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ASSAM'S DRIVE AGAINST CHILD MARRIAGE: A CRACKDOWN

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Abstract:

A Child is a young human being who is typically under the age of puberty are characterized by their curiosity, innocence and ongoing physical, mental and emotional development. According to Section 2 (b) of the Act "*child marriage*" means a marriage to which either of the contracting parties is a child. Contracting party to a marriage means either of the parties whose marriage is thereby solemnized. India has the fourteenth-highest rate of child marriage in the world, according to the International Center for research on Women. There are many causes of child marriage like poverty, illiteracy, gender discrimination, lack of opportunities etc. The issue of child marriage cannot be resolved by rigorous legal measures as the Assam Government has taken up crackdown against child marriage. It is a societal issue that requires public awareness. It can be managed up to a degree, but it cannot be eliminated forcibly. Child marriage is one of the societal problems that cannot be effectively controlled without society's help.

Keywords: Child marriage, crackdown, gender.

Introduction:

A Child is a young human being who is typically under the age of puberty are characterized by their curiosity, innocence and ongoing physical, mental and emotional development. Children are the foundation of a country's future. Investing in their education, health and well-being nurtures a skilled, responsible, and innovative generation that drives progress, contribution positively to society and shapes a nation's success. They carry the values, knowledge and skill necessary for a country's growth and development. So, it is our responsibility towards them in ensuring their safety, education, health and emotional well-being. It's about creating a nurturing environment where they can thrive, feel loved and have access to opportunities for a brighter future. Whether it is through education, protection from harm or providing mentorship, our action plays a significant role in shaping their lives.

Objectives of Study:

The objective of this paper is to study the cases of Child marriage in Assam before and after crackdown

Methodology:

As the objectives of the study is about before and after effect, Comparative method has been used to study my research topic.

Child Marriage:

According to Section 2(a) of the Child Marriage Restraint act, "**child**" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age.

According to Section 2 (b) of the Act "**child marriage**" means a marriage to which either of the contracting parties is a child. Contracting party to a marriage means either of the parties whose marriage is thereby solemnized.

Child marriage is a practice where one or both parties involved in a marriage are below the age of 18 years. It's a harmful social custom that denies children their rights, often leading to health issues, interrupted education, and perpetuation of poverty. Efforts to raise awareness and enforce laws against child marriage are crucial to combating this problem. Child marriage is illegal and it is a crime. It is a marriage where one or both persons are not adults. Child marriage had both sociological and psychological affect on boys and girls. But the affect is more intense on girls because when a girl lives with a man and takes on the role of caregiver for him, the assumption is often that she has become an adult woman, even if she has not yet reached the age of 18 years. She is required to perform heavy amounts of domestic work, under pressure to demonstrate fertility, and responsible for raising children, constrained in decision making and reduced life choices.

Child Marriage in India:

It is estimated that there are around 24 million child brides in India. The National Family Health Survey estimates 40% of the 60 million child marriages worldwide occur in India. According to UNICEF, girls who marry before 18 are more likely to experience domestic violence and less likely to remain in school. They have worse economic and health outcomes than their unmarried peers, which are eventually passed down to their own children, further straining a country's capacity to provide quality health and education services.

India has the fourteenth-highest rate of child marriage in the world, according to the International Center for research on Women.

Different marriage traditions and customs exist throughout regions, castes, tribes. The north-west of the country has greater rates of child marriage than the southeast.

The states with the highest rates of child marriage include Bihar, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh and Karnataka.

There are many reasons for child marriage in India: Regressive customs and religious norms, poverty, lack of education, fake certificates of age, etc.

Laws relating to Prohibition of Child Marriage in India:

Prohibition of Child Marriage Act, 2006: A new legislation was enacted to replace the *Child Marriage Restraint Act, 1929*, which was enacted in the form of *Prohibition of Child Marriage Act, 2006*. According to the Prohibition of Child Marriage Act, 2006, the legal age for marriage is 18 years for a female, and 21 years for a male. A decree of nullity can be obtained by a girl who has entered into a child marriage, but within 2 years of attaining the age of 18. This Act prevents child marriages with enhanced punishments of rigorous imprisonment for two years and fine of rupees 1 lakh. This Act also provides measures for maintenance of girl child. In such cases, the husband is liable to pay the maintenance in case he is a major. In case the husband is minor, his parents would be liable to pay the maintenance. The legal status of a child marriage is voidable at the will or option of the parties. But, if the consent is obtained illegally through fraud, deceit or if the child is enticed away from his/her lawful guardians, and if the main purpose is to use the child for trafficking or other immoral purposes, the marriage would automatically be void. The Act also have the power to appoint a Child Marriage Prohibition Officer whose duty is to prevent child marriages and spread awareness regarding the same.

