



Child Marriage in India: An Illegal Practice

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ABSTRACT:

Marriage is a major social institution and is a way of building a family by which civilization continues. It takes the shape of rituals and symbols to express that social process. 45% of females in India are married under the age of 18. Almost 80% of girls have domestic abuse (slapping, threatening or threatening), health issues. Most females married before 18 years would probably suffer from pregnancy complications and deaths have been documented. Girls under fifteen die in delivery five times higher than women in their twenties. The age group under 18 years is extremely fertile. Child brides often show a number of indicators, such as emotions of despair, helplessness and severe depression, of sexual abuse and post-traumatic stress.

Keyword: Child, Marriage, Poverty, Puberty

Introduction

The sociological phenomenon in child marriage is generally seen in some Indian civilizations, when a young kid (often a female under the age of 15) is married to an older man. A second way of practising child marriage is by arranging a future marriage between the two children's parents (the girl and boy). In this practise, the people (the boy and the girl) do not meet until they attain the marriage age when the wedding ceremony takes place. The marriage age is 21 for men and 18 for women, according to law.

The causes of the occurrence of child marriages are: gender disparity; social standards; perceived girls' low status; poorness; lack of education; worry for protection of girls' children. Girls are more affected in rural areas than their peers in the town.

If a partner is married at a younger age, they may request that the marriage is declared null and void.

Definition of a Child

According to the Oxford dictionary, a 'child' is a young person who is not an adult. This definition is a simple perception of what is a child, but in legal provisions each act has their own definition of a child.

The universally accepted definition of a child is provided by the United Nations Convention on the Right of the Child (UNCRC), i.e., a 'child' means every human being who is below 18 years of age.

According to the Children Act, 1960, a 'child' means a boy who has not attained the age of 16 years or a girl who has not attained the age of 18 years.

According to the Juvenile Justice Act, 2000, a 'child' means a person who has not completed 18 years of age.

Statistics of Child Marriage in India

In India, around 24 million children's brides are estimated. In India 40% of the 60 million child marriages in the world are reported as having taken place, according to a National Family Health Survey. India has the 14 highest rates of child marriages worldwide, according to the International Center for Women Research.

The Indian system of marriage varies by area, caste and tribe. In south-eastern India, children's marriage rates are lower compared to northwest India. The states with the highest rates of child marriage include Bihar, Rajasthan, Jharkhand, Uttar Pradesh, western Bengal, Madhya Pradesh, Andhra Pradesh and Karnataka. According to the recently carried out District-level Household and Facility Survey for Ministry of Health, Bihar has been claimed to have become the worst condition for child marriage when in the early twenties around 70% of women are married when they are 18. Child marriage has fallen by only 11 percent in the last 15 years - less than 1% every year.

Who are the victims ?

Girls with low education levels, limited or missing peer networks, reduced mobility and fewer mass media access than children are more likely to get married to children than children.

The challenges include increased birth rates, reduced poverty and hunger, high impoverishment and child mortality and low life expectancy, particularly among rural women. The earlier a woman marries, i.e. the more probable she would produce a large number of kids, which will place a significant demand for her health. The higher the level of female fertility is due to an early marriage.

In contrast, young wives must establish their fertility after marriage as soon as marriage takes place, and give birth to children, particularly to sons. A young female, educated or uneducated and submissive, marrying an elderly man, has limited sexuality negotiation skills.

Causes of Child Marriage in India

Women's discrimination begins from the womb and ends at the grave. Discrimination reflects their education, families, social policy, jobs and workplaces. This discrimination against women is also seen in the child marriage system. For the marriages of children, there are numerous factors:

- **Poverty:** Many women and women children in rural areas are still denied equal opportunities in the case of poor families. The family is victimised by the poverty of female members, notably female children. In most cases, an impoverished family is a threat to women. Every opportunity is chosen to escape a woman's burden. This makes poverty one of the reasons why families naturally use child marriages to prevent a female child from having all sorts of burdens.
- **Social Insecurity:** The fact that children's marriages occur is one of the key societal causes. Many people feel that a married lady is far safer than an unmarried woman from social offences. Unmarried ladies are considered with miserable motives leading to their misdeeds. In order to be safe, shortly after she is puberty and even before, from these crimes, attacks, and taunts against unauthorised women, her parents are quick to marry her children.
- **Avoid sharing Ancestral Property:** Parents in rural areas usually believe that all their family property goes to their own children and that they will be out of the share when they marry their daughters at an early age. They would not seek their portion if the girl's marriage was made at an early age. Therefore, one motivation for child marriage is the right of women to share ancestral property.
- **Avoid expenditure on Female Education:** Families usually distinguish females and boys. In investing in education, household males are regarded as the future assets of the household which will work and make money, while females are seen as burdens because they need no employment and have to care for housework before and after marriage. Because of this, the priority provided to women is lower.

