

ACTS AND FACTS OF CHILD MARRIAGE IN INDIA AND ITS DEVASTATING CONSEQUENCES

Prof. (Dr.) PROF.S.M.PRASAD

Government First Grade College, Khanapur

Abstract: Child marriage is a global social problem and is compounded with many factors. Early marriages were prevalent in Indian society and are customarily accepted. But in later period by knowing its adverse impact and to bring gender equality; social reformers like Rajaram Mohan Roy, Ishwar Chandra Vidyasagar, Jyotiba Phule, and others apposed child marriage strongly and then onwards India has made remarkable progress for ending of child marriages. In India any marriage carried out below the legal age of 18 years for girls and 21 years for boys is called as child marriage.

In 1929 child marriage. (Sharda Act) restraint act was passed and minimum age for girls 14 and for boys 17 years and, was outlawed under Indian Acts. The minimum age of marriage was increased in 1949 from 14 to 15 years for girls. Again in 1978, the age of marriage was enhanced males and females 21 and 18 years respectively. The Hindu marriage Act of 1954 (special marriage Act) and Prohibition of Child Marriage Act 2006, which is permitted marriageable age 21 years for males and 18 for females. India has witnessed an upward trend in predicted mean age at marriage. The prohibition of child marriage (Amendment) bill 2021 was introduced in the Loka-Sabha in December 2021 and was referred to the standing committee. India is amongst the few countries globally where the legal age of marriage for women would be 21 years.

Despite so many enactments and efforts made by social reformers, this country remains home to the largest number of child marriages in the world. In India the top states with highest child marriages than the national average are West Bengal, Bihar, and Tripura with more than 40 percent of women married below the 18 years of age. Jammu and Kashmir reported to be the only state with lowest child marriage cases i.e. only 0.4 percent. India accounts 33% of global child marriages and the recent statistics of 2023 reveals that; about 27% of girls in India are marrying before attaining the 18 years of age. The rate of child marriage is more prominent in rural areas than in urban.

India is home for largest number of child brides; about 1.5 million girls under age of 18 years get married each year. Every year some 12 million more girls get marry before attaining the age of 18 and of those 4 million are under age of 15 years. Save the Girls Child; Global Girlhood Report estimated that an additional 2 ½ million girls are in the risk of child marriages' globally between

2020-2025 and by 2030. It is estimated that about 150 million girls will lose their childhood owing to child marriages.

Key words: Child marriage concept, rationality in enhancing age of marriage, Acts and facts, devastating consequences and suggestions.

Methodology: This study is basically based on secondary data and observation method to explore information. The secondary data like; reference books, Journals, Periodicals, e- journals, thesis, mass-media communications, Google links and other related materials. The data was used as the base to arrive at conclusion. It is expected that, this paper taking a critical look at practice of child marriage and devastating consequences in India.

Objectives of the study:

1. To outline the history of child marriage
2. To throw light on efforts made by social reformers against the evil practice
3. To explore the major factors accountable for child marriage
4. Major Acts to eliminate the social evil of child marriage
5. To examine the causes and devastating consequences
6. Suggestions and recommendations for combating child marriage

Introduction: Marriage is a universal, indispensable, and important social institution. It constitutes an essential stage in one's life; and is regarded as a moment of celebration. The institution of marriage is socially and legally, approved in every society. It is basically approved and sanctioned by customs and laws of the community. But this does not mean that the customs, traditions, rituals, and laws related to age at marriage are not uniform in every society.

The concept of Hindu marriage is that; it is a *samskara* and a religious sacrament and not a contract as those of western countries of the world. Marriage is also called a union between men and woman and is the approved social pattern. It is commonly defined as a - 'socially approved sexual and economic union, presumed to be permanent and entails rights and obligations between the married couple and any children they might have'.

The first evidence of marriage rituals dates back about 2350 B.C., in Mesopotamia. Our ancestors likely to live in a 'primal horde or nomadic community.' In primal horde there was no longer pair bonding and males-females copulated with many partners. There was no bonding between male and female and children were more developed at birth; than later stages. Men and women were neither providers nor protectors.

Child marriage which cuts across every country of the world, _____, religions, caste and is compounded by many factors. Early 18th and 19th centuries witnessed for child marriages and are customarily accepted. This is mainly because of heterogeneity and diversity in caste, class, religious customs, and systems of the society. The early reformers like Rajaram Mohan Roy, Ishwar Chandra Vidyasagar, Jyotiba Phule, and others apposed child marriage strongly. Child marriage can be defined as a phenomenon where a child is married before he/ she attains adulthood. In contemporary Indian society, any marriage carried out below the age of 18 years for girls and 21 years for boys is called as child marriage.

