

## Child Marriage in India: A Sociological Review

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### ABSTRACT

This article explores child marriage in India as a cultural tradition that exists in modern society. Both boys and girls are affected by child marriage, which takes away their childhood. Relationships involving a child under the age of eighteen occur worldwide, although, for the most part, they are found in South Asia, Africa, and Latin America. Early relationships not only force young girls to accept their domestic and intimate jobs during adolescence but also set them up where they cannot make decisions about their sexual and regenerative well-being. Child marriage is a human violation of fundamental freedom, directly affecting girls' schooling, well-being, and mental prosperity and severely affects their future generations' soundness. This practice, driven by deprivation, is encouraged to guarantee the girl child's monetary fortunes and support social ties. One way to reduce the consequences of child marriage and health is to allow girls to attend school. Because of subjugation, the girl's job inside and outside the family still appears to be an essential justification for continuing the practice of teenage marriage. The process of socialisation of younger ones within the family usually addresses single-direction correspondence. Due to a human-controlled society, even mothers support fathers and older people in implementing the philosophy of early marriage for girls. Given such an eclectic social design, girls/children find it difficult to hand over insights into current respects and practices learned in schools to their unskilled parents. This paper aims to study the status of girls/women, which goes back in history and traces it to child marriage in present. Secondly, to look at the laws and policies and their methods of eradicating them. Thirdly, to examine the problems faced by children due to child marriage.

**Keywords-** Child Marriage, Human Rights, Education, Health, Laws and Policies.

### I. INTRODUCTION

A marriage ceremony, when performed in public or by a representative of a community, is a ritual that announces or signals the husband and wife's acceptance of their new status in the community, as well as the new negotiated social acceptance and support of the situation. Marriage, according to D.N. Majumdar, is "a socially sanctioned union of male and female, or a secondary institution devised by society to sanction the union and mating of male and female for the purpose of establishing a household, engaging in sexual relations, procreating,

and providing care for the offspring." According to Mody (2002) Marriage is a formal, usually legitimately perceived arrangement between a boy and girl, making them a couple. Here admit a man and woman for the establishment of family life. According to Lowie (1954), marriage is a somewhat long-term commitment between husband and wife. We can say that two married couple promises to live a whole life together. Russell (1929) differs Marriage from other sex relations because it is a legal institution. At the same time, Marriage is a regulated social relationship of fundamental importance in all social systems. It is linked to many other important social relationships overall.

There are different types of marital relations. Marriage is the authorised sexual relationship between a man and a woman; it is a socially recognised and supported relationship that, in Hindu culture, is a sacred ritual. In India, individuals, for the most part, accept that marriage is not between two people. However, it is between two families as their bonds are formed. Marriage, Birth, and Death are the standard triples of important occasions in one's day-to-day existence (Narang, Vaishnav & Koradia, 2011a). But only one Marriage is a matter of choice. Marriages and families are among the oldest and primary human social institutions.

According to Hindu religious texts, Marriage is not a physical pleasure; it is a religious sacrament and spiritual advancement. In Hindu culture, the term womanhood is defined as *shakti*, the cosmic energy inseparable from the level of the universe. A woman is a symbol of purity and spiritual powers. Therefore, teenage marriage occurs when the parents of two young people (girl and boy) plan to have their children married in the future. Individuals (boy and girl) do not meet until they have ascertained the marriageable age and complete the marriage ceremony by this method. According to the law, boy must be 21 years old and girl 18 years to get married. However, many countries continue to conduct child marriages for a variety of reasons, including chronic poverty, low levels of female education, low status of girls and the perception that they are a financial burden due to social rituals, and traditions, and so on. Different regions, castes, and tribes have different customs and practices of marriage. The rate of teenage marriage is maximum in the North-West than South-East of India. The state of Bihar, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh, and Karnataka have maximum rates of adolescent marriage (50 percent or more). However, even in areas with low rates of child marriage, pockets with high rates may exist. Bihar have higher rate of child marriage, with more than 70% of girls in their early twenties marrying at the age of 18. Himachal Pradesh has the lowest 9% child marriage. The Prevention of Child Marriage Act was enacted in 1929 to prevent child marriage to remove a social evil that threatens the life and health of a girl child. Child Marriage Prohibition Act, 2006 prohibits child marriage in India.

