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## **Child marriage in India: Social maladies and government's initiatives**

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**Abstract**

Child marriage is a burning problem around the world including India. General meaning of child marriage is a marriage of a child younger than eighteen years old. In India, nearly half of women aged 15 to 19 years are getting married before the minimum legal age of eighteen. Child marriage has been practicing since ancient time and its root was very deep in Indian society. Six decade after independence the scenario related to child marriage is not changed. Large number of adolescent girls are victimizing by this evil practice. The evil practice is much higher in rural areas than urban areas. The socio-economic, cultural and educational factors are responsible for child marriage. The lack of awareness and inadequacy of laws are also encouraging this evil practice. The incidents of child marriage put worst effect on society. Child marriage is a violation of children's rights where it deprives them to the basic right to health, nutrition, education, and freedom. Consequently, they are hardly suffering from violation, abuse and exploitation. In fact, young married girls are often getting harassment physically, mentally and emotionally. The Government of India has taken various initiatives to prohibit child marriage. In spite of, child marriage is practicing continuously and Government initiatives have failed to curb it.

**Keywords:** Child, Marriage, Victimize, Violation, Rights, Exploitation,

**1. Introduction**

Child marriage is a burning problem around the world. In India, general meaning of "child marriage" is a marriage of individuals who marry before the minimum legal age, which 18 years for girls and 21 years for boys. According to child marriage Restraint Act 1929, child marriage is a marriage to which either the contracting parties is a child. Further, section 2 'A' defines child is a person who, if male and female, has not completed 21 years and 18 years of age. Convention on the right of the child refers to child marriage is a marriage of a child younger than 18 years old. Child marriage is common practice in Sub-Sahara Africa, Latin America, South and South-East Asia including India. An estimated one-third of girls around the world become brides before the age of eighteen and one in nine do so before the age of fifteen. The UN estimated that nearly seventy million women aged 20-24 years had married before eighteen years. If current trends continue without prevention in the next decade, more than 140 million girls will be married before their eighteen birthdays. USAID noted that more than 40 percent of women marry before age eighteen.

Child marriage is a widely practice in India and its root was very deep in society. Child marriage has been practicing continuously since ancient period. Consequently, Girls are deprived their fundamental rights to health, nutrition, education and freedom. They are victimizing from physical assaults, domestic violation, and sex exploitation. It is interesting that all incidents are happening in the name of social norms. In India, about 56 percent of girls get married before the age of eighteen. Every one out of two married girl is under age. This practice has highly extended in rural and backward areas. Though, the urban areas are not free from this evil practice. However, child marriage is prevalent in all the major states of India.

The international community including India has taken various steps to eradicate child marriage. It has recognized child marriage as human rights violation. Many countries have committed to prevent this practice by enforcing laws and supporting programs. The Government of India has taken initiatives to prohibit child marriage. Consequently, many laws and programs introduced. Even, it is clear that laws alone have not changed the reality of girl's lives related to child marriage. Therefore, the strong support of the non-governmental organization and civil societies are essential for prevention of child marriage. However, in this

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article I have attempted to focus on child marriage and its related causes, effects with the discussion of Government's initiatives.

### 2.1. Existence of child marriage in ancient India

There are different opinions about the existence of child marriage in ancient India. Some writers think child marriage was not prevalent in ancient India. Jaya Sagade, a famous writer (child marriage in India: socio-legal and human rights dimension) explores the history of child marriage during Vedic period (1500-600 B.C) when Aryans migrated to India, marriage were performed when the couples attained puberty. A girl had freedom to choose her life partner and her consent was always sought. The most popular form of marriage was the 'Swayamvara' where grooms assembled at the bride's house and bride selected her spouse. Except it various type of marriages like Gandharva Vivaha (love marriage), Asura vivaha (marriage by abduction) were prevalent in ancient period but Bal Vivaha was absent. A. S. Altekar told "that marriage in the Vedic age took place when the parties fully grownup". The Vedic mantras, such as the Ric Veda, mentioned that a girl could be married only when she was fully developed, both physically and mentally.

On the other hand, some scholars think that child marriage was prevalent in ancient India. In sixth and seventh centuries, a patriarchal social structure emerged, encouraging early marriage for a girl, so that she would be married off "preferably before of puberty and certainly immediately after her first menstruation". Jolly, a writer said "the rule that the marriage must precede the puberty and that the bride must be naganika". The literal meaning of naganika is naked. The term 'naganika' clearly indicates to early marriage. Altekar describes the gradual reduction of marriageable age of girls and writes, "From 200 AD pre puberty marriage became the order of the day". He also said, in Deccan during Vijaynagar rule pre puberty marriage were frequent among the non-Brahmans". Manu smriti and other smriti literature expressed that bride should be much younger than bridegroom. Veena Das stated that women were seen in the post Vedic period as the point of entrance "the gateways to the caste system". If men of lower castes were to get sexual access to the women of higher castes, not only purity of the women but also purity of the higher caste had endangered. Since the main threat to the group came from the female sexuality, it became the custom to control it by pre-puberty marriage. Hence, marriage at a very early age within the caste was encouraged to prohibit marriage with lower caste. According to above statements it can say that child marriage was prevalent in ancient India.