Child marriage is one of the burning problems of Indian society. India has made remarkable progress for ending of child marriages. Though this country remains home to the largest number of child marriages in the world. Despite advancement on many front the rate of decline in early marriages are not satisfactory. Child marriage is closely associated with poverty and is likely to increase girls' vulnerabilities and may face an increased risk of limited opportunities.

Despite prohibition of child marriage Acts, the practice of this evil is prevalent owing to social norms of the community, lack of education, poverty, ecological and economic factors of the society. In India the top states with highest child marriages than the national average are West Bengal, Bihar, and Tripura with more than 40 percent of women married below the 18 years of age. The other states such as; Jharkhand, Assam, Andra Pradesh, Rajasthan, Telangana and fallowed by Bihar, Uttar Pradesh, Maharashtra, Madya Pradesh, Karnataka etc. Jammu and Kashmir reported to be the only state with lowest child marriages which is only 0.4 percent. India accounts 33% of global child marriages. The rate of child marriage is more prominent in rural areas than in urban community. India is the 14th highest rate of child marriage in the world. In our country one in three (1/4) of the world's child brides under 18 years of age. United Nations International Children's Emergency Fund (UNICEF) 2015-2016 report estimated that; India's child marriage rate is 27 percent.

At Global level, the highest child marriages are prevalent in the countries like Niger, Central African Republic, Mali, Mozambique, South Sudan etc. World wide data reveals that; around 40 million girls ageing between 15-19 are currently married. Apart from this every year some 12 million more girls will marry before attaining the age of 18 and of those 4 million are under age of 15 years.' Save the Girl Child', Global Girlhood Report estimated that; an additional 2 ½ million girls are at the risk of child marriages' globally between 2020 – 2025 and also by 2030. It is estimated that about 150 million girls will lose their childhood owing to child marriages.

MAJOR FACTORS AND TRENDS OF CHILD MARRIAGE IN INDIA:

Despite steady decline in this harmful practice over decades, still child marriage remains widespread in India. Child marriage is often the result of gender inequality and practice of traditionality. It threatens their wellbeing and experience domestic violence and have worst health, status, and educational conditions. Therefore in 2016, United Nations International Children's Emergency Fund (UNICEF) and (United Nations Population Fund (UNFPA) together launched the Global Programme to End Child Marriage.

The factors which are caused for child marriage are mainly; customs and traditions of the Indian society, demand for dowry, pressure from relatives, financial problem and poverty, pressure from family members, land ownership related issues, economic hardship etc. Despite all the reasons, like other social institutions marriage has been experiencing greater changes in various aspects and respects in contemporary society.

The institution of marriage is getting influenced by the societal forces like; Social legislations, impact of education, influence of western culture, individualism, technological development, employment opportunities and economic freedom have brought changes in the institution of marriage. It is reported that; the rate of child marriage in India has decreased from 47.4 percent in 2005-06 to 26.8 percent in 2015-16.

During the British period immense efforts was made by social reformers to curtail the practice of child marriage. In 1894 Mysore was the first state to fix the minimum age for marriage. Along with legislations, certain international laws have also directly prohibited the practice of child marriage. Section 16 (2) of Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), adopted in 1979 by the UN General Assembly.

In 1929 child marriage (Sharda Act) restraint act was passed and minimum age for girls 14 and for boys 17 years and, was outlawed. In British colonial times, the legal age of marriage was set at 14 years for girls and 18 for boys. The minimum age of marriage was increased after independence i.e.1949; 15 years for girls. Again in 1978 marriage age was increased 18 for females and 21 for males. The Hindu marriage Act of 1954 is also known as special marriage Act and Prohibition of child marriage Act 2006 which is permitted 21 and 18 is the minimum age of marriage for men and women respectively.

India is amongst the few countries globally where the legal age of marriage for women would be 21 years. In neighbouring China, it is 20, where as in countries like America and England is 18 years. The international community has acknowledged the need to end the practice of child marriage. By emphasizing this in sustainable development goal, with the target to eliminate early marriages and forced marriages by 2030. Child marriage is violation of human rights which affecting children's rights, health, equality, education, and their ability to live free from violence and exploitation.

RATIONALITY IN ENHANCING THE AGE OF MARRIGE OF GIRLS:

The child marriage prohibition Bill (Amendment) 2021- to equalise the age at marriage for both men and women 21 years.

