

CAUSES AND PREVENTION OF CHILD MARRIAGE IN INDIA

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Abstract: *UN Women has proposed that child marriage be defined as a forced marriage because they believe children under age 18 are incapable of giving a legally valid consent. Child marriage in India, according to the Indian law, is a marriage where either the woman is below age 18 or the man is below age 21. Most child marriages involve underage women, many of whom are in poor socio-economic conditions. The Census of India has counted and reported married women by age, with proportion of females in child marriage falling in each 10 year census period since 1981. In its 2001 census report, India stated zero married girls below age 10, 1.4 million married girls out of 59.2 million girls aged 10–14, and 11.3 million married girls out of 46.3 million girls aged 15–19. Child marriage was outlawed in 1929, under Indian law. However, in the British colonial times, the legal minimum age of marriage was set at 15 for girls and 18 for boys. Under protests from Muslim organizations in the undivided British India, a personal law Shariat Act was passed in 1937 that allowed child marriages with consent from girl's guardian.*

The Paper lists out reasons for child marriages, its societal impact and Government initiatives to prevent child marriages.

Keywords: *Child Marriage, Socio-economic conditions, Census, Shariat, Society.*

1.0 Introduction

UNICEF defines child marriage as a formal marriage or informal union before 18 years of age. UN Women has proposed that child marriage be defined as a forced marriage because they believe children under age 18 are incapable of giving a legally valid consent.

The literature identifies many interrelated factors almost similar worldwide with small variations between societies that interact to place a girl child at risk of early marriage. Those factors include among others, search for economic survival, protection of young girls, peer group and family pressure, controlling female behaviour and sexuality, wars and civil conflicts, maximization of fertility where infant mortality is very high (The working group 2000; UNICEF2001; Mathur et al. 2003)

The definition of child marriage was last updated by India with its The Prohibition of Child Marriage Act of 2006, which applies only (a) to Hindus, Christians, Jains, Buddhists and those who are non-Muslims of India, and (b) outside the state of Jammu and Kashmir. For Muslims of India, child marriage definition and regulations based on Sharia and Nikah has been claimed as a personal law subject.

2.0 Challenges to eradicating child marriage

There are many causes of child marriage in India and multiple barriers to its elimination. Poverty, weak enforcement of laws, patriarchal social norms intended to ensure family honour are significant factors that increase the risk of girl being married off while still a child. Also, girls from poor households are more likely to marry as children, since marriage becomes a solution to reduce the size of the family. The cost of marriage plays a big role in families sliding further into poverty, and these high costs contribute to girls being forced to marry when other ceremonies are taking place in the family or when older siblings are being married.

3.0 Origin and causes of child marriage

Dowry is a practice in India where the bride's family transfers wealth to the groom; in many cases, it is a demand and condition of marriage from the groom's family. Dowry is found among all religious faiths in India, and the amount of dowry demanded and given by the bride's family has been correlated to the age of girl. Nagi, in 1993, suggested that the practice of dowry creates a fear and pressure to avoid late marriages, and encourages early marriage.

Poverty in India has been cited as a cause of early marriages. Child marriages of girls are a way out of desperate economic conditions, and way to reduce the expenses of a poor family.

4.0 Major reasons for child marriage

4.1 Limited education opportunities, low quality of education, inadequate infrastructure, lack of transport and therefore concerns about girls' safety while travelling to school significantly contribute to keeping girls out of school and therefore tend to favour child marriage.

4.2 Although there is widespread awareness of the Prohibition of Child Marriage Act 2006 (PCMA) and the illegality of child marriage, individually people feel that the traditions and norms are stronger than the law and the institutions and rarely report cases. On top of this, there is limited capacity among officials and lack of willingness to go against community decisions, since officials are themselves part of the community.

4.3 Girls are often seen as a liability with limited economic role. Women's work is confined to the household and is not valued. In addition, there is the problem of dowry. Despite the fact that dowry has been prohibited for five decades (Dowry Prohibition Act, 1961), it is still common for parents of girls in India to give gifts to the groom and /or his family either in cash or kind.

5.0 Government strategy and action for preventing child marriage

The Ministry of Women and Child Development, as the nodal agency for women and children, has developed a convergent national strategy and is currently drafting a plan of action on child marriage to guide all states in the implementation of strategies to prevent the problem. Key components of the strategy and draft action plan include: law enforcement, quality education and other opportunities, changing mind-sets and social norms, empowering adolescents, producing and sharing knowledge and data, and monitoring.

The Government of India is also implementing national programmes aimed at protecting and promoting the development of children, while states are supporting these initiatives through state-level schemes. However, many of the programmes focus on addressing financial vulnerability through cash transfer schemes to keep girls in school.

At the same time, there is a legal framework to prevent child marriage and protect children:

5.1The Prohibition of Child Marriage Act, 2006 makes it illegal for girls to marry under 18 years and for boys less than 21 years. Child marriage can be made voidable by the child but within two years of becoming an adult.

5.2Child marriage is a punishable offence with a fine up to INR 100,000, or up to two years of imprisonment, or both. It is a non-cognizable and non-bailable offence.

5.3Dowry was prohibited in 1961 by the Dowry Prohibition Act, with a fine up to INR 15,000, or the dowry amount, whichever is higher, and imprisonment for between six months and five years.

