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Practice of Early Marriage in India

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Abstract: *Child marriage or early marriage occurs in practically every region of the world. Early marriage is still a massive problem in many developing countries including India. Early marriage is a substantial barrier to social and economic development in India, and a primary concern for woman's health. The globally accepted minimum age for marriage is 18 years for both males and females, (UNICEF, 2007). Child marriage refers to the marriage of a child younger than 18 years old. Before independence, the child marriage Act of 1929 proclaimed the legal minimum age for marriage to be 15 for girls and 18 for boys. This law has been amended since India gained independence: the child Marriage Restraint Act 1978, raised the minimum age at marriage of girls from 15 to 18 years and for boys to 21 years. While the Prohibition of Child Marriage Act of 2006 further strengthened the earlier legislation by prohibiting rather than merely restraining child Marriage and included provision for declaring a marriage well and void and making offense under the Act cognizable and non bailable. India also remains among the top ten countries with the highest rates of child marriage in the world. One in three of all child marriage takes place in India and rates the highest among the poorest and most socially disadvantaged (UNICEF, 2014).*

Keywords: *Child marriage, Early marriage, child marriage Act, economic development, child marriage restraint act.*

I. INTRODUCTION

Child or early marriage refers to the marriage of a child younger than 18 years old. Early marriage or child marriage is worldwide problem associated with range of health and social consequences for teenage girls. Child marriage in India has been practiced for centuries, with children married off before their physical and mental maturity. The problems of child marriage in our country remains rooted in a complex matrix of religious traditions, social practices, economic factors and deeply rooted prejudices. Women who marry younger are more likely to experience domestic violence within the home. Every three seconds, in the world, a girl under the age of 18 is married.

If the present trend continues, 100 million girls will marry over the next decade, which means that everyday 25,000 girls will become child brides (UN, 2011). It is estimated that in 2011 nearly 70 million women between the ages of 20 and 24 had married before they turned 18. (Vogelstein, 2013). United Nations Population Fund (UNFPA, 2012) highlighted that despite near - universal commitment to end child marriage, one in three girls in developing countries would probably be married before they were 18, while one out of nine girls would be married before their 15th birthday. This would translate to 14.2 million girls getting married on annual basis between now and 2021, with as many as 39,000 girls married each day. According to the United Nations Convention on the Rights of the child adopted in 1989, the term "Child Marriage", describes the legal or customary union between two people, of whom one or both spouses is below the age of 18.

Child Marriage persists in low and middle income countries, including south Asia, where close to half of girls (46%) and women report getting married before the age of 18 years (UNICEF, 2014). There has been a slow decline in child marriage globally in the last forty years, with its incidence decreasing from 41.2% to 32.7%, (Harper et. al. 2014). While the world's highest rates are seen in Niger, 75% and Chad, 72% the overall rate in South Asia, 46% exceeds that the Sub Saharan Africa, 37%, While Bangladesh rate 66% is much higher than India's 47%.

India has the largest population of child wives of any country in the world (UNFPA, 2012). There is also evidence of child marriage being highly correlated with domestic and sexual violence, as girls who are married as children are more likely to be abused (Green, et, al, 2015). In short, child marriage poses a major barrier to empowerment of women and, by impeding the economic progress of the communities in which child wives live, perpetuates the cycle of poverty in which so many poor countries find themselves trapped. (Lemmon and El, Harake, 2014).

A. Objectives Of The Research Paper

Main objectives of the paper is to study factor that influence early or child marriage, causes, constitutional and legal measures, various problems of early marriages, suggestions and recommendation of early or child marriage in India.

II. METHODOLOGY OF THE PAPER

The present study is based on the primary and secondary data collected from various articles, journals, books, reports, internet, websites and other available sources.

