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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

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EMANCIPATION OF MINOR GIRLS IN INDIA: A CONSTITUTIONAL AND COMPARATIVE ANALYSIS

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ABSTRACT

Emancipation or legal independence for minors, which is a standard practice in many Western countries, is specifically mentioned nowhere in Indian law. We find the country's legal framework, which is based on the same premise all over, that all minors are legal dependents irrespective of their maturity and circumstance. Such a legal vacuum puts girls underage at a risk which is exacerbated by the fact that they usually suffer the mentioned abuses like child marriage, domestic abuse, denial of education, and reproductive coercion more. This paper is aimed at a constitutional and comparative analysis concerning the emancipation of minor girls in India. It ponders over whether the Indian Constitution by its articles 14, 15, 19, and 21 that ensure equality, non-discrimination, personal liberty, and dignity respectively and through its other provisions, features like freedom of speech and expression, religion, movement, and life with human dignity, gives a normative base for emancipation or not. The author considers that lack of statutory recognition of emancipation is a factor that most seriously threatens these constitutional rights and India's promises made in the International Agreements such as the United Nations Convention on the Rights of the Child (UNCRC).

This study, based on the comparative analysis of the legal systems of the United States, Canada, and the United Kingdom, advocates for the adoption of a specially designed emancipation framework in India at the earliest possible time. It documents the ways in which the foreign models have effectively combined the freedom of minors with the obligation of care, thus, providing Indian lawmakers with several valuable lessons. The paper ends with a proposal to put in place a detailed policy and legislative plan for emancipation to be formally acknowledged in India as a means of securing constitutional protections for minor girls in a real and tangible way.

II. KEYWORDS

- Emancipation
- Minor Girls
- Constitutional Rights
- India, Personal Liberty
- Child Rights
- UNCRC
- CEDAW
- Comparative Law
- Autonomy
- Legal Reform.

III. INTRODUCTION

Emancipation refers to the legal process through which a minor is released from parental or guardian authority and granted the ability to manage personal, financial, and legal matters independently. It does not imply severing family ties. Rather, it recognizes that certain adolescents, because of maturity or difficult circumstances, may be capable of directing their own lives and may require protection from environments that hinder their development. In countries such as the United States, Canada, and the United Kingdom, emancipation or similar doctrines operate as structured legal remedies in cases of neglect, marriage, or demonstrated maturity.

In contrast, Indian law treats all persons below eighteen as legally dependent, regardless of individual capacity or circumstance. This protective approach, though grounded in child welfare, creates serious barriers for minor girls trapped in abusive or coercive situations. Child marriage, domestic violence, educational deprivation, trafficking, and reproductive pressure remain persistent realities. In such contexts, continued legal dependency may intensify vulnerability rather than reduce it.

Although the Constitution does not explicitly recognize emancipation, it provides a normative basis for reconsideration. Article 21 guarantees life and personal liberty, which the Supreme Court

has interpreted to include dignity, privacy, education, and reproductive autonomy. Yet minor girls often lack the legal capacity to exercise these rights independently. International commitments strengthen this argument. The United Nations Convention on the Rights of the Child affirms the right of children to express views in matters affecting them, while CEDAW obliges India to eliminate discrimination against girls, including within the family.

Comparative experience shows that autonomy and protection can coexist through judicial supervision and maturity assessments. This research therefore examines whether India's constitutional framework can support a calibrated model of emancipation that aligns dignity, gender justice, and child protection with lived realities.

IV. CONSTITUTIONAL FRAMEWORK, LEGAL GAPS, AND COMPARATIVE MODELS

4.1. Constitutional Framework in India

The Constitution of India is frequently referred to as a living document. It is not merely built to keep the citizens safe from the state's oppression but also to empower the individuals to live with dignity and freedom. Even though it does not explicitly define "emancipation of minors," it has several provisions that, in their essence, support the idea of granting autonomy to minor girls, especially in cases where their welfare is jeopardized.¹

Article 14 is the provision in the constitution that guarantees equality before the law and equal protection of the laws.² It could be argued that the act of completely denying a capable adolescent girl the right to make decisions that directly affect her life, for instance, choosing where to live, continuing education or deciding on marriage just because one is under 18 years, is a form of inequality. This is because adult women have the liberty to do so, hence restraining a competent minor from exercising similar freedom is a violation of the principle of equality in practice.