5.4Other laws that may provide protection to a child bride include the Juvenile Justice (Care and Protection of Children) Act, 2000, the Domestic Violence Act, 2005, and the Protection of Children from Sexual Offences Act, 2012.

6.0 Participation and Decision-Making

A girl has voice and agency when she can make decisions about her life and act on those decisions without fear of retribution or violence (Klugman al. 2014). Related closely to lack of voice and agency, and rooted in gender inequality, is alienation from participation and decision making about issues in one's own life, as well as those facing a household, family, or community. Married girls are typically out of school, and most have little to no say in decisions about whether they should continue or return to school, limiting their literacy, numeracy, and financial skills (Malhotra et al. 2011; Plan UK 2011; Vogelstein 2013).

7.0 Societal impact of child marriage

7.1 Education and economy

Because they are married early, little or no focus is given to their education, going grossly against the adage, "educate a woman and you educate a family, educate a family and you educate a nation." Pulling out of the future generations from schools perpetuates the cycle of poverty and thereby, curtails the overall economic growth of the nation. Women with higher levels of schooling are less likely to marry early.

7.2 Sexuality and violence

Young girls with low levels of education are more likely to experience violence by an intimate partner. A young girl who is still struggling to understand her own anatomy is forced to make conjugal relations and often show signs of post-traumatic stress and depression owing to sexual abuse by her older partner. Neither their bodies are prepared nor their innocent little minds. Forced sexual encounters lead to irreversible physical damage. The psychological damage cannot even be comprehended.

8.0 Health and related outcomes

8.1 Early child bearing and unwanted pregnancies:

Young girls who get married will most likely be forced into having sexual intercourse with their, usually much older, husbands. This has severe negative health consequences as the girl is often not psychologically, physically and sexually mature. Early marriage is associated with early child bearing. Young married girls are under tremendous pressure to prove their fertility in the first year of marriage. Girls, who marry young, inevitably have children early, and have many children, because their knowledge of contraception is poor and their power to negotiate its use is weak.

8.2 Domestic violence and sexual abuse:

As young girls are often married to men who are much older than themselves, the age difference tends to reinforce the powerlessness of the girl, who is thus at greater risk of abuse and less likely to assert herself. Young married girls are more likely to be beaten or threatened and more likely to believe that a husband might sometimes be justified in beating his wife. Women who believe that are more likely to have been married before age 18 than those who believe that there is never justification. Child brides are often more susceptible to domestic violence. (USAID Gender Assessment, 2003-2005). In Egypt, data indicates that 29% of married adolescents were beaten by their spouses—or their spouses and others. Of these, 41% were beaten when they were pregnant. (Population Council, 2000 cited by ICRW, 2008).

9.0 Effect of child marriage on girl's education

The school is the most important institution outside the family involved in socializing young people into all dimensions of adult roles and responsibilities. More years of schooling have been associated with many positive outcomes, including later ages of marriage, lower fertility, and healthier and better educated children, economic development. However, early marriage inevitably denies children of school age their right to the education they need for their personal development their preparation for adulthood, and their effective contribution to the future wellbeing of their family and society.

Educated women are more likely to have a say in decision-making regarding the size of their families and the spacing of their children. They are also likely to be more informed and knowledgeable about contraception and the healthcare needs of their children. Adolescent girls who marry outside their communities tend to lose the close friendships they had formed in their parental homes, and often become quiet and subdued. This means that even where girls have developed social networks they are unable to access them from their marital community.

10.0 Child marriage as developmental challenge

Early marriage stands in direct conflict with the objectives of the Millennium Development Goals (MDGs), (Mathur 2003). It threatens the achievement of the first six goals respectively, eradicating extreme poverty and hunger, achieving universal primary education, promoting gender equality and empowering women, reducing child mortality, improving maternal health and combating HIV/AIDS, malaria and other diseases, (UN 2007).

Early marriage is associated with high fertility. However, one reason for a poverty trap is a demographic trap, when impoverished families choose to have lots of children. According to Sachs (2005), high fertility rates in one generation, therefore, tend to lead to impoverished of the children and high fertility in the following generation as well.

UNICEF (1994) argues that it is not only the girls that pay for early marriage but that society also pays. Population pressure, health care costs and lost opportunities of human development are just a few of the growing burdens that society because of early marriage. Malhotra

and Mather (1997) argue that there is a close link between delayed marriage and adult earnings. Early marriage can, therefore, be a significant barrier for communities seeking to raise education levels and break the cycle of poverty.

11.0 Conclusion

Early marriage is intrinsically linked to low levels of education, high levels of violence and abuse, social isolation, severe health risks and harmful power dynamics and results in increased gender inequality and vulnerability to poverty for girls, young women, families and the society as a whole. Girls who bear children early have more dangerous, difficult, and complicated births, and tend to have less healthy and less well-educated children than their peers who marry later. Adolescent mothers are at significantly higher risk of maternal mortality and morbidity than mothers just a few years older, which comes with a wide range of economic and social costs and impacts at the individual and household levels.

In short, the economic impacts and cost of child marriage are likely to be very high for the girls who marry early, their children, their families, their communities, and society at large. Educating girls seems to be the ideal solution since, if sufficiently prolonged; it helps to delay age of marriage, and confers other benefits as well.

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