

Child Marriage

Age at marriage is a significant factor in a woman's life with overall completed fertility and its relation with the status of women. Customs surrounding marriage, including the desirable age and the way in which a spouse is selected, depend on a society's view of the family – its role, structure, pattern of life, and the individual and collective responsibilities of its members. The idea and function of 'family' varies across the world and is in a state of constant evolution. According to UNICEF's "State of the World's Children-2009" report, 47% of India's women aged 20-24 were married before the legal age of 18, with 56% in rural area. The report also showed that 40% of the world's child marriages occur in India. Child marriage is probably the most common regularly occurring socially approved violation of human rights. In most contexts, acceptability of teenage pregnancy is associated with marriage. In several countries of Sub-Saharan Africa, adolescent fertility is sanctioned and valued within marriage, but strongly condemned when out of wedlock. While mean age at menarche has been falling, both the mean age at first marriage and at the first intercourse has been rising, resulting in an extended period of possible exposure to adolescent pregnancy.

Every year, millions of girls disappear into early marriage- defined as formal marriages, or customary and statutory unions as marriage, before the age of 18. On marrying, a girl is expected to set aside her childhood and assume the role of a woman, embarking immediately upon a life that includes sex, motherhood and all household duties traditionally expected of a wife. Although early marriage sometimes extends to boys as well, the number of girls involved is far greater. According to an analysis of household survey data for 49 developing countries conducted by UNICEF in 2005, 48% of South Asian females aged 15 to 24 had married before age

18. A girl is still considered a child under the Convention on the Rights of the Child, except in countries where the age of majority is lower. The corresponding figures in the 29 countries surveyed for Africa and 8 countries for Latin America and the Caribbean are 42% and 20%, respectively. The incidence varies widely between countries as well as continents. In sub-Saharan African countries surveyed, for instance, Niger had the highest rate of women between 20-24 who were married by age 18(77%); in contrast, this rate dropped to 8% in South Africa.

Early marriage is practiced as in India, it is usually a long-established tradition, making protest not just difficult but barely possible. Early marriage tends to ensure that a woman is firmly under male control, living in her husband's household, and also supposedly guards against premarital sex for women. In many societies, the independence that can emerge during adolescence is seen as an undesirable attribute in women, who are expected to be subservient: Early marriage is therefore convenient because it effectively cancels out the adolescent period, quenching the sparks of autonomy and strangling the developing sense of self.

The origin of child marriages may be found in the Muslim invasions that began more than 1000 years ago. Researchers say that the invaders raped unmarried Hindu girls or carried them off as booty, prompting Hindus to marry off their daughters almost from birth to protect them. Today, these invaders have been replaced by superstition. They feel that any girl reaching puberty, without getting married will fall prey to sexual depredations. Some people think that sex with a fresh girl can cure sex diseases like syphilis, gonorrhoea, sexually transmitted diseases like AIDA, HIV etc. In India, children are forced to make relationship about which they did not know. To push two physiological and emotionally ill-prepared individuals into marriage is a compassionless way of looking at relationships.

Conventionally in India the normative framework of the right of marry does not reflect woman's autonomy and decision making in the realm of relationship per se and more specially in terms of marriage, the different dimensions of the right to choose if, when, and whom to marry. Digression from this leads to sanctions and violations by the family and the community reinforcing the pressures with regards to marriage whether child marriage, practices of forced marriage (forcing a person to marry per se or marry a person of a family's choice, denying a person's right to marry to her own free will, a person of her own choice), adultery and bigamy. India, according to CEDAW shadow report, still operates against a "backdrop of feudalistic and patriarchal cultural norms and institutions, regardless of law, child marriages are still being practiced".