Hindu Marriage Act, 1956: According to the Hindu Marriage Act, 1956, only the parties to a child marriage are punishable even if they did not consent to such marriage. In this act, there are no provisions for punishing the parents or people who solemnized the marriage. A girl has the right to get the marriage annulled only if she was married off before attaining the age of 15 and she challenges the marriage before turning 18, but there is no express provision to prohibit child marriage per se.

Child marriage in Assam:

Assam has the highest maternal rate in India-i.e. 195 deaths/1 lakh live births. Comparatively, the national average in 97 it is lagging behind when it comes to Institutional delivery according to NFHS-5. 32% of the women get married before the legal minimum age. This is higher than the national average of 25%. less than 30% women of the age group 15-49 have completed 10years in education, compared to national average of 41% this lacking is visible in women representation in workforce, 17% employed in non-agricultural occupation. Comparatively, 53% of men employed in these jobs

According to a report by the health department, in Assam, an average of 31% of girls are married off by their families before reaching the legal marriage age of 18 years. Nationally, this number stands at 23.3%. Dhubri has been identified as the district with the highest number of child marriages in Assam, followed by Barpeta, Nagaon, and other areas where the minority population is more prevalent. However, there have also been reports of child marriages in upper Assam's Dhemaji, Majuli, and Sivasagar districts. The Annual Health Survey Data from 2012-13 further reveals that 35% of currently married women between the ages of 20 and 24 were married before the age of 18 in Assam, while 36% of currently married men between the ages of 25 and 29 were married before the age of 21.

Causes:

There are many causes of child marriage-

- **Poverty:** Female members, mainly female children are victimized by poverty of the family. A poor family usually jeopardizes female children.
- **Social insecurity:** Many people have this perception that a married woman is safer from societal offences than an unmarried woman.
- **Gender inequality:** usually families discriminate between boys and girls. In investment on education, male children of the house are considered as the future assets and economic base of the house that will work and earn money whereas female children are considered as a burden as they do not need to work and have to look after household chores before and after marriage
- **Lack of awareness about ill effects of early marriage:** Early marriage has lots of ill effects such as early pregnancy complications, inability to plan and manage families etc.
- **Dowry:** The desire to receive a dowry is another cause of child marriage. Parents marry off their young daughters while the dowry demands are still low. As the girl grows older, dowry demands increase.
- **Lack of education:** Lack of education and awareness among the girls and their families is also one of the main causes of child marriage
- **Traditional beliefs:** People believe that early marriage will protect girls, provide security and ensure the continuity of the family lineage.
- **Lack of opportunities:** Lack of opportunities and autonomy for girls in some Indian families and communities pushes parents to marry off their daughters at an early age.

Crackdown in Assam:

Cases before Crackdown: According to The National Crime Record Bureau published data from 2017 upto 2021 the number of cases of child marriage registered under “the Prohibition of Child Marriage Act, 2006” are 2017-395, 2018-501, 2019-523, 2020-785 and 2021-1050 respectively. According to National Family Health Survey -5 the child marriage cases found during last five years are 2017-58, 2018-88, 2019-115, 2020-138 and 2021-155 respectively.

On January 2023, the Himanta Biswa Sarma- led Assam Government announced a Crackdown to stop child marriage in Assam. Under this massive crackdown, Assam police arrested over 1,039 men either on charges of marrying girls below the permissible age by law or encouraging child marriage. On September 11, Chief Minister, Himanta Biswa Sarma told the assembly that a total of 3,907 people were arrested in cases related to child marriages in the last five years, of whom 3,319 are facing charges under the POSCO Act 2012. Those who have married girls under 14 years of age are being booked under the Prohibition of Child Marriage Act and those who have married girls aged between 14 to 18 years are being booked under the Prohibition of Child Marriage Act.