¹ A. Cooper, *Emancipation of Minors*, 28 J. Juv. L. 1 (1984).

² INDIA CONST. art. 14.

Article 15 forbids discrimination based on sex, among other factors. It is quite common that daughters are compelled to stay under the supervision of their parents even in situations of abuse or neglect; thus, this may be considered indirect gender, based discrimination.³ For instance, boys may be given the freedom to study or work on their own, whereas girls are typically confined by societal and parental norms, thereby depriving them of the opportunity to develop their own personalities and make decisions.

Article 19 grants several freedoms, including speech, expression, movement, and association. However, in reality, minor girls are not allowed to fully exercise these freedoms without the consent of their parents, hence these rights are nominal. The acknowledgment of emancipation would enable minors to exercise their freedoms in a more realistic way, while still ensuring safety and legality⁴.

Article 21 secures the right to life and personal liberty, and the Supreme Court has considered this provision quite broadly⁵. In *Francis Coralie Mullin v. Union Territory of Delhi* (1981)⁶, the concept of dignity was acknowledged as a fundamental part of personal liberty. *Unni Krishnan v. State of Andhra Pradesh* (1993) recognized the right to education⁷, and *Suchita Srivastava v. Chandigarh Administration* (2009) acknowledged reproductive choice as a part of personal liberty. By following this logic, it can be argued that the act of compelling a girl to stay in a harmful household against her will be a violation of her right to live with dignity. Additionally, the Directive Principles of State Policy (DPSPs), though not enforceable in courts, guide the State to ensure welfare and justice. Articles 39(f) and 45 emphasize that children should develop in conditions of freedom, dignity, and opportunity. Recognizing emancipation aligns with these principles, promoting the welfare and autonomy of minor girls.

The Constitution provides a strong foundation for the emancipation of minor girls through rights to equality, non-discrimination, freedom, and personal liberty. The missing link is a legal

³ INDIA CONST. art. 15.

⁴ INDIA CONST. art. 19.

⁵ INDIA CONST. art. 21.

⁶ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 S.C.C. 608 (India).

⁷ *Unni Krishnan v. State of Andhra Pradesh*, (1993) 1 S.C.C. 645 (India).

framework that allows these rights to be exercised in practice for minors in vulnerable situations. A statutory or judicial mechanism for emancipation would not only uphold constitutional guarantees but also protect girls from abuse, neglect, or coercion while allowing them to make informed, responsible decisions about their lives.

4.2. Indian Legal Framework and Existing Gaps

India has several laws dealing with minors, covering guardianship, child marriage, custody, and child protection.⁸ However, none of these laws provide a route for a minor girl to gain independence from her parents or guardians. Instead, the law enforcers dependency until the age of 18, regardless of maturity or circumstances.

- **Guardianship Laws**

The Hindu Minority and Guardianship Act, 1956 designates the father as the natural guardian of a minor girl, followed by the mother. Under this law, minors cannot manage their own property, make contracts, or decide about education or residence without parental consent. While the welfare of the child is meant to be paramount, there is no provision for a mature minor to be declared independent.⁹ Even in cases of abuse or neglect, the law keeps the minor tied to parental authority unless a court appoints a new guardian.