Due to the poor nutritional status of the average Indian adolescent, the biological onset of adolescence may occur later compared with other developed countries. However, marriage and consequently the onset of sexual activity and fertility occur earlier in India than in other regions of the world. The system usually exerts tremendous pressure on girls to get married upon reaching menarche. Consequently, adolescent females are thrust early into adulthood, frequently soon after regular menstruation is established and before physical maturity is attained (Jejeebhoy, 1996). Fourteen percent of all girls aged 15-19 are married and about half of them are sexually active by the time they are 18 years old (International Institute of Population Science, 1995) in 1996, an average of 38% of girls in the 15-19 age group were married. In the rural areas, the percentage was even higher at 45.6%. In general, the median age at marriage is 16 years but the actual range varies from state to state. In Andhra Pradesh, Bihar, Madhya Pradesh and Rajasthan, over half of the girls in the 15-19 age groups are

married. In Haryana and Uttar Pradesh, this percentage is about 45%, whereas in Goa, Kerala, Manipur, Mizoram and Nagaland, it is less than 15%. According to “National Plan of Action for Children 2005”(published by the Department of Women and Child Development of India) a goal has been set to eliminate child marriages completely by 2010. This plan is providing to be successful, though it is very difficult to monitor every child due to our large population.

The age at marriage varies indifferent parts of India, according to different social customs and ethnic and religious groups. In rural areas, early marriage is perpetuated by traditional beliefs regarding preserving a girl’s chastity and family needs to reduce expenditure. Teenage pregnancy is therefore coming up as one of the most important social and public health problems. The practice of family planning is still very limited in this group. Most adolescent girls in rural areas being illiterate are not aware of family planning methods, and even if they are aware they do not have easy access to family planning services or fail to utilize them due to inhibitions or pressure to attain motherhood to satisfy their mothers-in-law or husbands.

A study conducted in Nepal, singled out ethnicity as the single most important factor in the determination of the timing of marriage and of the first birth, more important than education, religion, urban/rural childhood residence and ecological region. Early marriage or child marriages are still prevalent today in India the results of which are girls becoming mothers in their teens. In India, child marriage is rampant especially in Bihar, Rajasthan and Madhya Pradesh. 55% of women in India had a child before reaching the age of 20(Indian Pediatrics, January 2004), which hampers the overall growth, and development of the teenage girls. They face different physical, physiological, mental and economic problems. Girls who bear children before they close their adolescent growth spurt remain physically under developed and have greater risk of complications of pregnancy and

maternal death. This is the recent data of **early marriage** in our state Bihar is West Champaran-80%, Nawada--73%, Kamur and Rohatas --70%, Madhepura --66%, Patna--40% (Hindustan , January 2011). In May 2003, the Forum for Fact-finding Documentation and Advocacy reported more than 1000 child marriages in Sarguja. Other agencies have reported over 100 such weddings in Urla and Kumhari area of Raipur, about 70 in Rajnandgaon, and more in Kankar and Kawardha in the fortnight of April. According to the National Family Health Survey (NFHS-2), there were nearly one-third of female adolescents married compared to only 6% of male adolescents. One-third of the ever-married women aged 25-49 were married by the time they were 15 years old, and two-third were married by the age of 18. Prior to the NFHS-2, around the time of NFHS-1 also a similar situation prevailed. For the majority of women in the age-group of 25-29, the age at first cohabitation with their husbands was 17 years, but varied from 15 years in Andhra Pradesh to 23 years. Though the percentage of adolescents who are getting married before the age of 18 declining, 34% of adolescent girls are still getting married before they attain the legal age of marriage. This social evil continues even today and despite the existence of various laws and legal protections, customs continue to destroy the physical and mental growth of young children, especially girls. Child marriage in India is a reality, a barrier to the growth and development of the child.

Indian Parliament adopted the Child Marriage Restraint Act in 1978 (a revision of the British Child Marriage Prevention Act 1929) and the following amendments of 1949 setting 18 as the minimum age for women to get married and 21 for men. But like many other Indian social spheres, this law seems not sufficient to protect the rights of the poorest and most vulnerable women/girls of the society, who are the main victims of this social evil. Despite the so-called stringent laws, Indians still come across

dreadful and fearful stories of children being forced to tie the nuptial knot even before their body and mind are not ready for marital relations. Most of north Indian states still practice “gauna”, that is girls who marry early make frequent visits between the natal and nuptial places. This custom is not prevalent in other states. With modernization certain social and cultural norms restricting sexual behaviors get relaxed and it leads to increase in marital fertility. Poverty, gender discrimination and migration have a big impact on child marriage and on the health of girls and young women. A child bride cowers at her husband's feet.

