



PERSISTENCE OF CHILD MARRIAGE IN INDIA- A COMPARATIVE STUDY

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Abstract

Child Marriage is where one of the partners or both the partners are married at an age which is not legally prescribed by the government that is below 18 years of age for girls and 21 years of age for boys or a marriage. It is one of the major social concerns that undermines children's rights, whether a boy or a girl, it denies them to the right of good health, nutrition, education and deprives the child of his/ her childhood. In India, nearly 43% of women are married before the age of 18. 47% of child marriages take place in India, making it the third in South- Asia.

During the lockdown, there were three major events that took place which brought child marriage to the focus of then public realm. First, the National Crime Records Bureau issued data that showed an increase of about 50% in the instances of child marriages from 2019 to 2020 in India. Second, the government of Rajasthan brought amended the marriage registration law, lowering the age of registration of marriage of girls, of those who are married early. Third, Child marriage was declared valid by the Punjab and Haryana high court provided the girl doesn't consider it void on attaining 18 years of age.

Keywords: *Child marriage, India, National Crime Records Bureau, South-Asia and Lockdown.*

Background

The idea of early marriage is not recent to the Indian soil; in fact we can find this idea being perpetuated in the ancient texts like Manusmriti and Mahabharata. The idea behind was basically, to get the girl married before she hits puberty, otherwise it was considered to be sinful. The other reason behind this was to avoid pre-marital sex and to ensure that the girl is virgin. Apart from the religious obligations, other compulsion for child marriages among the dominant castes was dowry. It is a general belief that with the increase in age and literacy level of the girl, the price of dowry tends to become higher.

During the medieval times when our country faced lot of foreign invasions, girls were married off early in order to protect them from the foreign invaders, as many foreign rulers like Mohammed Ghori, after conquering a particular territory would make the people of that territory as their slaves, especially the women were subjected to abduction, rapes and ill-treatment.

In the colonial times, this practice continued in many parts of the country like West Bengal, Rajasthan Bihar etc. The colonizers used to consider Indians as primitive and did not intervene much to end this practice because of fear of resistance. The first major law against the practice of child marriage was introduced by Rai Sahib Harbilas Sarda, the Child Marriage restraint Bill, also known as the Sarda Act that raised the minimum age of marriage to 14 years for girls and 18 years for boys.

The prohibition of Child Marriage Act was finally passed in the year 2006, increased the age of marriage of girls to 18 years of age and boys to 21 years of age. This law gives the right to the person



who was a minor at the time of marriage, to get the marriage declared as null. Under this act, any person, involved in contracting child marriage shall be punished with imprisonment of two years, with a fine of one lakh rupees. Recently, the central government has raised proposal to increase the marriageable age of women from 18 years to 21 years of age, which is a big step in bringing women with par to men. With the introduction of this law, all the personal laws related to marriage will be amended across all the religions.

Though the issue of child marriage has been diminished in the recent years, but it still continues to exist in the remote areas of the country .The various socio-economic reasons behind child marriage are:

Poverty- In many rural areas young girls are married to pay off the debt that the family is unable to pay back. As most of the rural and urban poor are dependent on self-employment or casual labor, the national lockdown made the situation even more worse, many of them lost their source of livelihood and which eventually forced to marry off their daughters early as evident from the rising cases of child marriage during the lockdown. **Gender discrimination-** Gender discrimination refers to treating people differently on the basis of their gender. In India gender discrimination begins early even before the birth, when a baby boy is preferred over a baby girl. In many villages of Rajasthan, people beat plate with spoon when a boy is born expressing joy, on the hand other hand when a girl is born, a bamboo vessel is beaten depicting grief. In many parts of the country there are still high school dropouts of girls, with Rajasthan topping the list with 20.1%.

Illiteracy and lack of awareness- Access to education is a basic human right but unfortunately, the deep rooted gender disparity in our society makes it difficult for many to have access to it. In many households girls are still considered as “paraya-dhan” which means somebody else’s property. There is high number of school dropouts of girls by the time they reach their high school and after that returning back to school may be almost impossible for them as after marriage a girl is expected to indulge into the household chores. Very few people allow girls to continue their education or work after their marriage.