III. CURRENT SCENARIO AND REVIEW OF LITERATURE

India, the largest and most prosperous nation in south Asia, has maintained laws against child marriage since 1929, although at that time the legal age of marriage was set to 12 years. For girls, defined as female children younger than 18 years of age, the legal for marriage was increased to 18 years in 1978. India had several economic reforms resulting in substantial increases in personnel wealth for many citizens and simultaneously national policy efforts have been developed to increase educational and economic opportunities for women and girls, (Patil, P.A. 2002). Most importantly, policies and programs focused on prevention of child marriage and family planning support for poor and rural women and girls have been substantially expanded in the past decade, (ICRW, 2007). Child marriage exists in feudal societies where the Nagnika concept was prevalent, (Sarawat, 2006). Child marriage dramatically increases the livelihood and pressures of child bearing (Miller and Lester, 2003). In India, the age of marriage of girls has shown a marginal increase over the years. Nevertheless it continues to be more lower than the legal age and still a large number of girls continue to be married at very young ages (Karkal and Rajan, 1989). The Sexually Transmitted Diseases (STD'S) including HIV/AIDS early marriage and pregnancy is one of the major causes of maternal mortality in India (Yadav, 2006). The neonatal and infant mortality rates are also high along with incidences of premature delivery and low birth weight of the newborn child (Bhatt, 2005). The risk of early marriage are not just limited to the girl child alone, but also to the child that is born to her as a result of an early pregnancy. One in 15 children in India dies before their first birthday as compared to 1 in 200 children across the industrialized world (Agarwal and Mehta, 2004). In India, pre-adolescent and adolescent girls who constitute a sizable segment of its population constitute a vulnerable group on account of practice of early marriages, potential exposure to a greater risk of morbidity and mortality (Verma, 2004). The earlier time a woman marries the more likely she is to give birth to a larger number of children, consequently placing a high demand on her health (Bhat, 2005).

A. Causes Of Early Marriage Or Child Marriage

- 1) The Parents give the child away for economic or social gain.
- 2) Avoiding expenditure on female education.
- 3) Minimizing Marriage Expenditure.
- 4) Avoiding share in Ancestral Property.
- 5) Poverty of the family.
- 6) Social insecurity .
- 7) Single Parent families.

B. Legislative Framework On Child Marriage

India has ratified a number of International human right conventions of relevance to the prevention of child marriage and to the protection of adolescent sexual and reproductive health. These include the Convention on the Right of the child (CRC); the International Covenant on Civil and Political Rights (ICCPR); and the International Covenant on Economic, Social and cultural Rights (ICESCR). It also ratified the Covenant on the elimination of all forms of Discrimination against women (CEDAW), but with reservations regarding its own capacity to address child marriage in the context of high levels of poverty. Indians National legislative framework has contained a law prescribing a minimum age of marriage since 1929.

The Child Marriage Restraint Act (CMRA) also known as the "Sarda", Act, originally prohibited the marriage of girls below the age of 15 and boys below the age of 18, though by 1978 this had been increased to 18 for girls and 21 for boys. There were challenges associated with the CMRA, including that it was considered to be ineffectual and its implementation weak; It was also opposed by members of the Muslim population, leading to its supersession by the Muslim Personnel Law Application Act of 1937, which allowed for parental or guardian consent for Muslim marriages with no minimum age limit. In 2006, the Prohibition of Child Marriage Act (PCMA) replaced the CMRA.

Viewed as a more progressive piece of legislation, the law not only prohibits child marriage, but also allows for the annulment of any such marriage, with petitions accepted up to two years after the child reaches his/her majority. Registration of marriage has been made compulsory under a number of different Acts.

- 1) The Christian Marriage Act of 1872
- 2) The Parsi Marriage and Divorce Act of 1936
- 3) The Special Marriage Act of 1954, but optional for Hindu marriage under the
- 4) Hindu Marriage Act 1955. However, in 2006, the Supreme Court directed all the State Governments to create and implement rules regarding the compulsory registration of all marriages, regardless of religion, in order to improve the enforcement of the prohibition on child marriage (MWCD, 2011)
- 5) The Dowry Prohibition Act has been in place since 1961

C. National Policies Towards Reduction Of Child Marriage Since, 2000

- 1) National Population Policy, to achieve 100% registration of births, deaths, marriage and pregnancies by 2010.
- 2) National Policy for Empowerment of Women, 2001 to encourage delaying of the age of marriage so that by 2010, child marriage is eliminated.
- 3) National AIDS Prevention and Control Policy, 2002. Which aims to promote a better understanding of HIV infection and safer sex practices among the young.
- 4) The National Youth Policy, 2003, and the National Youth Policy, 2014. Emphasizes the multiple needs of the young and identifies 11 priorities and multipronged actions with specific strategies to address the needs of adolescents in a holistic manner.
- 5) National Plan of Action for Children, 2005. Stopping the sales of children and all forms of child trafficking including marriages.
- 6) Indians Eleventh and Twelfth Five Year Plan on the Compulsory registration of child marriage and verification of age at the time of marriage.
- 7) Draft National Strategy Document on the Prevention of Child Marriage (2013) which identifies strategic areas of intervention, law enforcement, access to quality education, changing mind sets and social norms, the empowerment of adolescents, knowledge and data management and the development of monitor able indicators.
- 8) Beti Bechao, Beti Padhao Scheme (2015). Aims to improve the child sex ratio in 100 Gender Critical Districts, the imbalance of which exacerbates the buying of young brides in some states. Also aims to address the "patriarchal mind set" to ensure gender equality for girls as well as to increase access to education and improve the participation of girls at all levels of social economic and political leadership.
- 9) Policy for Skill Development and Entrepreneurship (2015) identifies increasing the participation of women in the labor force as key to improving the economic growth of the country. Includes provisions regarding the delivery of skills training to out of school children, adolescent girls, housewives and rural young people.