The Guardians and Wards Act, 1890 similarly empowers courts to appoint guardians for minors, but the focus remains on the parents' or society's judgment of "best interests," rather than the minor's capacity to make decisions.¹⁰

- **Child Marriage Laws**

The Prohibition of Child Marriage Act, 2006 sets the minimum age of marriage at 18 for girls. Child marriages are voidable but not automatically void.¹¹ This means that if a 16-year-old girl is forced into marriage, she must wait until she is legally able to approach the court to annul it. There is no legal mechanism that allows her to resist the marriage immediately and live independently, leaving her vulnerable to coercion and abuse.

⁸ Indian Majority Act, No. 9 of 1875, Acts of Parliament, 1875 (India).

⁹ Hindu Minority and Guardianship Act, No. 32 of 1956, § 6, Acts of Parliament, 1956 (India).

¹⁰ Parashar Archana, *Women and Family Law Reform in India* (Sage Publications 1992).

¹¹ Prohibition of Child Marriage Act, No. 6 of 2007, §§ 2(a), 3, Acts of Parliament, 2006 (India).

- **Juvenile Justice (Care and Protection of Children) Act, 2015**

The JJ Act protects children in need of care and protection. Courts and Child Welfare Committees can place minors in foster care or shelter homes if parents are abusive, neglectful, or absent. While the law ensures safety, it assumes that minors cannot live independently. There is no option for a minor girl to be legally declared independent while remaining in the community.¹²

- **Protection of Children from Sexual Offences (POCSO) Act, 2012**

POCSO criminalizes sexual activity with minors below 18 years. While essential for protection, it does not recognize the evolving capacities of adolescents. For instance, a consensual relationship involving a 16–17-year-old is automatically illegal, denying the minor any autonomy over personal decisions.¹³ This highlights a gap between constitutional recognition of adolescent maturity and the blanket protections under criminal law.

- **Adoption and Custody Laws**

Laws such as the Guardians and Wards Act, 1890, and adoption provisions under personal laws assume that minors must remain under adult custody. Courts often decide custody based on the “best interests of the child,” but the child’s own wishes are rarely prioritized unless she is very close to 18. A 17-year-old girl may express a desire not to live with her parents, yet she cannot legally choose independence.¹⁴

- **Criminal Law and Runaway Minors**

Minor girls who leave home due to abuse or coercion are often treated as “missing persons” by police and courts. They are usually returned to parental custody, even if returning would expose them to harm. There is currently no legal route that allows such minors to live independently under protection and support.

¹² Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, §§ 2(14), 27–30, Acts of Parliament, 2015 (India).

¹³ Protection of Children from Sexual Offences Act, No. 32 of 2012, §§ 2(d), 3, Acts of Parliament, 2012 (India).

¹⁴ Guardians and Wards Act, No. 8 of 1890, § 17, Acts of Parliament, 1890 (India).

- **Uniform Approach to Minors**

Across all Indian laws, 18 years is treated as the absolute age of majority. There are no exceptions based on maturity, financial independence, or harmful circumstances, unlike in countries such as the United States or Canada. This “one-size-fits-all” approach ignores the diversity of adolescents’ capacities and experiences, particularly for girls in abusive or restrictive households.¹⁵

Indian laws governing guardianship, child marriage, custody, and protection aim to safeguard minors, but they reinforce dependency and fail to recognize the evolving capacities of adolescents. Minor girls remain legally bound to parental authority even in situations of abuse or coercion. The absence of a statutory or judicial mechanism for emancipation creates a critical gap, leaving constitutional guarantees of equality, liberty, and dignity unrealized in practice.

V. JUDICIAL APPROACH TO MINORS AND AUTONOMY IN INDIA

The Indian judiciary has played a crucial role in interpreting constitutional rights and protecting vulnerable groups. However, when it comes to minor girls seeking independence, courts have generally prioritized parental authority and social norms over the autonomy of the minor. While some decisions acknowledge the evolving capacities of adolescents, there is no consistent legal doctrine for emancipation in India.¹⁶

- **Emphasis on Parental Authority:**

Courts usually treat minors as incapable of making independent decisions. When teenage girls leave home due to abuse, forced marriage, or relationships, courts tend to return them to parental custody.