□ Old social beliefs

People attach values to old traditions, especially in the rural areas where the rules and regulations are controlled in informal ways by the caste leaders. Boys are considered to be the breadwinner of the family and they are expected to take all the major decisions be it finance, marriage etc. On the other hand girls’ role in the society is often confined to just marriage and taking care of the kids.

Rajasthan: Case study

Rajasthan, a state located in the north-western part of India. A pre-dominantly patriarchal and feudal state, where in most of the decisions are still taken by the men. The women in the state have been subjected to ill practices like sati, jauhar, child marriage and purdah in the past. Caste system plays a major role in the state that adds up to the issue and makes the condition of women even more vulnerable.

Literacy, which is one of the most important factors for development, has been the lowest there, for women (57.6%) as compared to the rest of the country. The National Statistical Office report indicates that about 43% of women falling under the age group of five and above never attended school. In spite of various schemes introduced by the successive governments like Samgara



Siksha Abhiyaan, scholarship for higher education, there hasn't been much of a change.

In many districts of Rajasthan like Barmer and Bhilwara, when a girl is born, it is considered to be a curse, something that is looked down upon, and it is announced by beating bamboo vessel whereas when a boy is born, it is considered to be a great joy and is announced by beating a plate with a spoon. On the auspicious occasion of Aksahya Trithaya also known as "Akha teej", numerous child marriages take place in the desert state mainly in the rural side. The occasion is seen very good to carry out important activities related to money. In many districts of the state, when a family member dies, a ceremony called "mausar" prevalent among the Jats and Bishnoi communities, on the twelfth day where a grand feast is organized in the honor of that member, along with this ceremony the family also gets their children married regardless of their age. This is seen as a cleansing ritual after a death in the family.

Findings say that the incidences of child marriage are directly related to the aspect of wealth and education. Children from low and middle income economies are more likely to get married as early as compared to the children belonging to the high income families; also girls who are more educated have less chance of becoming a child bride than the girls with less education.

The government of Rajasthan has launched many policies to address the issue of child marriage. In the areas of education, the "Sarva Shiksha Abhiyan" and "Rashtriya Madhyamik Shiksha Abhiyan" schemes have helped in increasing the access for girls to primary and secondary education. Residential schools like KGBV's and the Sarva Girls Hostels have enhanced access for children from vulnerable groups.

To empower the girls and address the issue of discrimination, there are schemes like SABLA and Kishori Shakti Yojana to provide the adolescents girls facilities related to health, nutrition, education and vocational training. In areas of sex selection and to promote girl's education, there has been implementation of *Beti Bachao, Beti Padhao* scheme in the 14 districts of the state. In order to reduce the abuses, vulnerabilities and exploitation of the girl children, the government has introduced the Integrated Child Protection Scheme (ICPS). Moreover, the government has also been providing cash incentives to girls enrolled in class 1-12 of below poverty line households, who are orphans or have one surviving parent.

According to the National Family Health Survey 2020-2021, the cases of child marriages have come down from 35.4% to 25.4% as compared to the year 2015-16. But there has not been much change in the rural areas with 28.3% of girls married prior to reaching the age of 18 years as compared to their counterparts with 15.1%. Few of the cases were prevented with timely intervention but in reality it is just the tip of the iceberg, as many of the cases go unreported. The numbers have actually raised post-COVID-19 pandemic as per the field researches and interviews held by the NGOs. The prime reasons behind this are the financial uncertainties and vulnerabilities. All these aggravated the problems of the low income families, due to the economical burden and safety of their daughters they married them early.

Andhra Pradesh: Case Study

Andhra Pradesh a south-eastern state of India. The state always had almost equal female population ever since 1901, 997 per every 1000 male as per census 2011. But the orthodox societal norms have limited women's role in the development of the state. As per the Wheelbox India Skills



Report (2023) Andhra Pradesh stands at top in terms of Women workforce, in spite of this women face discrimination in terms of literacy and pay gap. The state has a literacy rate of 66.4%(NSSO (2017-18)) but we look at the individual statistics, there's near 14% difference between the male and female literacy rate that us 73.4% and 59.5% respectively, the picture is even worse in rural area with literacy rate of 53.4%.

