

Child Marriage in India: Causes and Consequences

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Abstract: Child marriage is a major social concern and a violation of children's rights – whether it happens to a girl or a boy – as it denies the basic rights to health, nutrition, education, freedom from violence, abuse and exploitation and deprives the child of his/her childhood. And also Child marriage is a human rights violation, often following from and leading to further human rights violations.

Index Terms: Child Marriage, Causes and Consequences, Indian Tradition, Human Rights.

I. INTRODUCTION

Children are the potential and useful human resource for the progress of the country. We should remember and remind ourselves that it is only the strong, knowledgeable, and virtuous children who can make the country strong and great. Art. 39(f) states that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment".(Justice Shivraj V.Patil, 2011)

Child marriage can be defined as a phenomenon where a child is married before he or she attains adulthood. Since the Convention on the Rights of the Child defines a child as any human being below the age of eighteen, any marriage in which either the boy or the girl is below that age can be referred to as child marriage. However, in Indian context, as per the Child Marriage Prohibition Act 2006, a marriage can be defined as child marriage if the girl is below 18 years of age or/and the boy is below 21 years. Hence, In India any marriage carried out below the age of 18 years for girls and 21 years for boys, is defined as child marriage.

In India, nearly half (43%) of women aged 20 to 24 are married before the age of 18. There has been a decline in the incidence of child marriage nationally and in nearly all states (from 54% in 1992-3 to 43% in 2007-8), but the pace of change remains slow. Children are the supreme asset of a nation they being the greatest gift to humanity. They are ultimate optimism that present day could have for the future. They are to be nurtured, loved and protected. They have an inborn right to justice, freedom and opportunity for development irrespective of their nationality, caste, creed and sex. Investment in terms of providing protection and opportunities for the growth of the children is *sine qua non* to ensure their development to full potential. One of the greatest achievements of progressive democracies in the last century is to have recognized the rightful place of the child in the societal fabric both in international forum as well as in domestic arena.

Child marriage continues to be a widespread social evil in India. In the year 2000, the United Nations Population Division recorded that 9.5% of boys and 35.7% of girls aged between 15-19 were married. The National Family Health Survey (NFHS-III) of 2005-2006, which provides the latest statistics available on the occurrence of child marriage carried out in 29 states, confirmed that 45% of women were married before the age of 18 years. The NFHS III findings further revealed that 16% of women aged between 15-19 were already mothers or pregnant at the time of the survey. It was also found that more than half of the Indian women were married before the marriageable age as per law as compared to 16% of men.

Marriage Register - Percentage of currently married woman aged 20-24 years who were married before 18 years



According to District Level Household Survey on Reproductive Child Health (DLHS-RCH) III (2007-08) 23.4% of boys and 22.1% of girls were married before attaining marriageable age according to law. The graph below shows that least proportion of marriages is for boys below 21 is in Kerala (1.2 %) and for girls below 18 is in Himachal Pradesh (1.6 %). In Karnataka 22% of women get married before 18 and this is same as the national average. The states with a high proportion of girls getting married below age 18 are Bihar (46 %), West Bengal (41 %), Rajasthan (40 %), Jharkhand (36 %), Uttar Pradesh (33 %), Madhya Pradesh, Dadra and Nagar Haveli and Andhra Pradesh (29 %). In these nine states more than one-fourth of the girls are married before they are 18 years old.

II. Causes Of Child Marriage

Child marriage has existed in India for a long time as a traditional cultural and religious practice, despite global recognition that it is perhaps, one of the worst forms of violations of human rights. It cuts off childhood, snatches freedom to play and learn and eclipses a promising future by denying opportunities of optimal growth and development, both for boys and girls. The causes are

1. **Poverty** : Poverty and marriage expenses such as dowry may lead a family to marry off their daughter at a young age to reduce these costs. Patriarchal Indian society considers a girl as an economic burden. Marrying her off at an early age is a way to transfer this burden to the marital family. There is another dimension to the economics of marriage. The marriage of the boy brings home an additional hand to assist the unpaid household and economic activities.
2. **Lack of education**: Poor educational opportunities for girls, especially in rural areas increase the vulnerability of a girl child to be married off early. And Also, in the current patriarchal setup of the Indian society a girl's right to education is regarded as a secondary priority to her labour in the household. This aggravates the situation as the girls' power to resist marriage and opt for alternative aspirations is decreased.
3. **Gender Inequality** : In many communities where child marriage is practised, girls are not valued as much as boys – they are seen as a burden on their family. Marrying your daughter at a young age can be viewed as a way to ease economic hardship by transferring this 'burden' to her husband's family. Child marriage is also driven by patriarchal values and the desire to control female sexuality, for instance, how a girl should behave, how she should dress, who she should be allowed to see, to marry, etc. Families closely guard their daughters' sexuality and virginity in order to protect the family honour. Girls who have relationships or become pregnant outside of marriage are shamed for bringing dishonour on their family.