Similarly, many networks have a strict setup, yet it is the fundamental legitimate approach. Legally, marriage is an agreement between a woman and a man who is at or above a predetermined age and who is not yet legally married to another person. Marriage can also be defined as a mutual commitment to make a home where family members can share common problems and have mental space for each other. So here, many family members marry their daughters in childhood because of their extreme poverty, due to sanctions of social order, and traditional cultural belief systems. In some cases, the family members also think it is an overburden on girls and try to escape it as much as possible.

Child marriage affects both adolescent girl and adolescent boy and denies the offspring of their childhood. After marriage, teenage boys may or may not be able to adjust with their wife at that time. In some cases, the husband becomes educated or professionally skilled, and if his wife is illiterate, both the couple face a crisis in life. Long-lasting relationships with a child under eighteen (18) occur worldwide, mainly in South Asia, Africa and Latin America. Early relationships do not specifically force adolescent girl to accept their domestic and intimate jobs during adolescence, yet place them in a position where they make decisions about their sexual and regenerative well-being. Violating fundamental rights, child marriage directly affects a young woman's schooling, well-being, mental prosperity, and future generations' strengths (Sagade, 2005). Malnutrition, overburden of work, illiteracy and ignorance of the physical relations are for teenage girls who have a high risk of their life. Because of the rules, traditional Hindu religious practices in teenage marriages are more harmful to girls. Girls need to carry their good well-being of health at a marriageable age. Still, it exists in Indian culture, but the forms and aspects are changing accordingly.

## II. OBJECTIVES AND METHODS

The objective of research paper is to study situation of girls/women by tracing back to history and locating them with in child marriages. And to look at the legal laws and policies and how to eradicate them. It examines the problem faced by the children due to child marriage. This paper is based on secondary sources such as books, articles, journals, internet sources, reports etc.

## III. FORMS AND RULES OF MARRIAGES IN INDIA

There are eight forms of traditional Hindu forms of marriage recognised by the ancients, namely, Brahma, Daiva, Arsha, Prajapatya, Gandharva, Asura, Rakshasha and Pisacha. Amongst them, the first four were the approved forms of marriage. Kautilya and Manu described these forms of marriage. Kautilya observed that the approved forms of marriages depended upon the authority of the father of the bride and were dharma marriage (Ghosh, 1989). At the same time, the Hindu marriage service is a systematic and standardized one involving a few steps. Every function has an invariable significance and reason. The energy in ceremony is appreciated with fun-filled enthusiasm. It primarily includes "Kanya Daan" and "Farewell", poignant customs and groups of sentimental. A wide range of Hindu ties is compared with minor varieties in the region and local area. Illiterate or destitute persons continually follow the cultural marriage practices, basically child marriage. "Lower caste categories are more habituated in these child marriage subjects" (Narang, Vaishnav & Koradia, 2011b).

#### IV. CHILD MARRIAGE IN HINDU CULTURAL TRADITIONS

Ancient Hindu society was very progressive and socially enlightened. It was centuries ahead of many modern societies. Girls enjoyed the privilege of choosing their life partners in a swayamvar. In medieval period, "India fell from the high perch of this glorious tradition and chose to follow the pernicious custom of child marriage, which gradually strengthened its roots over time and became a compassionate and complex issue" (Saxena, 2007). From the traditional marriage system till the date, we are seeing child marriage. Hindu personal laws and customs, marriage rituals are central to these issues of child marriages in current Indian culture. European explorers referred to Hindus as insurance against Muslim robbers, who kept tabs on virgins and usually did not take married women, turned to early marriage of their girls. The girls were married even before the age of puberty. Lifelong celibacy for girls was discouraged, and every girl had to be given away in marriage. The custom left it solely to the discretion of parents or the nearest relatives to arrange the match. "Akbar did not stop the training by banning the marriage of girls below 12 years and youth below 16 years of age" (Devi, 1998). This forced the parents to believe that their girl child is an obligation, and protecting her and her virginity is no easy task. Therefore, "they married her too early, before reaching marriageable age; thus, child marriage and the marriage of infants still in their cradles, a logical culmination of this disaster, became established practice" (Saxena, 2007).