- ❖ To balance gender neutrality in the patriarchal society
- ❖ To bring socio-economic empowerment among girl child
- ❖ To control infant mortality and maternal mortality rate among teen age girls
- ❖ To keep overall health and mental wellbeing of mother and child
- ❖ To control fertility outcomes and population
- ❖ To curb violence against women in patriarchal society
- ❖ To avoid poor nutritional level of both child and mother
- ❖ To control emotions of teenagers

DEVASTATING CONSEQUENCES OF EARLY MARRIAGE:

Child marriage in India is one of the most prevalent forms of exploitation and abuse. Under-age marriage can have adversely affected on overall children's life conditions. The devastation of child marriage effectively ends a girl's childhood. This study on child marriage have shown a negative impact on children's health, education, and personal development, and cause for physical, emotional, and sexual harassment and violence.

- **Caused for high fertility rate and other complications:** There is a close association between child marriage and fertility. Child brides who marry early are more likely to experience early pregnancies and early pregnancy give early birth to children. This consequently leads to a greater number of children in her life span, than those who marry later. These early marriages contribute to high birth rate which will be cause for growth of population at the house hold level and higher fertility can lead to impacts on mother, child, family, and society
- **Increased risk of maternal deaths and infant mortality:** Early marriage places girls at high-risk. Early pregnancies are associated with health problems. Young girls may put in many complications like

- maternal mortality and high infant mortality rate. It is also marriage has a largely detrimental impact on the health and girls. Women married at an early age were exposed to frequent childbearing, motherhood, and abortions; which negatively effects on their nutritional status. Children born to mothers with poor health had lower chances of survival. Quality maternity care is still a major challenge. The report of World Health Organization (WHO-2015) reveals that; maternal mortality in India accounting 20% of global share.
- **Child marriage curtailed Girls' freedom and low self-esteem:** There is a co-relation between child marriage and individual freedom. Child marriage naturally restricts on various activities of the girls. Child marriage often lack decision making power within their house. This is happened because; the female who is under age is not able handle and take decisions. This is presumed that she is not perfectly physically and mentally mature. It is true that; male spouse reported higher self-esteem compare to females. Females are left neglected and suppressed their moral confidence to share their views. This attitude effects on children's cognitive and social behaviours
- **Child marriage interrupted educational opportunities for girls:** Education is the key factor for any change and development occurs in the society. This evil practice of child marriage is closely related with deprivation and access to education. Child marriage frequently results in premature end of girls schooling. When a girl gets married; she is expected to drop out of school, to look after the home, children, and overall family activities. It is important to note that early marriage effects on to access the education of females.
- **Higher risk at children's sexual, mental, and physical abuse and violence:** Child marriage has extreme sexual and socio-psychological abuse and violences. Sexual abuse refers to any sexual behaviour or act; which is imposed on girls without her consent. Early marriage and sexual abuse have serious negative impact on individual and families. Child brides are vulnerable to physical violence from their partners or partners families. Girls are threatened, slapped, beaten, and abused by husbands and their parents. Thus, child marriages are higher risk of physical, sexual, and mental violences.
- **Child brides are deprived from their health:** There are serious and irreversible consequences on the health of children who married at early age. Early and repeated pregnancies affect the reproductive health of the female child. Girls who gave birth before their bodies are fully developed are more at risk of injuries, early pregnancies, premature delivery, incidents of miscarriages, illness at child birth, complications for newborn baby, lower weight, incidents of higher mortality rates etc.
Early Marriage has namouras adverse effect on girls' health compared to women who marry later in their life. Child marriage carries serious

health risks and can increase the risk of sexual and reproductive health outcomes. This evil of child marriage also associated with health, such as depression, feelings of isolations, suicidal thoughts, and behaviours etc.

- **Lifelong economic impact:** There is positive relationship between marital status and economic status. Early marriage of girls results in lower educational qualifications and as a result women lack the knowledge, skills, and job opportunities. This makes the females financially independent of their counter parts and become prone to domestic violence and undertreatment. Higher the proportion of age of married parents, better the economic outcomes. The child marriage pushed out from the web of employment and this increases the economic burden of the family.
- **Rate of divorce risk will be high:** Females who marry in their early age would have higher risk of divorce. No doubt under age marriage has high frequency of divorce cases. This is happened because; the boy/ girl is not fully matured mentally and physically; and this may cause in mutual understanding between each other and may leads to divorce. It is true that; divorce may experience a variety of problems ranging from psychological disturbances to other social relations.