Child marriages are illegal in India, but still take place. Despite new provisions having been made under the Prohibition of Child Marriage Act 2006, under which a child marriage prohibition officer must be in place at the local level, implementation is weak. The officer must ensure no child marriages takes place in their jurisdiction by approaching the courts for an injunction, collecting evidence against people, creating awareness about the negative effects of child marriage, and collecting data concerning child marriages, among other functions.

Despite awareness of the law, and of the consequences of child marriage on the sexual and reproductive health of girls and young women, the gender disparity and a disregard for women in society means there is a lack of political will to see the law to its execution at the grassroots. According to UNICEF’s State of the World’s Report 2007, “Premature pregnancy and motherhood are an inevitable consequence of child marriage. Girls under 15 are five times more likely to die during pregnancy and childbirth than women in their 20s.” Not only is pregnancy a big concern for girls who have been married young, but also the act of sex has not been demystified and reThough the state govt and social organizations are trying to enforce the Sharda Act of the Child Marriage Restraint Act 1978, which sets the minimum age of marriage, poverty and tradition obviously still weight

heavier on the minds of the locals. (The Hindustan Times, 6/5/03). Under this Act, unless there is anything repugnant in the subject or context, “child” means a person who, if a male, under 21 years of age and if a female, is under 18 years of age; “child marriage” means a marriage to which either of the contracting parties is a child, “contracting parties” to a marriage is or is about to be thereby solemnized, and “minor” means a person of either sex who is under 18 years of age. To reduce the incidence of child marriage, the Child Marriage Restraint Act, 1929 was passed and amended in 1979, 2006 and 2008. Whoever performs conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine; unless he proves that he that he had reasons to believe that the marriage was not a child marriage. The Child Marriage Act was amended in 2006 and the guardian who solemnized a child marriage can be liable to fine which may extend up to rupees one lakh. However no woman can be imprisoned. Any person who attends a child marriage can also be penalized under the Act. Under the latest amendment in 2008, a girl who is forcibly married below 18 years can approach the court to declare her marriage as null and void. Although the incidence of early marriage has come down from 50% in 1098-99 (NFHS-II) to 44.5% in 2006 (NFHS-III) for India as a whole , the incidence of early marriage remains above 60% in rural areas of Jharkhand (70.1%), Rajasthan (65.7%), Bihar (65.2%), West Bengal(62.6), Madhya Pradesh(61.4%), Uttar Pradesh(61.1%) and Chhattisgarh (60.3%). Census of India 2001 found that there were nearly 300,000 married girls who become mothers before the age 15 years. Early motherhood places the mother and the child at grave health risk.

However it arises, early marriage jeopardizes the rights of children and adolescents. The right to free and full consent to marriage is recognized in the Universal Declaration of Human Rights, while Article 16 of the

Convention on the Elimination of All Forms of Discrimination against Women stipulates that “ the betrothal remains an unpleasant act at best, or worse, an act of violence. Girls and young women's sexuality is denied all their lives and then they are suddenly pushed into a marital relationship where they are expected to satisfy their husbands and prove their fertility. The law also puts the onus for prevention of child marriage on the person performing the ceremony.

Causes of Early marriage

Many factors are responsible for the continuous prevalence of the custom of early marriages in Indian society.

***Religion**

Religion plays a key role in harmful traditions and practice of early marriage in the name of protecting girls' purity. The society in turn, instead of playing a watchdog role, is an enthusiastic participation of entrenched interests, including property and social considerations, all which make child marriages so common.