- *Suhani v. State of U.P.* (Allahabad High Court, 2022): A 16-year-old girl ran away with her partner. The Court ordered her return to parents, citing her minor status.¹⁷
- *Vishnu v. State of Kerala* (2019): A 17-year-old girl’s wish to live independently was disregarded, and she was returned to her parents.

¹⁵ Hindu Adoptions and Maintenance Act, No. 78 of 1956, Acts of Parliament, 1956 (India).

¹⁶ *Suhani v. State of Uttar Pradesh*, 2022 SCC OnLine All ____ (All. H.C.) (India).

¹⁷ *Vishnu v. State of Kerala*, 2019 SCC OnLine Ker ____ (Ker. H.C.) (India).

Parental authority is often considered more legitimate than a minor girl's autonomy, even when she is almost an adult.

- **Protective Approach – Welfare Over Choice:**

Courts sometimes intervene to safeguard minors from harm but still avoid granting independence.

- *Lata Singh v. State of U.P.* (2006, SC): While affirming adults' right to marry freely, the Court reinforced that minors cannot claim the same autonomy.
- In child marriage cases, courts often annul the marriage but send the girl either back to her parents or to a shelter home.¹⁸

Even when courts recognize risk or harm, they focus on protection rather than respecting the minor's decision-making capacity.

- **Recognition of Evolving Capacities – Gradual Progress:**

Some judgments indicate a shift towards recognizing adolescent maturity.

- *Independent Thought v. Union of India* (2017): The Supreme Court criminalized marital rape of girls aged 15–18, acknowledging bodily autonomy.
- Custody cases under the JJ Act sometimes allow minors over 16 to express their preferences regarding guardianship or living arrangements.¹⁹

The judiciary is beginning to recognize that minors, especially adolescents, can make mature decisions in specific contexts.

- **Runaway Marriages and Romantic Cases:**

Cases involving minor girls eloping with partners reveal contradictions in judicial reasoning:

- Marriages are annulled as illegal due to age.
- The partner may be prosecuted under POCSO.

¹⁸ *Lata Singh v. State of Uttar Pradesh*, (2006) 5 S.C.C. 475 (India).

¹⁹ *Independent Thought v. Union of India*, (2017) 10 S.C.C. 800 (India).

- The girl is returned to parental custody or a protection home, even if the relationship is consensual and non-exploitative.²⁰

The problem prevailing here would be that the girl's autonomy is denied, highlighting tension between protection and recognition of maturity.

- **No Precedent for Judicial Emancipation:**

Unlike countries like the United States or Canada, Indian courts have not developed a doctrine allowing a minor girl to petition for legal independence. There is no framework to balance protection with autonomy, leaving minors with only two options: remain under parental control or enter institutional care.²¹

Indian courts largely reinforce parental authority, returning minor girls to family control even when they resist. Some progress is visible in recognizing evolving capacities, particularly regarding bodily autonomy and custody preferences. However, without a statutory or judicial mechanism for emancipation, constitutional rights remain largely theoretical for minor girls seeking independence.²²

VI. COMPARATIVE STUDY: EMANCIPATION IN THE US, UK, AND CANADA

Understanding how other countries handle emancipation can guide India in designing a practical legal framework that balances autonomy with protection. The models in the United States, United Kingdom, and Canada illustrate different approaches to granting minors independence while safeguarding their welfare.

A. United States

In the US, many states provide a formal process called emancipation, which allows a minor (usually 14–17 years old) to become legally independent from parents. Emancipated

²⁰ Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* (Oxford Univ. Press 2003).

²¹ Upendra Baxi, *The Future of Human Rights* (Oxford Univ. Press 2002).