In the instances of early marriages, Andhra Pradesh tops among the south- Indian states as per the NFHS-5 which got worse during the pandemic. A study by an NGO Child Rights and You (CRY) reveals that 52% of the families performed child marriage as a customary practice, of which there were high instances in the rural areas as compared to the urban areas. About 97% of the brides were married between the ages of 15- 17 years and around 78% of these child brides become mothers in their teens. Majority of the teen mothers gave birth to infants with low birth weight and premature babies; as their girls are too young both mentally and physically to give birth, many of them die due to the complications during the pregnancy and child birth. The condition becomes even worse when these young mothers are abandoned by their after giving birth to two girls.

The main drivers behind this are estimated to be lack of education, lack of infrastructure in the villages which include roads, transportation, schools and hospital; lack of good income source; superstitions and old traditions blindly followed by the people. In addition to this poor security for women, single mothers depending on their family, broken families and migration are the main reasons contributing in the cases of child marriages. This not only affects the girl's future but also puts the society into a vicious cycle of poverty, perpetuates gender discrimination, malnutrition, high infant and maternal mortality rates.

The girl Child Protection of the government of Andhra Pradesh and Telangana aims at reducing preventing gender discrimination through women empowerment and protection of rights of girl children through direct investment from government. The Kalyanamastu scheme launched by the government is aimed to discourage child marriage and school dropouts in the state. According to the international findings of "Young Lives" girls who are married faced worse outcomes as compared to the girls married at a later age. Once, married it is difficult for them to continue their education, which makes their future uncertain as it reduces the chance of getting a decent job and gain financial independence. The government has also set up a "Child marriage prohibition and monitoring committee" mandatory for every village, members of this committee will be drawn from the revenue department, local government, women self help groups etc. The CMPOS can initiate legal action and cause registration of cases under appropriate provisions of the Act. They will also be responsible to formulate strategies for identification, rescue, rehabilitation and reintegration of victims of child marriages. They should also carry sensitization and awareness drive.

A total of 175 child marriages were stopped in the past five years in Vishakapatnam. Around 37 cases were reported in the past two years, highest being in 2019 that are 56 cases, there was also huge underreporting of cases which makes it difficult to keep a track on this evil practice. Though, there have been considerable changes in terms of female enrollment in educational institutions, the gap in enrollment is decreasing slowly but the benefits still reach a few sections of the society. While the employment opportunities for women has improved because of the subsequent policies and programmes but there has not been much improvement when it comes pay parity. The average daily wage received by the women casual labourers in both rural and urban areas are Rs. 379 and 273 respectively, while for men it stands at Rs. 519 and Rs 488 for urban and rural areas respectively.



The main challenges before the government are under reporting of cases, lack of awareness among the people in villages, interference of the caste leaders and parents etc.

Conclusion

Child marriage is the one of the major social issues affecting our society. It restricts the rights of the children to study, learn and grow. The children are burdened with such huge responsibility at a very young age. Despite of successive legislations being passed by the government and banning the practice to this effect, the illegal practice is still prevalent in India and rest of the world. This practice is not just restricted to one region, sect or religion but has been prevalent across all the regions and religions.

Comparing the northern and southern state, we found out that the reasons behind the prevalence of child marriage are illiteracy among women which makes them dependent on the male counterparts; financial backwardness unable to sustain the family; believe in old social norms and practices; gender discrimination; influence of caste leaders. The central government and the respective state governments have been implementing various schemes and programme to tackle the issue and to completely eradicate it. But there are many challenges that obstruct the benefits from reaching the people. If we look towards the northern part the challenges are- lack of proper governance at the village level, most of the decision making is done by the caste and religious leaders; deep rooted patriarchy which prevents women from decision making; seeing girls as a financial obligation; son preference etc. Towards the south, the challenges are more or less same but southern states have always witnessed an almost same female population as male, the main issue here related to money and lack of necessary infrastructure in the rural areas.

Hence, to tackle the issue of the early teen marriages, the government needs to make sure that along with the introduction of subsequent policies and programmes there's proper infrastructure like health centers, roads, schools in all the regions especially the socially and economically backward areas; creating awareness and counseling sessions in the villages; giving economic incentives to the poorer families; and lastly proper monitoring these changes.

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