



## Voice of the Child- The Issues of Child Marriages in India

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**Abstract:** *Children are bestowed with special rights owing to their unique needs like right to association with both parents; right to basic needs such as physical protection, education, health care and the likes. Legally, children who are considered as minors are not given autonomy or rights to take their own decisions for themselves; instead their adult caretakers are entrusted with the authority to handle these issues. On the other hand, being innocent and unaware of their own rights, children become vulnerable to adult exploitation, abuse and violence that leave an un-erasable blot on the child's life. Child marriages are one of the serious child rights' violations that affect every stage of the girl's life and it has a devastating and far reaching impact on the boy's life too pushing them into cycles of penury, un-education and ill-health. Premature nuptials do take place in India especially in rural and backward communities where it is treated as quite common. This article discusses the factors that contributed to the birth of the practice of child marriages in India and also throws light on the negative implications of child marriages and tries to analyze the factors leading to the continuation of this practice in our country in spite of the existence of legal frameworks prohibiting this social evil.*

**Key words:** age factors, child, child marriage, culture, socio economic factors.

**1. Introduction:** Human rights are rights conferred to an individual irrespective of gender, race, nationality or religion. These are moral standards of human behavior which are protected as legal rights by jurisdiction. These are the universal rights which help a person live as a human with the dignity he/she deserves. They ensure that every human being is given a fair and proper treatment. Child rights which are a part of human rights are applicable only to children. Owing to their unique needs, children are bestowed with special rights to let them have a camaraderie in which they exercise their own faculty and gives them the required freedom to develop to their full potential and to promote their wellbeing. The United Nations convention on the rights of the child is a

Human rights treaty which speaks about all the rights that children have. According to this convention, a child is any person who is under the age of 18years and all children are entitled to the rights enlisted in this convention. This convention has been ratified by many governments in the world which means that these governments have agreed to ensure the availability of all the rights listed in the convention to all children in their respective countries. Accordingly, Government of India has framed certain laws for protection of Child Rights. The constitution of India by itself accords rights to children treating them as citizens of the country. The Government of India has made certain amendments to the Indian constitution to ensure child's rights. For



example, Article 21A preaches Right to free and compulsory elementary education for all children in the 6-14years age group. Similarly Article 39F of Indian constitution bestows the right to equal opportunities, facilities and conditions for healthy development of child and protection of childhood and youth against exploitation and moral and material abandonment. In spite of several such legislations, still there exist some age old practices that invade children's rights which leave an unerasable blot and affect every stage of the individual's life.

Child marriage is one of such practices which is prevalent in many countries, a practice that has emerged as a global problem cutting across countries, ethnicities, cultures and religions. Premature nuptials involving at least one child under the age of 18years occur throughout the world. However most of the reports are seen from South Asia, Africa, and Latin America.<sup>7</sup> According to a study by UNICEF, India ranks 11<sup>th</sup> amongst nations with highest rates of child marriages.<sup>15</sup>

## 2. Indian law and child marriage:

The child marriage restraint act 1929 defines a child marriage as one where a woman below the age of 15years or a man below the age of 18years is married. Post-independence, this law has been revised several times and in 1978 the marriage age was raised to 18years for a woman and 21years for a man.<sup>8</sup>

The latest updation of the definition of child marriage was done in "The Prohibition of Child Marriage Act of 2006", which applies to all non-Muslim Indians of India and outside the state of Jammu and Kashmir. The Prohibition of Child Marriage Act of 2006 defines "child marriage" as a marriage, or a marriage

about to be solemnized, to which either of the contracting parties is a child; and **child** for purposes of marriage is defined based on gender of the person - for a male, it is 21years of age, and for a female, it is 18years of age.<sup>12</sup>

## 3. Historical background of child marriages in India:

The origin of child marriages in India is a controversial subject. According to one school of thought, Muslim invasions dating back to 1000 years ago created a scenario where invaders raped unmarried Hindu girls and carried them as booty prompting Hindu communities to marry off their daughters early as a measure to protect them. Another school of thought opines that the practice of child marriages in India was prevalent even before 19<sup>th</sup> century and poverty and dowry were often the driving forces for such practice. During the age of maharajas, girls were married off at younger age to establish military alliances between kingdoms. Commoners too followed the same footsteps by performing child marriages to strengthen family relations and bonds.<sup>13, 10, 11, 1</sup>

Whatever be the reason for the origin, this practice has become a social evil jeopardizing education, health and wellbeing of the child. It increases the risk of depression, sexually transmitted infections and maternal mortality. The offspring born out of child marriages are at an increased risk of premature birth and infant death. In the present scenario most of the reported child marriages involve child brides, hailing from poor socio-economic conditions. Age-old beliefs and traditions based on gender inequality are often seen justifying within families that becoming a wife and mother only gives totality to a women's life.



#### **4. Facts and figures of child marriages in India:**

According to an NHFS survey India contributes to about 40% of the world's child brides with more child marriages occurring in rural areas compared to urban areas. Looking at the geographical distribution of the percentage of child marriages, Bihar reports the highest percentage of child marriages while the lowest has been reported from Himachal Pradesh. The maximum prevalence of this practice could be seen along the east west corridor states from Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar and Jharkhand. Whereas reports from surveys in the united Andhra Pradesh show 51.8 percent women in the age group of 20-24years have been child brides.<sup>2, 9, 5, 15</sup>

#### **5. Factors driving child marriages:**

Poverty, gender inequality, reinforcement of social ties amidst families, fear of security for the girl child and a belief of ensuring the financial security of the girl's future by way of child marriage into a "good family" are the main driving forces for child marriages.