Parental irresponsibility and traditional custom practices are the most responsible factors for these girls' child marriage in Indian society. Socio-change strict developments, such as the Brahma Samaj and the Arya Samaj, spearheaded neutralising of youngster marriage. Some achievements came in the late 1860s when the Indian Penal Code prohibited having sex with a 10-year-old girl (Kakkar, 2009). Some of the social movements also raised their voices against it earlier in Indian society, but it is still an existing problem in Indian society.

However, Dr B. R. Ambedkar also made many efforts to eradicate child marriage in India. He introduced the Hindu code bill for women's liberation and eradication of the evil cultural practices of the child marriage system and harmful Hindu personal laws. The Child Marriage Restraint Act (1929) limits the marriageable age of boys and girls. However, Hindu orthodoxy did not permit to adopt the liberal measures for the emancipation of women. Child marriages have been merrily going on in India. The *Sharda Act* has proved, by and large, a dead act, as would be evident from the 1971 census. Census (1971) shows that 52.6 lakh persons were married out of the total male and female population in age group of 10 to 14 years. Of this, about 49.3 lakh persons were from rural areas. Out of total population in the lower age, for example, aged 15 to 19, more than 36% were

married. The typical age of marriage was less than 15, accounting for over 33% of the total number in the country. "Marital status information, accessible for 1981 calculations, shows no significant takeoff from this pattern" (Narang, Vaishnav and Koradia, 2011). In the present scenario, the "legal age for marriage in India is eighteen (18) years for a female and twenty-one (21) for a male as per *Section 6* of the *Hindu Marriages Act, 1956*. Any marriage of a person younger than this is prohibited and illegal in India *Child Marriage Act, 2006*." These rules and laws need more implications in society to control these evil habits and factors of child marriage in society.

#### V. FACTORS RESPONSIBLE FOR CHILD MARRIAGES

The social interpretation of marriage at an early age has demonstrated various justifications for why children are preferred in traditional social systems. They have more time to thrive and are bound to be respectful and sociable, essential characteristics for learning and accepting the guidelines and methods of their new family (Goody, J., & Goody, J. R. 1990). However, according to Kidman (2017), "Child marriage also places adolescent at elevated risk for intimate partner violence (IPV), which is in turn linked to adverse physical and mental health outcomes. There are several potential reasons why child marriages characterized by greater violence." Women who marry as children are more likely to be un-educated, live in poverty, traditional gender norms and left with no options in companion selection. "Child marriages are characterized by spousal age gaps, power imbalances, social isolation, and lack of female autonomy. Child brides are often given away or sold by families, and they are even conditioned to believe that husbands can be justified in abusing their wives; on the other hand, men follow traditional and masculine ideologies." Several reasons for IPV are lack of familiarity before marriage, being socially vulnerable, dowry systems etc. "Within child marriages, male partners are thus more likely to be older, educated, and have higher social status than their young wives; such power dynamics can increase the likelihood of abuse. The same factors, economic dependence and low perceptions of self-efficacy mean that women who married as children may be unable to extricate themselves from an abusive relationship" (Kidman, R. 2017).

An explanation arises from the male-centered social order, family honor, and relationships among girls (Ortner, S. B. 1978; Moghadam, V. M. 2004). It has drawn criticism that the social system of girls' families depends on their virginity and morality (Kandiyoti, D. 1988). Early marriage of girls and boys is a special feature of their culture. Particularly, the old-fashioned male has controlled the society, who is responsible for his or her early marriage. That society prefer to happen child marriage in their caste. The world depends on the extent

to which society rehearses endogamy. The development is related to girl and boy. The marriage for boy and girl between 18 and 14 years. It has seen that boy's financial potential manifests itself when enter work, although women continue to perform their traditional tasks such as childbirth, childcare, and chores (Bergstrom, T.C., and Bagnoli, M. 1993). The consequences of child marriage showed intimate partner violence. Although, intimate, partner violence relationships were completely tolerated by women (Tenkorang, E. Y. 2019).

Child marriage is described as a marriage or informal partnership between two persons under the age of 18 that is a symptom of gender inequality, according to the United Nations has long-term detrimental implications for millions of teenage girls health, well-being, and rights (Santhya, K. G. 2011; Marphatia, et al., 2017). This early birth is associated with maternal and infant mortality or morbidity and intimate partner violence in adolescence, as well as inter-generational poverty, poor health and incapable for married women and their children (Raj, A. 2010). Child marriage is one-sixth more common among girls than boys worldwide, with five to twenty times more girl marrying as a minor than boys in various countries. Girls face a much wider range of sexual, reproductive, maternal, societal, and economic implications than boys (UNICEF, 2021).