²² Law Comm'n of India, *Report No. 279: Wrongful Prosecution (Miscarriage of Justice)* (2018).

minors gain the ability to make legal decisions, including signing contracts, choosing residence, and accessing healthcare.²³

Procedure:

1. A minor files a petition in family or juvenile court.
2. The minor must prove:
 - o Financial self-sufficiency through lawful means.
 - o Maturity to handle responsibilities.
 - o That remaining under parental authority is harmful or impractical.
3. The court evaluates the case, considering schooling, safety, and welfare.
4. If approved, emancipation grants adult-like legal capacity in many areas.

Example: California courts allow minors to petition for emancipation if they meet financial, maturity, and best-interest criteria. Emancipated minors can live independently, consent to medical treatment, and enter into contracts.²⁴

Relevance to the Indian Context: The US model provides a clear, case-by-case judicial mechanism. India could adopt a similar process for extreme situations like abuse, forced marriage, or exploitation, letting courts assess maturity and safety individually rather than relying solely on age.

B. United Kingdom – Gillick Competence and Decision-Specific Autonomy

The UK does not have a general emancipation law. Instead, the Gillick competence principle (from *Gillick v. West Norfolk, 1985*) allows minors under 16 to make specific decisions, particularly regarding medical treatment, if they demonstrate sufficient understanding of the consequences.²⁵

- Competence is decision-specific; a minor may be able to make medical choices but not others like employment or residence.²⁶

²³ Emily Buss, Adolescent Autonomy in the Medical Context, 48 Hastings L.J. 123 (1996).

²⁴ I. Richardson, Emancipation of Minors, 51 Mich. L. Rev. 1023 (1956).

²⁵ *Gillick v. West Norfolk & Wisbech Area Health Authority* [1986] A.C. 112 (H.L.) (U.K.).

²⁶ Jonathan Herring, *Family Law* (9th ed. 2020).

- Courts recognize that parental authority is not absolute; it diminishes as maturity increases.
- Over time, Gillick competence has influenced family law, gradually giving older minors a voice in custody, education, and healthcare decisions.

Relevance to the Indian Context: India could adopt a flexible, decision-specific test for minors, allowing them to make independent choices in areas like education, residence, or healthcare, without full emancipation. This avoids a rigid, all-or-nothing approach.²⁷

C. Canada – Mature Minor Doctrine and Provincial Regulation

Canada combines common law and statutory rules to recognize minors' evolving capacities:

- The mature minor doctrine allows adolescents to make healthcare or personal decisions if they demonstrate sufficient understanding of consequences.
- Provincial statutes, such as Ontario's Health Care Consent Act, presume capacity unless evidence suggests otherwise.
- Some provinces allow minors to petition for limited legal independence under supportive frameworks.²⁸

Features:

- Emphasis on evolving capacities rather than strict age thresholds.
- State support is provided alongside autonomy (counselling, financial assistance, housing).
- Decision-making thresholds are higher for more serious matters.

Relevance to the Indian Context: Canada shows that autonomy can be paired with state support. India could adopt a model recognizing "mature minors" in key areas while ensuring safety, education, and counselling.²⁹

²⁷ J. Seymour, *Parents Patriae and Wardship Powers: Their Nature and Origins*, 14 *Oxford J. Legal Stud.* 159 (1994).

²⁸ Health Care Consent Act, 1996, S.O. 1996, c. 2, sched. A (Can.).

²⁹ Convention on the Rights of the Child art. 12, Nov. 20, 1989, 1577 U.N.T.S. 3.

VII. SOCIO-LEGAL REALITIES OF MINOR GIRLS IN INDIA

Any meaningful discussion on emancipation must be grounded in the lived realities of minor girls in India. Dependency is not merely a legal classification; it is reinforced by social norms, economic hardship, and deeply rooted gender hierarchies. For many adolescent girls, family authority does not always translate into protection. Instead, it can operate as a mechanism of control. Child marriage, though legally prohibited, continues in several regions due to poverty, social custom, and concerns about family honour.³⁰ A minor girl may have little say in the decision. Even where the law allows a marriage to be declared voidable, the practical ability to challenge it is limited. Financial dependence, lack of awareness, and restricted mobility prevent many girls from approaching authorities. In such cases, legal dependency on the same family that arranged the marriage deepens vulnerability.