D. Global And Country Level Programmers

In recognition of the dreadful consequences of child marriage, many organizations are taking up global and country level programs (Olson. C. 2013)

- 1) The Elders, are the group of independent global leaders launched by Nelson Mandela in Johannesburg in July 2007. The group offer their collective influence and experience to support peace building, help address major causes of human suffering and promote the shared interest of Immunity. The principle is base on traditional village practices where communities take guidance on different issues from elders. The elders brought together local, national and international organizations in a global partnership to end the harmful practice of child marriage. The alliance is called "Girls Not Brides": The Global Partnership to End Child Marriage.
- 2) Girls not Brides in an alliance of more than 500 civil society organizations from over 70 countries. These organizations aim to end child marriage to help girls fulfill their potentials. Member organizations are from Africa, Asia, the Middle East, Europe and America.
- 3) Plan International works with children in communities in 51 developing countries to advance the achievement of gender equality and girls right.
- 4) Care-Global is an international organization, which focuses on working for improvised women. There mandate includes directly addressing child marriages through targeting education for girls. Care works with families, communities and local organization to reduce the prevalence and mitigate the harmful impacts of child marriage through educational and behavioral change programs.

- 5) Girls-up-USA, is dedicated advocacy and organizational efforts to ensure child marriage legislation is a priority in the US Foreign Policy Engagements. In March 2013, their efforts were awarded as the US House of Representation passed the child marriage legislation as part of a broader violence against women act.
- 6) ICRW-USA, International Center for Research on Women (ICRW) is advocating for the United States to become more involved in curbing child marriage, ICRW works with the United State Congress and the administration to bring more national and international support to end this harmful practice.
- 7) Save the Children-Global works around the world to develop programs to protect children and prevent child marriage along with other forms of child abuse trafficking, and exploitation.
- 8) World Vision-Marriage later/Studies First Program Bangladesh. World vision works towards the provision of global education for children who are at risk for exploitation, early marriage, and lower income earning potential. In Bangladesh, they address barriers to children for education and work with communities and local government to improve the quality of education children receive. They work with families to educate them on the impact of child marriage.
- 9) The United Nation: The United Nation Resolution on child, Early and Forced Marriage was support by 116 member states at the 69th session of the General Assembly (UNGA), UNFPA is committed to end child marriage and reducing adolescent pregnancy by promoting legislations and programs designed to end child marriage, UNFPA also supports investment that empower girls with the information, skills and service they used to healthy, educated and safe, UNFPA also works to support the needs of the married girls particularly in family planning and maternal health, (UNFPA, 2015).

E. Problems Of Child Marriage

- 1) Heavy burden in laws family.
- 2) Early Pregnancy Health Complications.
- 3) Fall in High Fertility Age Group.
- 4) Inability to plan or Marriage Families.
- 5) Desire for Male Child.
- 6) High difference in age between bride and bridegroom.
- 7) Impact on sexual health of women and girls.
- 8) Vulnerable to HIV infections.

F. Suggestion And Recommendations

- 1) Change the traditions that surround early marriage and the negative consequences of early marriage.
- 2) Empower girls with information, skills and support networks.
- 3) Expand training for health and community workers on dangers of early marriage.
- 4) Encourage supportive laws and policies.
- 5) Economic support and incentives to girls and their families.
- 6) Professional women to communicate to girls as a role model and a source of inspiration.
- 7) Efforts to change the gender biased attitudes of parents and society by imparting education and eradicating poverty on the other.

IV. CONCLUSION

Though there is substantive work initiated to reduce the incidence of child marriage, yet a lot remains to be done to attain Zero Child Marriage. Policy makers, planners, and health practitioners should develop culturally sensitive programs and interventions tailored to the needs of the girls. There should be empowerment of girls in making proper decision making and preparing them for marriage at the appropriate manner and time, to attain faster goals. the problem should be addressed through a holistic approach with clearly defined indicators, milestones and responsibilities will help families, communities, nation and region achieve Zero Child Marriage.

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