#### **6. Impacts of child marriages on the child brides:**

**6.1. Health risks:** Child brides are more associated with health related risks, more specifically due to early deliveries. They are less likely to be informed about reproductive issues and as a consequence of these face pregnancy related complications, gynecological issues, still births, miscarriages and become a part of high risk groups for sexually transmissible diseases.

**6.2. Infant health:** Infants born to mothers who are below the age of 18years are more likely to show infant deaths within the first one year

compared to babies born to women above 18years of age.<sup>14, 4</sup>

**6.3. Effect on their mental health:** Girls once married off are sent off with their groom's family where they immediately assume the role of wife, daughter in law and are busily embroiled with the responsibility of managing household chores. They are forced by circumstances to forgo their childhood, opportunity to play and mingle with children of their age group and eventually to enjoy the life. Sometimes they bound themselves into believing that accepting the present changes in life and managing the burden of household chores efficiently and meeting the demands of their family and husband is the only way which can keep them happy in their married lives forever. Eventually they feel rejected, depressed and isolated.

**6.4. Violence:** Young girls are more likely to experience violence in their marital life due to unawareness and innocence. Reports of physical abuse of girls in the name of marriages are often seen in young brides. Young brides are disempowered due to uneducation and often have little power in decision making in familial issues and often become vulnerable to physical, sexual and psychological abuse and abandonment.

**6.5. Effect on Women empowerment:** Child brides often drop out of the school early and they are less likely to receive required formal education rendering them remain uneducated. Majority of women who are married off below the age of 18years have limited decision making in different dimensions of life compared to older women. Adolescent girls are given less latitude for mobility in public places. Their movement in society is restricted unless they are flanked by some elder



member of the family. This forces the girls to lead a dependent life forever on their husbands and family members and makes them deprived of their fundamental rights to health, education and safety.

**7. Impact of child marriages on child grooms:** Though the effects of child marriage on boys are less spoken, child grooms do suffer from the consequences of early marriage. The practice of child marriage is not just bad for girls but it is bad for boys too. Boys married off early are compelled to take up an employment and thus are bound to leave the school early. They are thus deprived of education pushing them into illiteracy and under pressure to feed their family they are compelled to take up petty jobs thus pushing them into vicious circles of poverty. Once they become fathers they are more likely to advocate patriarchal systems and traditional behavior in turn.

#### **8. Laws against child marriages:**

**8.1. The child marriage restraint act 1929 or Sarda act:** This act which came into vogue from 1 April 1930, was mostly framed to protect girls from child marriages. The act defines child as follows- a male person under the age of 21years is treated as a male child while girl below the age of 18years is treated as female child. The act has framed punishments such as imprisonment or fine or both for men who marry child brides. It has also framed guidelines for giving punishment to any person who performs a child marriage including parents of the bride and groom.

**8.2. The prohibition of child marriage act 2006:** The Government of India framed prohibition of child marriage act or PCMA 2006 in order to

rectify the shortcomings in Child marriage restraint act 1926.

The definition for a male child and female child are less than 21years and 18years respectively. However this act provides an opportunity to child brides and grooms who are forced into child marriages to make their marriage null and void up to 2 years after child marriage and before they reach their adulthood. The punishment for marrying a child bride or performing a child marriage has been raised to two years imprisonment or fine. As per a Delhi High Court ruling the PCMA 2006 is applicable to all citizens of India including Muslims.<sup>6</sup>

#### **9. Prevention programs initiated by Government of India:**

**9.1. Apni Beti Apna Dhan (ABAD):** It is one of the first "conditional cash transfer program" successfully implemented by Government of India for the first time in Haryana in 1994. Under this scheme, the government pays a fixed amount to meet the post-delivery charges for the mother who gives birth to a girl child. Also the government opens a fixed deposit in the name of the girl child at the time of her birth, the amount in this fixed deposit can be encashed only after the girl attains 18years age and is unmarried by then.

**9.2. Dhanlakshmi scheme:** This scheme is initiated by the governments of united Andhra Pradesh, Bihar, Orissa and Punjab and it was launched on 3<sup>rd</sup> March 2008 as a pilot scheme. The scheme provides a set of staggered conditional cash transfers to encourage parents to retain girl child, educate her and do not indulge in child marriage of the girl. This scheme provides a series of staggered conditional cash transfers provided the following conditions are satisfied:



- The girl child born after 19<sup>th</sup> November 2008 are eligible, after registration of birth
- On immunization
- On enrolment in school and retention in school till Standard
- An insurance maturity cover of Rs.1Lakh is given to the girl child if she remains unmarried till the age of 18 years
- The scheme will apply to all girl children irrespective of their socio-economic status and the number of girl children in the family
- The scheme will apply to only those girls who have a domicile status in the selected blocks where the pilot program was launched.

In united Andhra Pradesh this scheme is being implemented in Aswaraopeta block in Khammam district and Narsampeta block in Warangal district. Both these blocks are backward areas with low literacy levels, poor access to health services and a high incidence of child marriage

**10. Conclusion:** Child marriages destroy the joy of childhood and spoil the future prospects of education to the child bride and groom and also impact the health of child mothers and their infants. The major contributing reason for child marriages is poverty and social beliefs. Promoting education, raising awareness, engaging local and religious leaders to preach against child marriages, providing employment opportunities are steps that go a long way to prevent child marriages. Governments can initiate more policies aimed at educating communities in backward regions and offer incentives to encourage parents to promote girl child education can also help in stopping this evil practice.

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