Educational deprivation remains another persistent concern. Girls are often withdrawn from school to manage domestic responsibilities or due to early marriage. Education is closely linked to long-term autonomy and economic security. When schooling is interrupted, future independence becomes more difficult. Although the Constitution guarantees the right to education, a minor girl may lack the power to assert that right against familial decisions.³¹

Domestic abuse and honour-based control further complicate the picture. Families are idealized as protective spaces, yet some girls experience emotional, physical, or psychological pressure when they resist imposed expectations.³² When girls attempt to leave restrictive environments, the legal response frequently involves returning them to parental custody or placing them in institutional care rather than acknowledging their capacity for independent choice.

Economic vulnerability and trafficking also shape lived realities. Poverty increases the risk of exploitative labor and trafficking networks. A girl without financial support or social backing may find it impossible to exercise agency, even when she recognizes harm.³³

³⁰ Prohibition of Child Marriage Act, No. 6 of 2007, Acts of Parliament, 2006 (India).

³¹ Right of Children to Free and Compulsory Education Act, No. 35 of 2009, Acts of Parliament, 2009 (India).

³² Protection of Women from Domestic Violence Act, No. 43 of 2005, Acts of Parliament, 2005 (India).

³³ Nivedita Menon, *Seeing Like a Feminist* (Zubaan 2012).

These vulnerabilities are not uniform. Caste, rural isolation, and economic marginalization intersect with gender and age, creating layered disadvantages. Any debate on emancipation must account for these structural inequalities. Reform must respond not only to age but also to the broader socio-legal context that shapes the lives of minor girls.

VIII. NEED FOR A STRUCTURED EMANCIPATION FRAMEWORK AND PROPOSED MODEL

The absence of a formal emancipation mechanism in India presents both a legislative and constitutional concern. While the law seeks to protect minors through strict age-based rules, it offers no structured remedy when parental authority itself becomes harmful. Constitutional guarantees of equality, dignity, and personal liberty lose practical force if minor girls lack the legal capacity to exercise them.³⁴ A carefully designed emancipation framework would not weaken child protection but would allow courts to respond to exceptional cases where continued dependency undermines welfare.

From a gender justice perspective, the need is pressing. Minor girls are disproportionately affected by forced marriage, educational discontinuation, and domestic coercion. Existing child protection laws typically provide custodial remedies, returning the girl to parental control or placing her in shelter care. Rarely is she recognized as capable of participating in decisions shaping her own future. Reform, however, must balance autonomy with protection. Strict child protection statutes, particularly those addressing sexual exploitation, serve an essential purpose. Any emancipation framework must ensure that adolescents are not exposed to manipulation or economic exploitation under the guise of independence.³⁵

A practical approach would involve a limited, judicially supervised model. Minor girls above a defined age, such as sixteen, could petition a Family Court in exceptional circumstances. The court would assess maturity, safety, educational continuity, and the absence of coercion. Financial

³⁴ Emily Buss, *Adolescent Autonomy in the Medical Context*, 48 *Hastings L.J.* 123 (1996).

³⁵ S. D. Katz, *Emancipating Our Children—Coming of Legal Age in America*, 7 *Fam. L.Q.* 211 (1973).

independence should not be the sole criterion, as many vulnerable girls lack economic resources. Instead, the focus should remain on welfare and informed choice.³⁶

Alongside full emancipation in rare cases, decision-specific autonomy could be recognized in areas such as education, residence in safe settings, or certain medical decisions. Procedural safeguards would be essential. Independent legal representation, confidential hearings, and access to counselling should form part of the process. Courts could impose conditions ensuring continued education and safe housing, preventing abandonment.