STATES OF HIGHER PERCENTILE OF CHILD MARRIAGE IN INDIA:

Since the prevention of child marriage Act (PCMA); the occurrences of child marriage have reduced by half from 47 percent in 2006 to 23.3 percent during 2019-21. However, a few states such as; West Bengal, Tripura, Andra Pradesh, Bihar, Rajasthan, Assam, Jharkhand, and Telangana, have higher prevalence of child marriages than national average level, as per National Family Health Survey (NFHS)-5.

Top 10 States of Higher Child Marriages in India

Srl. No.	States	Percentage
1	West Bengal	25.6%
2	Tripura	21.6%
3	Bihar	19.7%
4	Jharkhand	17.8%
5	Dadra & Nagar Haveli	17.5%
6	Assam	16.7%
7	Andhra Pradesh	16.6%
8	Rajasthan	16.2%
9	Gujarat	13.1%
10	Telangana	12.9%

Source: (GOI) National Commission for Protection of Child Rights, New Delhi- 2018

State Wise Registered Child Marriages Under Prohibition of Child Marriage Act (PCMA) 2006

Sr.No.	State & Union Territories	2017 (RC)*	2018 (RC)*	2019 (RC)*	2020 (RC)*	2021 (RC)*
1	Andra Pradesh	15	14	04	32	19
2	Assam	58	88	115	138	155
3	Bihar	17	35	08	05	11
4	Chhatisgarh	01	02	00	01	00
5	Gujarat	06	08	20	15	12
6	Haryana	18	21	20	33	33
7	Himachal Pradesh	05	09	04	05	05
8	Jharkhand	65	73	111	184	273
9	Kerala	15	18	07	08	12
10	Madya Pradesh	05	03	04	05	04
11	Maharashtra	20	13	20	50	82
12	Odisha	17	22	22	24	64
13	Punjab	08	06	06	13	08
14	Rajasthan	06	11	19	03	11
15	Tamil Nadu	55	67	46	77	169
16	Telangana	25	24	35	60	57
17	Tripura	01	01	00	04	01
18	Uttar Pradesh	04	04	04	12	06
19	Uttara Khand	01	02	02	09	12
20	West Bengal	49	70	68	98	105
21	Chandigarh	02	02	01	01	00
22	Diu-Daman & Haveli	00	00	01	00	00
23	Delhi	01	01	02	04	02
24	Jammu & Kashmir	00	00	01	01	02
25	Puducherry	00	00	00	00	01

- **Source:** Crime in India 2021
- State and union territories which have '0'Reported cases; such states are not taken in the list of tables
- RC* indicates Reported Cases

Conclusion and suggestions: Children are the supreme asset of a nation they being the greatest gift to humanity. Child marriage is a major social concern and a violation of children's right; whether it happens to girl or a boy. Child marriage is considered as human right violation, Children have an inborn right to justice, freedom, and opportunity for development irrespective his/her sex,

nationality caste, religion, creed etc. India is committed for attaining Sustainable Development Goals, one of which is to attain Gender Equality and Empowerment of women and girl child by 2030.

The declaration of the rights of the child 1959, and convention on the rights of the child 1989 etc. At the domestic level; country has been putting efforts to place the child in a better position. The 86th constitutional amendment made education a fundamental right for children in the age between 6 -14 years. The legislations, policies, programmes are also in place, so that the rights of the children are respected and they really enjoy the opportunities and facilities. Despite many efforts and awareness programmes; significant progress is made in education, legislations, policies, towards child marriage.

However, of all these the practice of child marriage is still existed and deeply rooted in Indian society. It is an age-old custom prevalent across castes, religions, and geographical regions. According to South Asian Demographic and Health Survey of 2014-2018 indicated that; 41 percent of females in India were married before the attainment of 18 years of age.

Child marriage is a violation of human rights and it affects the children. Regardless of fact that; the prevalence of child marriage has reduced gradually. National Family Health Survey-5, 2019-21 India fact sheet indicates decrease in the prevalence of child marriage from 26.8 percent in 2015-16 to 23.3 percent in 2019-21. However, the report of UNICEF 2020 child marriage is still affecting one out of four girls.

Suggestions: Early marriage is deeply rooted issue in Indian society. However, through collective efforts, it is possible to create a brighter future for girls. In India many programmes have been implemented with the objective of irradiation of child marriage from Indian society.