The arrests were done not only to the person who has married minor but as well as those who have facilitated the illegal marriages, which are usually close relatives, Priest and Kazi too.

The main motive behind this massive crackdown is not only to end this illegal practice but also to minimize the rising infant mortality rate, which has been a side effect of child marriage.

Cases after Crackdown: After crackdown against child marriage the number of cases registered against child marriage has reduce, the teenage pregnancies in Assam has shown a drastic decline from 1.05 lakh to 40,012 in the last one year. The teenage pregnancies in Barpeta and Bajali came down from 11,449 in 2022-2023 to 4000 in 2023-2024, while the corresponding figure dropped from 12,107 to 4578 in Nagaon and Hojai. Bordering district like Dhubri, and South Salmara witnessed the highest teenage pregnancies in 2022 which has come down to 5,482 in 2023. Consequently, news reports are filled with stories of teenagers who commit themselves or bleed to death while giving birth in order to avoid having their parents or spouses being arrested. Fear and shock envelop the state as young mothers, who are typically the only providers for their families, find themselves defenseless against the unexpected arrests of their husbands. When a large number of individuals applaud legislative acts at the same time that those engaged in such activities criticize them. This crackdown will disproportionately affect the poor and minority communities. It is also feared that this may only push the problem under the radar and impede long term solution.

Ending child marriage is not a small task, but small actions can create a big change. Here are the actions we can all take:

1. Spread of Education: Education is a powerful tool for breaking the cycle of child marriage. By promoting and providing access to quality education, we can empower girls to envision a brighter future. Parents often play a pivotal role in child marriages, driven by societal pressures or misconceptions. They should be made aware about the ill effects of early marriage whether it is physical or mental trauma.
2. Promote gender equality: Achieving gender equality is fundamental to eradicating child marriage. Through awareness campaigns and community engagement, we can create an environment where girls are valued as much as boys.
3. Educate and spread awareness about Child Marriage: Social awareness is necessary because without the help of society the eradication of this practice is not possible. Communities should be well informed so that can stand against this practice.
4. Report any child marriage happening around you to the proper authorities: Community participation is essential in preventing child marriages. We should encourage individuals to report any child marriage incidents they come across.
5. Collaborate with NGOs to prevent Child Marriage: Non-Governmental Organizations (NGOs) like Kailash Satyarthi Children's Foundation (KSCF), CRY India are at the forefront of the battle against child marriage. They offer support, resources, and guidance to individuals and communities to prevent child marriages and provide a safe environment for children to grow.
6. Promise to never be a part of any event that promote s child marriage: As responsible citizens, it is crucial to refuse participation in any events that promote child marriage. By taking a stand against such practices, we can collectively work towards its eradication.
7. Educate your friends, family and community about the harmful effects of child marriage.

Findings:

Child marriage is a societal problem, so after a study it is found out that, during the crackdown huge number of people got arrested which was never happened in matter related to child marriage due to lack of report of child marriages. The data is on the basis of report that has been reported and registered but there may be many cases which went unregistered and unnoticed by the law. The data to be compared is not clearly found but the subsequent fall of cases of child marriage and teen pregnancies data by NFHS-5 after the crackdown is seen which may look positive but as many social causes like poverty, illiteracy, gender disparity etc. are related to this evil practice people may hide such crime in fear of being arrested and continue this crime in backdrop. We cannot change what has already happened but it is a lesson to the coming generation that, to protect the future of the nation the govt can take up any steps under the law of the constitution to eradicate such evil practices in society. To completely eradicate this problem the possible remedies should be taken into consideration with utmost importance. Because if the poverty, illiteracy, gender inequality, gender stereotypes persists in the society there will be no one to report such cases.

Conclusion:

However, the issue of child marriage cannot be resolved by rigorous legal measures. It is a societal issue that requires public awareness. It can be managed up to a degree, but it cannot be eliminated forcibly. Addressing the root causes is crucial for improving the situation. Child marriage is one of the societal problems that cannot be effectively controlled without society's help.

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