Child marriage profiling is also characteristic of oppressed women (Lal, 2015). Perceptions about family honour, friendship, caste hierarchy and enmity were the reasons for the continuation of child marriage. These factors encouraged the practice of child marriage. Child marriage became the most third way of keeping wealth and abundance within the family; It was also used to strengthen relationships. The uneducated parents did not see anything terrible in following the traditions set by their elders even afterwards. They genuinely felt that their daughter would be better off and safer with a male guardian. The common conviction of the people was that if a girl was not married during childhood, it meant that something was wrong with the girl. For low-income families, this tradition was a strategy for economic survival; it reduced the parent's burden of having an extra mouth to feed (Saxena, 2007). Parents married their siblings of different ages in a single ceremony to reduce the recurring expenditure of expensive marriage customs. Sometimes poverty-stricken parents, who could no longer afford to take care of their children, were persuaded to give their young daughters in Marriage. Primarily such marriages were performed as a rule for recruiting young girls into a life of prostitution. The ignorance of parents and the community members encouraged this practice. For them, it was a sacred tradition which liberated them from their 'liability' early in life as it was more challenging to find a match for a grown-up and educated girl, to marry her when she was still a child was much more manageable. Due to the local pressure of the people, they were married into child marriage (ibid, 92).

## VI. PROBLEM FACED IN CHILD MARRIAGE

Now a days, child marriage is a significant issue in our society. Child marriage has existed since ancient times. In this modern society, the forms and rules of marriage are changing, but the issues and practices of child marriage still exist in our society. In research, an attempt will be made to find a solution to the problem of eradicating child marriage from the society. As pointed out by (Saraswat, 2006), adolescent relations existed in primitive social systems where civic consideration was common. The parents were assured that they would proceed to assume that they had not been introduced to their girls before puberty. Indian culture gives great importance to virginity before marriage. In a culture where early characteristics are respected, perhaps the least demanding way to achieve this is by marrying off a child in their teens.

In Indian society, child marriage has become an unnecessary cultural practice, leading to illiteracy, poverty, and poor health. The married couple has to face physical, social, health, and economic problems after child marriage. While there is not enough evidence to say whether early child marriage causes these conflicting results, it is more likely that initial marital dissolution, low academic satisfaction, and links between different aspects in different contexts are to be blamed. It is found that married women regularly have unprotected sex. According to (Miller & Lester, 2003), marriage acts mostly on fertility and stress. Despite the general hazards and obligations of labor, first-time mothers under the age of sixteen (16) are at increased risk of maternal, and neonatal death and medical difficulties. Girls and boys are facing many types of medical problems due to early marriage (Haberland and Bracken, 2004). Basically, after marriage, the girl child has to face unnecessary restrictions in her daily life. Over time, there has been little change in the age of teenage marriage in India. Gradually, it falls far short of the legal age, yet countless relationships end up marrying too early (Karkal and Rajan, 1989).

Child marriage is a big issue in modern society. These are issues of poverty, hunger, illiteracy, and infant mortality and are particularly prominent among rural women (Burns, 1998). It has been observed that in rural areas girls are married at an early age. Couples are facing problems like poor health, illiteracy, poverty, infant mortality, and serious diseases after child marriage (Srivastava, 1983).

The local society also supports the foundation of child marriage. Despite the law, it is seen that marriages are done at an early age and when the marriage takes place there is a lot of pressure on the juvenile partner to have a child. In addition, early sexual activity actually puts teens at greater risk of contracting infections such as HIV/AIDS and other critical diseases. Early marriage and pregnancy are important causes of maternal mortality in India

(Yadav, 2006). Adolescent girls had to face many difficulties in marriage at an early age. Child marriage has the greatest impact on a woman's regenerative and sexual health. Their children suffer from obstetric complications, intrauterine growth, retardation, high blood pressure, early pregnancy, and high mortality (Bhat, 2005).