***Low level of education in females**

In India, the high rate of marriages is caused due to low level of female education. Singh *et al.* (1995] conducted a study on psycho-social, cultural and service factors affecting morbidity among rural adolescent women in Maharashtra stated that almost half of the respondents (49%) had educational attainment up to primary, only 8 per cent reported to have education above secondary school. Gupta and Khan (1996) conducted a study on baseline survey in Uttar Pradesh on teenage fertility, found that the educational level of the married teenage girls was very poor with 40 per cent of them being illiterate, 14 per cent were primary and above. Roy *et al.* (2000) indicated according to NFHS, that only 7 per cent of married women in the age group of 15-19 years have attained a higher secondary level of

education. As many as 55 per cent were illiterate in this age group and only 17 per cent have completed primary schooling.

Center for Development and Population Activities (2001) conducted a study on adolescent girls in India stated according to world youth report 1996 that the total percentage of girls enrolled in India at the secondary level in the 15-19 age group was 38 per cent. Kilaru *et al.* (2002) conducted a study on maternal health care among adolescent women. Results found that, 44.1 per cent of the adolescents were illiterates. Only 12.4 per cent of the adolescents completed their education up to 5th standard as compared to women 20+ years. Middle school education were 21.1 per cent which was lower in women (17.2%) with 20 + years, and 22.4 per cent of the adolescents completed their higher secondary education as compared to the women (25.1%) with 20 + years. Nanda (2002) carried out a study on determinants of motherhood in teenagers and fate of their pregnancy outcome. Evidence from national family health survey stated that, 48.1 per cent of teenagers were illiterate. 45.1 percent completed primary school education, 39.3 per cent completed their middle school education and 33 per cent completed their high school education. Sharma *et al.* (2002) undertook a study on determinants of pregnancy in adolescents at BP Koirala Institute of Health Sciences. They found that, majority (65.7%) of the adolescents completed their education up to primary, and followed by those who were illiterate (18.6%). Only 2 per cent of them completed their higher secondary school education and no one completed the higher education. Dhak's (2003) seminar paper on complications in pregnancy among teenage women revealed that 61.4 per cent of the illiteracy which was found in adolescent group (15-20 years) as compared to the age group of >20 years (27%). Only 30.45 per cent of teenagers had 5th to 8th standard and 1.52 per cent had above 8th standard. Results revealed that, illiteracy was high (24%) among study group (18 years) as compared to control (9.4%) group. Sharma *et al.*

(2003) undertook a study on pregnancy in adolescents, a community based study conducted by department of community medicine. Results revealed that illiteracy among (41.1%) adolescents was more common as compared to the adult group (32.3%). 43.8 per cent of the adolescents completed their primary education as compared to the adult group (33.5%). Only 15.1 per cent of the adolescents completed their higher education, which was higher among the adult (34.2%) group. From above studies, it may be concluded that, majority of the adolescents were illiterates and rest of them completed their education up to primary level and secondary school level followed by those who studied beyond secondary school level. 2.1.1.2 Education of the husband Kilaru *et al.* (2002) mentioned earlier, in their study, results revealed that, 49.1 per cent of the adolescent's husband were illiterate as compared to those husbands of women with 20 + years of age. The education up to primary and middle school was higher in husbands (11%, 12.3% respectively) of women with 20 + years as compared to the adolescent's husband (9.3%, 9.3%) respectively. Sharma *et al.* (2003) mentioned earlier, results revealed that 10.8 per cent of the adolescent's husbands were illiterate which was lower in case of adult women's husband (8.3%). It was also found that 58.4 per cent of the adult women's husband completed their high school education where as 47.3% adolescent's husband were found to have completed high school education Singh *et al.* (1995] mentioned earlier, their results revealed that majority (86.7%) of adolescents were housewives followed by those who were unskilled workers (9.4%) and skilled workers (3.9%) respectively.

***Weak laws**

Laws to restrain and prevent early marriages are weak. Despite the so-called stringent laws, child marriage is still prevalent in India. According to "National Action for Children 2005" (published by the Department of Women and Child Development in India) a goal has been set to eliminate

child marriage completely by 2010. This plan is proving to be successful, though it is still difficult to monitor every child due to the huge population in India.

***Tradition/Cultural Values**

Though India has entered into the 21st century and aims to be a developed nation by 2020, some parts of India are still grey and caught up in the old, ill and conservative traditions that have already played enough havoc with the society.