Effects of Child Marriage in India

The following effects of child marriage in India:

- **Early Pregnancy:** Child marriages generally lead to early pregnancy and lead to several health problems. She cannot cope with her changes throughout pregnancy without sufficient knowledge of sexual activity and physical changes during puberty. Even old women are today unable to adequately guide them. In the past, the situation was perfectly monitored by older women during pregnancy, childbirth and delivery. But older women currently have neither information nor a good attitude towards proper medical caregivers, as women in former times.
- **Downfall in High Fertility Age Group:** When a girl gets married early, her usual childhood and unplanned pregnancy are likely to grow. Women are coerced into pregnancy and carry a kid without access to contemporary medical services for the avoidance or postponement of pregnancy.
- **Inability to Manage Family:** Young females have less power and control over their children and less ability to make dietary, health care and family management decisions.
- **Effects on Sexual Health of Young Girls:** As a factor of the physiologic immaturity of their sex organ, young girls are faced with significant physical pain connected with sex. Complications from childbearing often include bladder or bowel drilling, long-term work, HIV AIDS, etc.
- **Desire for Male Child:** Because of a male child's want, young women and girls are compelled to conceive as many times as possible until a male child is born.
- **Age difference:** In general, the bride and the bridegroom have a lot of age differences. It is the bride who is a child in most child weddings rather than the bridegroom. Naturally, while a bride is a kid, she is free to express her views on family life, and she must blindly follow her husband's demands.

Laws Against Child Marriage in India

The following are legislation addressing child marriage in India:

- Prohibition of Child Marriage Act, 2006: Under the Act, a woman's marriage age is 18 and a man's marriage age is 21. The girl who is engaged to a child marriage within the 2 years after the age of 18 years might receive a nullity decree.
- Hindu Marriage Act, 1956: The Hindu Marriage Act punishes solely the participants to a child marriage, even if they don't agree to the relationship. The parents or those who solemnised the marriage are not punished under provisions. A girl can be cancelled only when she is married before she reaches the age of 15 and before her turn 18, she challenges marriage. The ban on child marriage by itself is not expressly provided.
- Muslim Personal Law: In India, Muslim legislation has not been codified. Its provisions are therefore dependent on the students' interpretation of the Quran. According to Muslim law, child marriage is not barred. A guardian is entitled to marry a child. However, they can refuse marriage, when they reach puberty, with the 'puberty option' called khayar-ul-bulugh. However, before they become 18, they have to do so only if marriage is not accomplished. The age of marriage in accordance with Muslim law is 15 years of puberty. However, even if a legal guardian contracts marriage before 7 years of age, it is void ab initio.
- Indian Christian Marriage Act: This Act specifies that, when the marriage between minors is contractually contractual, a preliminary notice shall be published 14 days before marriage. The parties may continue to marry without the agreement of their guardians once that period has elapsed.
- Other Personal Laws: The Parsi Marriage and Divorce Act invalidates child marriage. The Act is, however, silent with regard to the age in which invalid marriage restrictions are included. Judaic law is uncodified in India. According to this principle, the marriageable age is 12 years of puberty.

Conclusion

The elimination of early marriage is an obvious point of commencement. The results recommend the following ways for addressing this issue:

- Challenge the early marriage traditions. Challenge
- Information concerning the harmful effects of early marriage on parents, community members, and young people.
- Establish a support network of leaders and teachers (religious) who can enable girls to bargain with their parents.
- Enhance health and community training on the dangers of early marriage, involve them as advocates and agents of change in their communities and institutions.
- Reinforce community-based networks and partnerships involving girls, teachers, elders, officials of local government, women's and young people's groups, community and religious leaders, etc. that work together to end early marriages.
- Enhance the role of the judiciary via training on the implementation of laws against early marriage, especially by police, judges and prosecutors.
- Develop robust networks of support to maintain school for females. Give scholarships if needed and encourage girls to support teachers.
- Bring women to communities with prominent professionals to talk to girls as role models and an inspiration.
- Lastly, all efforts should be geared to changing the sexually oriented attitudes of parents and society by, on the one hand, giving good education and, on the other, alleviating poverty.

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