4. **Tradition** : Child marriage is a traditional practice that in many places happens simply because it has happened for generations. In some communities, when girls start to menstruate, they become women in the eyes of the community. Marriage is therefore the next step towards giving a girl her status as a wife and mother. Harmful traditional practices can be linked to each other. In southern Ethiopia for instance, child marriage usually follows the practice of female genital mutilation/cutting, which is considered a rite of passage to womanhood. Traditional practices often go unquestioned because they have been part of a community's life and identity for a very long time.
5. **Insecurity** : Many parents marry their daughters young because they feel it is in her best interest, often to ensure her safety in areas where girls are at high risk of harassment and physical or sexual assault. Child marriage can increase in humanitarian crises, such as in conflict or after a natural disaster. When families face even greater hardship, they may see child marriage as a coping mechanism in the face of poverty and violence. Nine out of the ten countries with the highest child marriage rates are considered fragile states.
6. **Patriarchy and gender inequalities** prevailing in the Indian society is one of the major reasons for persisting high incidence of child marriages.
7. **Inadequate implementation of laws** is a major reason for persisting menace of child marriage in the country.
8. **Socio-cultural and religious practices** : Religion, culture and tradition are integral part of peoples' life in India and influence every sphere of their lives. Traditional, religious and social acceptance of child marriage is a predominant reason for the prevalence of child marriage. Religious foundations and considerations have to some extent influenced the sustenance of the practice of child marriage. For instance, in some of the religious communities, marrying off the girls before they attain puberty or immediately after first menstruation is considered as very auspicious for the girl and the family. The religious belief that the marriage of a young girl can fetch salvation for the entire family is also one of the factors that lead to child marriage. In many cultural groups, the age of marriage is defined in the tradition itself. Any deviation from this is looked down upon and is not well received in the clan considering it to be violation of the traditional values. Fear of sanctions from the community could also discourage them from deviating from these cultural and religious dictates. In some communities marriage of children is seen as their cultural obligation.
9. **Blind beliefs and social practices** : Beliefs such as, early marriage is a way to ensure chastity and virginity of the girl, children may not listen to the parents once they grow etc., further encourage child marriages. It is also performed to fulfill the wishes of the aged/ailing parents and elders in the family. Lack of scientific and secular education to enable people to overcome blind beliefs and customs is also a reason for child marriage. (Justice Shivraj V.Patil, 2011)

III. Consequences Of Child Marriage

The prevalent practice of child marriage has detrimental consequences for both boys and girls, but has more grave and far-reaching adverse effects on girls. Within a patriarchal family structure, girls have relatively little power, but young and newly married women are particularly powerless, secluded and voiceless, Adolescent girls have little choice about whom and when to marry whether or not to have sexual relations, and when to bear children. This is well elaborated in a study of girls in the age group 10-16years. girls are affected disproportionately. Not only are they far more likely than boys to be married early, but the practice also has more dire consequences for girls than for boys. Often these girls are married to older men. A sexual relationship between the spouses that is inevitable after the marriage affects the health of young girls, particularly their reproductive health as their bodies are not physically mature to accept the burden of child-bearing. Further, they often do not have information about sex and childbirth. The practice of child marriage has many detrimental and harmful consequences on the young child. These consequences could be classified as physical, developmental, psychological and social.

Physical Consequences: When a girl child is married at an early age she is likely to be forced into sexual activity with her spouse who is usually much older than her. As the bride remains physically and sexually immature it has serious health consequences. The child is also exposed to domestic violence and ill equipped to protect herself.

Developmental Consequences: Child marriage limits the development of a girl child. Early marriage of a girl child results in a low level of education and life skills, increases vulnerability to abuse and poor health and thus results in the vicious circle of poverty.

Psychological Consequences: A girl child married in her early age has to carry the burden and huge responsibility of the family ad wife and mother. Since the young girls are not physically, emotionally not prepared for this the heavy burden has a serious impact on their psychological well being.

Social Consequences: Early marriages have also been found to have connections with abandonment and increased levels of divorce. Child brides often face the danger of being widowed with severe consequences their development. Some brides are reduced to slaves of the family they are married into.

Health: There are serious and irreversible consequences on the health of children who marry very young. Early and repeated pregnancies damage the reproductive health of the girls and are the major reasons for high maternal and infant mortality and

morbidity in India. This also gets reflected in the overall health status of the entire country. (Justice Shivraj V.Patil, 2011). Increased maternal and infant health risks Girls who marry and give birth before their bodies are fully developed are more at risk of death or terrible injury and illness in childbirth. In 2007, UNICEF reported that a girl under the age of 15 is five times more likely to die during pregnancy and childbirth than a woman in her 20s. Risks extend to infants, too: if a mother is under age 18, her baby's chance of dying in the first year of life is 60 percent greater than that of a baby born to a mother older than 19. (UNICEF. 2007)

Child Marriage is a Violation of Human Rights of Children : Right to a free and joyful childhood is violated when they get additional responsibilities. Right to education is violated when they are not able to attend schools. Right to development is violated when they are subject to adult roles and do not get the conducive environment and education. Right to participation is violated when they cannot say they do not want to get married and with whom and are ill informed about the repercussions. Right to health is violated because of the early child bearing and associated complications. Right to equality (gender) is violated when men take charge of young girls' life. Right to employment is violated because of the low levels of education and restrictions on earning a living. Right to a dignified life is violated because of subjugation and disempowerment it leads to. (Justice Shivraj V.Patil, 2011)

IV. Summary

Positive action towards realisation of child rights is evidenced by way of various United Nations Conventions, domestic legislations, and judicial interpretations and pronouncements. Child jurisprudence has given a new dimension to the role of law in social engineering. Starting with the Declaration of the Rights of the Child, adopted in 1924 by the League of Nations that says "mankind owes to the Child the best it has to give", there have been endeavours by the international community in protecting the interest of the child. The Declaration of the Rights of the Child, 1959 and the Convention on the Rights of the Child, 1989 of United Nations, ratified by our country as well in 1992, contain legal standards necessary for realising social, economic and cultural rights of children. The Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, 1966 are the other instruments that reinforce the rights of the child. At the domestic level, the country has been making efforts to place the child in a better position. In this regard, reference can be made to 86th Constitutional Amendment that made education a fundamental right for children in the age group of 6 to 14 years. Policies, legislations, schemes and programmes are also in place so that the rights of the children are respected and children really enjoy them.

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