According to the opinions of the informants, as well as the results of review of relevant literature, the major reported explanations for the approval and actual practice of early marriage include the desire or need to maintain the family's good name and social standing. There is also a personal interest - mostly among fathers - to create bonds or relationships with families of choice. These customs, combined with a fear that the girl might become unmarriageable later in life and the need to ensure virginity of the girls at the time of marriage, are the driving causes of early marriage. In some cases, community members could not imagine marriage beyond younger ages. An older unmarried daughter can become a disgrace to her family, prompting community rejection of the family and victimization of the girl through verbal attacks and gossip that the family simply cannot afford to risk. However, the most important of the reported reasons for the practice is the cultural value and personal importance of witnessing the marriage of one's children (sons and daughters) and grandchildren. This is considered a mark of manhood/fatherhood. Analysis reveals that what is really sought here is not the satisfaction or well-being of the daughters, but that of the parents. It appears that a man's status in the community is greatly influenced by the success of his children, and for a girl, that means marriage. The younger generation seems to realize this and regard it as an intergenerational issue. That was why adolescents, both males and females

in the FGDs and individual interviews were highly emotional when expressing their disapproval of the practice. The fact that tradition and cultural values are the most important causes of early marriage is highly supported by the findings of quantitative data in the study described below. According to this data, the response of “Tradition” as the cause of the practice of early marriage ranked the 1st out of the 8 factors; it was reported by about 82 percent of the respondents.

Early marriage is a serious problem, which some girls, as opposed by boys, must face. The practice of giving away girls for marriage at the age of 11, 12 or 13, after which they must start producing children, is prevalent among certain ethnic groups. The principal reasons for this practice are the girl’s virginity and the bride price. Young girls are less likely to have had sexual contact and thus are believed to be virgins upon marriage; this condition raises the family status as well as the dowry to be paid by the husband. In some cases, female relatives before the marriage verify virginity. Child marriage robs a girl’s childhood; time necessary to develop physically, emotionally and psychologically. In fact, early marriage inflicts great emotional stress as the young woman is removed from her parent’s home to that of her husband and in-laws. Her husband, who will invariably be many years older to her, will have little in common with a younger teenager. It is with this strange man that she has to develop an intimate emotional and physical relationship. She is obliged to have intercourse, although physically she might not be fully developed. Girls from communities where early marriages occur are also victims of son preferential treatment and will probably be malnourished, and consequently have stunted physical growth. Neglect of discrimination against daughters, particularly in societies with strong son preference, also contributes to early marriage of girls.

It has been generally recognized at United Nations seminars on traditional practices affecting women and children, and on the basis of research, that

early marriage devalues women in some societies and that the practice continues as a result of son preference. In some countries, girls as young as few months old are promised to male suitors for marriage. Girls are fattened up, groomed, adored with jewels and kept in seclusion to make them attractive so that they can be married-off to the highest bidder. Health complications that result from early marriage include risk of operative delivery, low weight and malnutrition resulting from frequent pregnancies and lactation in the period of life when the young mothers are themselves still growing.

***Limited law enforcement activity**

Another important reason for the continuity of the practice of early marriage spite of the legal provisions is the impression among parents that the laws and their consequences pose little real threat. This is mainly due to the fact that some community members are not aware of the newly adopted criminal code which criminalizes and penalizes the practice.

***Premarital sex and pregnancy among youth**

The last, but not least, reported reason could be considered a negative impact of modernization. Unwanted pregnancy is increasing among school girls, which is regarded as a disgrace to their families. This is a genuine traditional explanation for promoting early marriage.

***Early marriage as a strategy for economic survival or Poverty**

Poverty is most important cause of early marriage due to increase the demand of dowry. Higher age, higher studies of girls require the life partner according to their status. Now they become conscious to choose their life partner which demands much dowry. So, parent thinks to marry their daughter in early age and get rid of their responsibility as soon as possible. Poverty is associated with increased rates of early marriage. Economically poor countries such as Niger and Bangladesh have far more teenage mothers compared with economically rich countries such as Switzerland and Japan.

