

CHILD MARRIAGE: A HUMAN RIGHTS PLAGUE IN INDIA

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INTRODUCTION

In accordance to [Article 1 of Convention on the Right of the Child](#), Child marriage has been defined as marriage under the age of 18. [Article 16 clause \(2\)](#) defines child marriage as illegal. The issue of child marriage persists to be a profound predicament in the complex matrix of socio-religious practices, economic facets and other prejudices, which even in 21st remains a grave issue in the subcontinent.

Worldwide, over 60 million women are estimated to be married before reaching majority, and about [40% of world's child brides, inhabitants of India](#). Deemed as a virtuous act in the begone time, is now recognised as one of the root causes of childhood violation and trauma, rendering an individual with psychological, emotional and physical scars for life. However, in spite of the views, child marriage persists to be an issue throughout the nation.

Child marriage in India persists to thrive in the rural areas. Catalysts to its subsistence are usually a concoction of poverty, lack of education whilst being coloured by a pervasive patriarchal culture that festers gender inequalities, encouraging the phenomenon to thrive.

Imposition of strict policies by the British during colonial era like [Prevention of Child Marriage \(SARDA\) Act, 1929](#) and later by the elected Indian government after the independence like [The Special Marriages Act \(1954\)](#) the [Hindu Marriage Act \(1955\)](#) were initial steps to spread awareness against the child marriage and to muzzle the predicament. Further, amending the SARDA Act in 1978, legal bar for marriage was increased from [14 to 18 years for females and 18 to 21 years for males](#). Another addition to these laws were The Prohibition of Child Marriage Act, 2006 providing a larger ambit to curb this issue.

FACTORS FOR CHILD MARRIAGE

From the economic perspective, in areas with acute poverty, child marriages are deemed as mechanisms to quick earnings. Child marriages are considered a leeway to large dowries, and thus preferred by families that are poor, in a bid to enable its economic strength. A girl child is considered as a chattel to be married off at the earliest. The younger a bride, higher is the value of her dowry on account of her chastity being preserved. In the pursuit of their imminent marriage, education remains compromised, consequently, restricting their freedom of choices and opportunities.

Another factor for child marriage, especially in rural parts of northern India, is the declining sex-ratio. While there has been an effective ban imposed on prenatal sex determination, the legislations haven't been able to tackle abortions of the female foetus, and the abandonment of the girl child after birth.

Influence of linear concepts as morality and honour are factors fuel the practice of child marriage. Young girls are often married off to older men, to establish a culturally driven mindset of guardianship of the male over the girlchild, reinforcing their dependence till death do them part.

CONSEQUENCES OF CHILD MARRIAGE

- I. MENTAL AND EMOTIONAL DESECRATION:** Girl child, post marriage is expected to assume the responsibilities of a domestic worker, wife and later, a mother. The abrupt loss of childhood and strenuous burden of such roles often cripple their tender minds leaving them with depression and other associated mental conditions.
- II. RISK OF SEXUALLY TRANSMITTED INFECTION AND HIV/AIDS:** Early sexual activity exposes adolescents to a greater risk to contact Sexually Transmitted Diseases, including HIV/AIDS. Early marriage and pregnancy are one of the primary causes of maternal mortality in India. The complication is not just limited to the girl child alone, but also to her offspring, is born to her as a result of an early pregnancy.
- III. HEALTH AND SEXUAL COMPLICATIONS DURING AND AFTER CHILDBIRTH:** a child marriage leads to an early pregnancy. Due to a low nutritional index and low medical care along with physiological immaturity and lack of proper

knowledge, a girl child bears the brunt of severe health conditions including anaemia, obstetric fistula, miscarriages, maternal morbidity and infant mortality amongst others.

- IV. CYCLE OF ILLITERACY AND POVERTY:** A mother is said to be the first teacher, illiteracy of girl child therefore worsens intergenerational poverty. Depriving a girl of education, invariably deprives future generations of the same. At the micro level, an educated woman manages the economic needs of the family, whereas at the macro level, educated females adds to the social and economic progress of the nation.

CHALLENGES TO THE LAW

While the legal instruments outrightly declare child marriage to be a punishable offence, the ground reality remains far-reaching. [Section 9 of The Prohibition of Child Marriage Act, 2006](#), even though makes child marriage a punishable offense, the lack of reporting the same is seen as a hindrance to effective adjudication.

The institution itself is gnawed by contradictions – issues like non-consensual sex with girls below a minimum age going unsanctioned under the protective bulwark of “[marriage](#)”, has had its own contentions.

Another issue is the conspicuous absence of women from the process of law making, renders the male-coloured legislations myopic to an extent, failing to discern the reality of women’s life, and the effect those laws have on them.

NATIONAL AND REGIONAL POLICIES

Child marriage remains a gross violation of the rights of the girl child, who are entitled to be free from all forms of degrading treatment, discrimination or exploitation under [Article 19](#) of Convention on the Rights of the Child. The Legal provisions emanating from the international human rights law, constitutional guarantees of gender equality and gender friendly law promises these rights, but unfortunately, execution remains on the backfoot.

- I. At the national level, policies targeting child marriages through incentives have been introduced. The [National Youth Policy, 2003](#) and [Government of India, National Population Policy, 2000](#), etc were strategies to address the adverse consequences of child marriages, whilst also initiating awareness camps on sexual and reproductive health issues and vocational training programmes to hone livelihood skills in rural pockets.
- II. Legal organisations like the Human Rights Law Network initiated advocacy and awareness programmes towards the prohibition on child marriage, emphasising on legal literacy.
- III. In addition to the [Prohibition of Child Marriage Act](#), programmes such as [Apni Beti, Apni Dhan](#) (Our Daughter, Our Wealth) have been initiated to study the cause and effect of child marriage, and also providing a monthly allowance to the mother to manage her post-delivery needs.
- IV. Regional programmes like [Balika Samridhi Yojna](#), [Developmental Initiatives for Supporting Healthy Adolescents \(DISHA\)](#), [The Institute of Health Management-Pachod \(IHMP\)](#) and [The Tata Steel Rural Development Society \(TSRDS\)](#), remained successful in providing avenues for reproductive healthcare, and training for the substantially reducing the cases of child marriage from these areas.

CONCLUSION

Women stand at the cross roads between human and economic development, between reproduction and production. This pervasive discrimination against women literally beginning from womb and ends in the tomb, reflecting in, family, education and employment, and the society, remains a sore yet to be tended to.

It remains pertinent, that legislative recommendations must not only be limited to spreading awareness of sexual and reproductive health or mobilisation of community support, but also, towards bringing a realisation to uproot the societal evils of early marriage, gender inequality and its associated adverse consequences entrenched in the social hierarchy for a durable and an effective development in the country.