Early marriage of adolescents is followed by health problems, newborns, malnutrition, and poor health. Early marriage is not limited to teenagers only as early pregnancy is dangerous for the child brought into the world. Child marriage leads to a high mortality rate of children. In India, adolescents who constitute a large part of our population are vulnerable due to the high risk of early marriage and infant mortality (Verma, 2004). High infant mortality rates and poor health of mothers and babies are major problems.

### **VII. LAWS AND POLICIES FOR ERADICATION OF CHILD MARRIAGES**

There are some laws and policies formulated to eradicate the issues of child marriage. Innovative policies and programmes back the legal measures for the protection of children. These essential strategies are part of the National Policy for Children, 1974, the Public Order Act 1986, the Public Sustainability Strategy 1993, the Public Welfare Strategy 2002, and the Public Child Welfare Approval 2003. Why did the Government of Mysore in India help stop the relationship of young girls who had not completed eight years of age from mid-1894? (Bhagat, 2002)? "Weaknesses of the Prohibition of Child Marriage Act, 1929: (a) The demonstration pointed to the control of the importance of the relations of children in the nation, and not the anticipation or exclusion of it (b) In the manner prescribed under this law, the youth responding to parenting to make ties functions were extremely cumbersome and tedious (c) it was not attributable to the experts responsible for preventing child ties (Narang, Vaishnav and Koradiya, 2011e). In 1978, the law was amended to make it more compelling, and the base time for Marriage was increased to three years, for example, 15 to 18 years for adolescent girl and 18 to 21 years for adolescent boy later, other public authority passed, the Prohibition of Child Marriage Act, 2006."

Though, the subsequent inadequacy of the Prohibition of Child Marriage Act, 1929, another guideline for its removal was introduced in the form of the Prohibition of Child Marriage Act, 2006. The demonstration included complete long-term protection of the youth's ties and a fine of Rs 1 Lakh. Child means a male below the age of 21 years and a female below 18 years. The minor is not deemed to be an accomplished person in the period for the large part under which the action is being taken concerning the maintenance of the girl child. Believing that the spouse is essential, is obliged to provide support. If the wife is a minor, her parents will support her.

Regardless, acknowledging that consent has been obtained by deceit, duplicity, or if the youth has achieved some distance from their legal guardians and is expecting that the sole reason of conduct or other unreasonable reasons for existing purpose, then the Marriage will be void. The government has assigned the duties of the "child marriage Prohibition Officer are decided and assigned by the State Government. They broadly include Prevention of Child Marriage by preventing the performance of child marriage by taking such action as he deems fit. Collection of evidence for prosecuting persons charged under this law" (Gazette of India, 2007).

### **VIII. LAWS AND POLICIES DEALING WITH CHILD MARRIAGE**

According to law "Child Marriage Restraint Act, 1929; Prevention of Child Marriage Act, 2004; and the Prohibition of Child Marriage Act, 2006, an adolescent who has not completed 21 (boys) and 18 (girls) years of age, they are comes under the act. Child Marriage (Prohibition) Act, 1929, any person who coordinates child marriage, who commits an offense under the law shall be guilty. The offender may be the guardian or family member who performs the marriage. The guilty party may be detained for a term up to 90 days and fined and the marriage may be annulled by an officer.

### **IX. CONCLUSION AND SUGGESTIONS**

Child marriage is a crucial issue in contemporary India. Many other developing countries are facing the problem of child marriage. There are many reasons and consequences of getting married at a young age. Marriage in adolescence is not safe for the child. After child marriage, they are facing many problems like poor health, illiteracy, poverty, and serious diseases (HIV, AIDS, and fistula). Adolescent girls have to face physical problems when they get married at a young age. Due to illiteracy and unemployment in developing countries, girl marriages take place early. The government should provide training and assignments for teenage couples. Disseminate information about health, government scheme, and critical illness. It is a must for teenage couples, it will enhance their life. Girls are unable to choose their own partners due to extreme poverty. Chronic poverty and unnecessary cultural practices are the basis of child marriage. Thus, occupation, migration, and dowry as structural factors all have their roots in child marriage. Fundamental support is to raise public awareness about child marriage, and this is ethically important. The government should make a policy to stop the evil practices of child marriage. Marriage registration is very important for every single person. Married couples will have to submit a copy of the Court Registration Certificate to the District Magistrate's Office within six months. The marriage should not be valid without cross-

verification. Strictly people have to follow this rule as a citizen of India.

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