sarda Act was amended in 1949, raising the minimum age of marriage for girls to 15 years. This change reflected continued concern over the health and welfare of young women, as well as growing recognition of international standards regarding child protection.

Further reforms were introduced in 1978, when the legal age of marriage was increased to 18 years for women and 21 years for men. These amendments marked a significant shift toward aligning legal standards with educational and developmental goals for young people.

From the Sarda Act to the Prohibition of Child Marriage Act, 2006

While the Sarda Act represented an early milestone, its limitations eventually led to calls for stronger legislation. The persistence of child marriage and weak enforcement mechanisms highlighted the need for a more comprehensive legal framework.

This led to the enactment of the Prohibition of Child Marriage Act, 2006, which replaced the earlier law. Unlike the Sarda Act, the 2006 legislation provided stronger preventive and punitive measures. It also introduced provisions allowing for the annulment of child marriages under certain conditions and enhanced protections for affected children.

The 2006 Act reflected a more rights-based approach, emphasizing child protection, gender equality, and legal enforceability. It built upon the historical foundation laid by the Sarda Act while addressing its structural weaknesses.

Conclusion

The story of the Sarda Act is fundamentally a story of social transformation through sustained advocacy, reformist vision, and legislative action. Emerging from decades of debate and activism, the Child Marriage Restraint Act, 1929, represented a landmark attempt to address one of the most deeply rooted social practices in Indian society.

Although its immediate impact was constrained by weak enforcement and social resistance, the Act played a crucial role in reshaping public discourse and laying the foundation for future legal reforms. It marked the beginning of a long and ongoing struggle to eliminate child marriage and promote gender equality in India.

The legacy of the Sarda Act lies not only in its legal provisions but also in its historical significance as a catalyst for change. It demonstrated that entrenched social practices could be challenged through collective effort, sustained advocacy, and legislative intervention. In this sense, the Act remains a defining moment in the history of Indian social reform and continues to inform contemporary efforts to protect the rights and dignity of children.

References

1. Forbes, G. *Women in Modern India*. Cambridge University Press, 1996.
2. Sarkar, S. *Modern India 1885–1947*. Macmillan, 1983.
3. Chandra, B. *History of Modern India*. Orient Blackswan, 2009.
4. Reddy, K. *Social Reform Movements in India*. Delhi University Press, 2010.
5. Government of India. *Child Marriage Restraint Act, 1929*. Legislative Department Records, 1929.
6. Committee on Age of Consent. *Report of the Age of Consent Committee*. Government Press, 1928.