- Enhancing in the facilities of girl- child education
- Speedup awareness programmes and campaigns about implications of early Marriages
- Policy implementation and its effective actions
- Empowering females with skills, employment opportunities and support programmes
- Provide necessary resources to the children of vulnerable girls
- Efforts should be made to eliminate poverty
- Training and programmes with related to sexual and reproductive health is to be needed
- Parents should be aware of the consequences of child marriage
- Change in attitudes and mind set of the parents and society

Gabriel Mistral, Noted Laureate said - “We are guilty of many, many faults but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. Show a child love and care, a child needs education not marriage to lead a prosperous life. **Michelle Obama’s voice is** “We must stand up against the harmful tradition of child marriage and protect the rights of young girls. **Malala Yousafzai quotes go like** - “do not wait for someone else to come and speak for you. It is you who can change the world, if we silent nothing would change.

References:

1. Fisher, H. (2004): “Why we love: The Nature and Chemistry of Romantic Love”. Henry Holt and Co. New York.
2. Coontz, S. (2005): “Marriage -A History”: From Obedience to Intimacy or How Love Conquered Marriage”. New York.
3. Shivaraj V. Patil (2011): “Prevention of child marriages in the state of Karnataka”. Govt. report, Vol.-I; Vikas Soudha, banglore.
4. Prakash R. et al (2011): “Early marriage, poor reproductive health status of mother and child well-being in India”. published by group.bmj.com
5. Nguyen, M.M.C. et al. (2012): “Global trends in Child marriage”. Washinton, D.C., world Bank. <<https://doi.org/>
6. Gaganpreet Kaur et al. (2013): “Changing patterns of marriage in Indian society “ResearchGate .net/publication, Punjab University.
7. Ram Ahuja (2013): “Indian social system”. Rawat publications, Jaipur
8. Nasarullah, M. et al (2014): Girl child marriage and its effect on fertility in Pakistan, findings from Pakistan demographic and health survey, 2006-2007”. Maternal and child health journal.
9. Greene, M.E. (2014): Ending child marriage in a generation; what research is needed? New- York, ford foundation.
10. Enakshi Ganguly (2015): “Prevention of child marriage-impact on girls”. researchgate.net
11. B.Suresh Lal (2015): “Child marriage in India: factors and problems”. International Journal of Science and Research. Vol.4
12. GOI (2018): National Commission for Protection Of Child Rights”- NCPCR- 2018, New Delhi
13. Dr. Pampapathi N. L. (2018): “Child marriage in India: Causes and consequences”. IJCRT/ Vol.6, issue,1

14. UNICEF (2018): “Key drivers of the changing prevalence of child marriage in three countries in south Africa”. UNICEF – for every child, working paper.
15. Jeejeebhoy, S.J. (2019): “Ending child marriage in India, drivers and strategies” AKSHA centre for equity and wellbeing, New Delhi: UNICEF.
16. Michael L. Valan (2020): “Child marriage in India”: A critical appraisal. ResearchGate.net/publication.
17. Scott, S. et al. (2021): “Early marriage and early childbearing in South Asia, trends, inequalities, and drivers from 2005 to 2018”. Annals of the New York academy of sciences.
18. Wikipedia (2021): “Child marriage in India” Wikipedia.
19. CRY (2021): “Child marriage in India: A research study”- Child rights and you, New Delhi, India.
20. Carol R. Ember et al. (2021): “Marriage and Family” Explaining Human Culture. Hraf.yale.edu/ehc /assets/ summaries.
21. Ewa Batyra et al (2021): “Trends in child marriage and new evidence on the selective impact of changes in age at marriage-laws on early marriage’. SSM-Population Health.
22. K.Suresh (2022): “Raising Legal Age of Marriage for Women: the Law, the Reasons the Criticism”. Acta Scientific Women’s Health, Mini Review.
23. GOI (2022): “Child marriage” - Government of India, ministry of women and child development. (unstarred question in Loka Sabha)
24. NFHS (2022): “Child marriage in India” - Key insights from the NHFS-5. Analytical paper series- 2019-21.
25. IASbaba (2023): “Child marriage in India”- IASbaba: 2023
26. Nada Foundation (2023): “Child Marriage in India: A look at the alarming statistics for 2023, nadafund.org.uk, empower, educate, end child marriage.
27. Varthana Team (2023): How early marriage impacts girl’s education and limits empowerment”. Varthana.com/school/how.
28. UNICEF (2023): “Ending child marriage”- A profile of progress in India. Unicef.org.