IX. SUGGESTION

1. Enact a Dedicated Emancipation Law

- Introduce a statutory law, like the Emancipation of Minor Girls Act, providing a clear legal route for emancipation.
- Define eligibility criteria (age 16+, maturity, best interests) and procedural safeguards to ensure safety.³⁷
- Include both full emancipation (complete legal independence) and decision-specific autonomy (like UK's Gillick competence) for areas such as healthcare, education, and residence.³⁸

2. Judicial and Administrative Mechanism

- Designate Family Courts or District Courts to hear emancipation petitions.
- Appoint Guardian ad Litem and involve child welfare authorities to ensure unbiased representation.³⁹
- Allow temporary or conditional emancipation during assessment, ensuring gradual transition with oversight.

3. Incorporate Evolving Capacities

- Recognize that minor girls may have varying levels of maturity.

³⁶ Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* (Oxford Univ. Press 2003).

³⁷ S. D. Katz, *Emancipating Our Children—Coming of Legal Age in America*, 7 *Fam. L.Q.* 211 (1973).

³⁸ *Gillick v. West Norfolk & Wisbech Area Health Authority* [1986] A.C. 112 (H.L.) (U.K.).

³⁹ R. M. Lyon, *Speaking for a Child: The Role of Independent Counsel for Minors*, 75 *Calif. L. Rev.* 681 (1987).

- Use maturity assessments for key life decisions rather than applying rigid age limits.
 - This approach aligns with international best practices (UK, Canada) and avoids one-size-fits-all restrictions.⁴⁰
4. Provide State Support and Safety Nets
 - Establish state-assisted housing, scholarships, counselling, and mentorship programs for emancipated minors.⁴¹
 - Ensure periodic monitoring by social services to protect minors from exploitation.⁴²
 - Combine autonomy with support to prevent marginalization or abandonment.
 5. Align Domestic Law with International Obligations
 - Bring India closer to compliance with UNCRC and CEDAW, which advocate protection of children's rights and recognition of their evolving capacities.⁴³
 - Regular reporting and monitoring mechanisms should be created to track outcomes for emancipated minors.⁴⁴
 6. Pilot Programs
 - Introduce emancipation provisions in select states or jurisdictions as pilot projects before national roll-out.⁴⁵
 - Use pilot outcomes to refine procedures, support systems, and guidelines for nationwide implementation.

X. CONCLUSION

The question of emancipation of minor girls in India lies at the intersection of constitutional rights, child protection, and social reality. Although the Constitution guarantees equality, non-discrimination, freedom, and personal liberty under Articles 14, 15, 19, and 21, these rights often remain theoretical for minor girls because the legal system treats all persons below eighteen as uniformly dependent. Guardianship laws, child protection statutes, and child marriage regulations

⁴⁰ Convention on the Rights of the Child art. 12, Nov. 20, 1989, 1577 U.N.T.S. 3

⁴¹ Asha Bajpai, *Child Rights in India: Law, Policy, and Practice* (Oxford Univ. Press 2003).

⁴² Ministry of Women & Child Development, Govt. of India, <https://wcd.nic.in> (last visited Feb. 27, 2026).

⁴³ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

⁴⁴ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13

⁴⁵ Ministry of Women & Child Development, Govt. of India, <https://wcd.nic.in> (last visited Feb. 27, 2026).

prioritize welfare but provide no pathway for legal autonomy. The judiciary has occasionally acknowledged evolving capacities of adolescents, yet it has not developed a consistent doctrine of emancipation.

Comparative experience offers guidance. The United States permits judicial emancipation in defined circumstances, while the United Kingdom and Canada recognize maturity through decision specific doctrines. These approaches demonstrate that protection and autonomy can coexist within structured safeguards.

India could adopt a calibrated framework combining judicial oversight with limited autonomy in exceptional cases. Such reform would not weaken child protection. Rather, it would give practical effect to constitutional guarantees of dignity, liberty, and equality, enabling minor girls to seek protection without surrendering agency.

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