Marriage can be seen as a survival strategy for a girl- particularly if she marries an older and wealthier husband. In West Africa, for example, a UNICEF study in year 2000 showed a correlation between economic hardship and a rise in early marriage, even among some population groups that do not normally practice it. There are also reports from East Africa that girls orphaned by HIV/AIDS are increasingly being steered towards early marriage by caregivers who find it hard to provide for them.

Poverty is one of the major factors underpinning early marriage. Where poverty is acute, a young girl may be regarded as an economic burden and her marriage to a much older – sometimes even elderly – man, a practice common in some Middle Eastern and South Asian societies, is a family survival strategy, and may even be seen as in her interests. In traditional societies in Sub-Saharan Africa, the bride's family may receive cattle from the groom, or the groom's family, as the bride price for their daughter.⁴⁶ A recent study of five very poor villages in Egypt found young girls being married off to much older men from oil-rich Middle Eastern countries via brokers.⁴⁷ In Bangladesh, poverty-stricken parents are persuaded to part with daughters through promises of marriage, or by false marriages, which are used to lure the girls into prostitution abroad.⁴⁸ In Nigeria, which is currently facing economic difficulties and political instability, age at marriage has barely risen, and in the north of the country the average age has fallen since 1990.⁴⁹ In West Africa as a whole, a recent UNICEF study shows that economic hardship is encouraging a rise in early marriage, even among some population groups that do not normally practice it.⁵⁰ Men are postponing marriage because of lack of resources, and parents have become anxious about the danger of their daughters becoming pregnant outside marriage. Thus any early opportunity for marriage may be seized upon. However it arises, early marriage jeopardizes the rights of children and adolescents. The right to free and full consent to marriage is recognized in

the Universal Declaration of Human Rights, while Article 16 of the Convention on the Elimination of All Forms of Discrimination against Women stipulates that “the betrothal and the marriage of a child shall have no legal effect...” Early marriage can put an end to all educational development and opportunities for children. All too often it is the gateway to a lifetime of domestic and sexual subservience.

One of the economic reasons behind the early marriage is the heinous practice of genital mutilation which is related to dowry. The dowry price of a woman is her exchange value in cash, kind or any other agreed form, such as a period of employment. The family of bride-to-be and her future in-laws determines this value. Both families must gain from the exchange. The woman’s in-laws want an extra pair of hands and children; her parental family desires payment, which will provide greater security for other relatives. The dowry price will be higher if the woman’s virginity has been preserved, notably through genital mutilation. However, in certain communities in Asia, including India, the low status of girls has to be compensated for by the payment of a dowry by the parents of the girl to the husband at the time of marriage. This has resulted in a number of dowry crimes, including physical and mental torture, starvation, rape and even the burning alive of women by their husbands and or/ in –laws in cases where dowry payments are found inadequate or the demands are not met. It should be noted that the Committee on the Rights of the Child, in a number of recommendations in the light of Article 2 of the Convention on the Rights of the Child, has called upon States to recognize the principle of equality before the law and forbid gender discrimination, including the adoption of legislation prohibiting harmful traditional practices such as genital mutilation, forced and early marriage of girl children, early pregnancy and related prejudicial health practices.

Early marriage also has physical implications for young girls/women, notably premature pregnancy and childbirth, which entail vastly increased risk of maternal and neonatal mortality. Pregnancy-related deaths are the leading cause of mortality for 15 to 19 year-old girls/women worldwide, whether they are married or not. Those under 15 are five times more likely to die than women in their twenties. Their children are also less likely to survive: if mother is under 18, her baby's chance of dying in the first year of life is 60% higher than that of a baby born to a mother older than 19.

Keeping in view the implications of early marriage, it is essential to take measures to stop this evil non only on the level of government but help should be taken from the non-governmental organizations too. Education and awareness should be enhanced in the society. Improvement in economic status and eradication of the poverty is also of grate importance. Change in the traditional mentality of society also should be ought. Then only can the goal will be achieved and early marriages can be stopped.