### 2.2. Child marriage and Medieval Period

Some scholar stated that the custom of child marriage originated during the medieval period. It was another blessing of medieval time. The invasion, war, plunders and exploitation of territory was general character of that times. In the turbulent atmosphere of the medieval period, law and order was not yet a universal phenomenon and arbitrary powers were concentrated in the hand of hierarchy. In this circumstances young girls plundered as war booty. Therefore, parents would want to remove responsibilities of their daughters by getting them married before of puberty. In this way, the parents seek to protect their girls from sexual exploitation and abuse. There were few other reasons arising from the nature of feudal society that encouraged the child marriage. In feudal society of middle age, military alliance played a very important role to preserve power and honor. This is fact that military alliance more lasting by matrimonial alliance between members of the

two families. However, such matrimonial alliance could work out smoothly only if the bride and groom were ready to accept each other's. Sometimes bride and groom of marriageable age did not accept each other's. Consequently the alliance not formed. The feudal families avoided this kind of difficulties by the marriage of their children in the early age where they had no sense of choice. However, the caste system became more rigid and exogamy prohibited during medieval period. Even the youngsters some time violated this injunction. Therefore, parents and community leaders preferred child marriage to protect hereditary caste system.

### 2.3. Colonial period and child marriage

Child marriage continuously practiced during colonial period. The evil practice encouraged by the hereditary caste system and rigid social customs. That time society dominated by the conservative patriarchal Thoughts that deprived the basic rights of girls. Girls had treated as commodity. In colonial period, parents had forced to get their daughters married at early age by social pressure prescribed by the community leaders. If parent failed to marry, their daughter within maximum age he must excluded from the society. The colonial government did not interfere in Indian social customs until before three decade of nineteenth century. However, the western education introduced in India and consequently an educated middle class originated. The educated people strongly protested against social evils like child marriage, sati system, female infanticide etc.

The movement for eradication of child marriage started at mid nineteenth century. The social reformers and religious movement had taken many initiatives against child marriage. At first, they attempted to create awareness among the people through newspapers and journals. Sambad Pravakar, somprakask and Bamabodhini Patrika played an important role in this matter. The Brahma Samaj and the Arya Samaj had done lot of work to prevent child marriage. Raja Ram Mohan Roy, a greatest social reformer of India, strongly fought for eradication of this practice throughout his lifetime. The Indian Brahma Samaj, one of the branch of Brahma Samaj, took valuable role against this practice under the leadership of Kesab Chandra Sen. The Government received 'Native Marriage Bill' on 18<sup>th</sup> November 1868 by the strong initiative of Kesab Chandra Sen. The Bill proposed fourteen years as minimum marriageable age for girls. In 1872, the bill passed as an Act, which granted few rights for women. The Act prohibited early marriage, made polygamy penal, sanctioned widow remarriage and inter caste marriage. The orthodox people strongly protested against this Act. However, child marriage was practicing continuously. Thereafter, Beheramji Merwanji Malabari, one of the great social reformers, strongly opposed child marriage. He published his notes "Infant marriage and enforced widowhood" in 1884. Malabari explored the evil side of child marriage, and suggested some measures. His movement created great excitement all over India. Indian educated people and leaders like Justice M. G Ranade, K. T Telang and Bipan Chandra Pal were support him. However, many conservative people and vernacular newspapers criticized his selfless efforts. The Indian penal code 1860 declared rape is an offence and prescribed punishment. It stated that, if husband set up sexual intercourse with his wife who is below 12 years, it would be treated rape. The educated people and social reformer appealed to increase age of consent for girls. Beheramji Malbari was one of them who wanted a strong Act that would able to prevent child marriage. Finally, 'The age of Consent Act' passed in 1891, which the age of consent raised from 10 years to 12 years for

girls. On the other hand, two princely states, Mysor and Baroda passed a similar Act to prohibit child marriage. In 1925, the all India Social Conference presided by Sarala Devi Chaudhurani who emphasized on the need for increasing of age of marriage both boys and girls. The first all India conference under president ship of Maharani of Baroda adopted the resolution, which appealed to pass legislation to make marriage below the age of sixteen a penal offence and it demand that the age of consent be raised to sixteen. In 1927, Rai Sahib Haribilas Gour Sarada proposed a bill against child marriage. The bill is known as 'The Marriage Restraint Bill', popularly called Sarada Bill. He paid great contribution in the assembly to pass the bill. Finally, the bill became an Act on 1 October 1929 and came into force on April 1930. This Act fixed the marriageable age for boys at eighteen and for girls at fourteen. The Act prescribed punishment for child marriage, if marriage practiced below mentioned age. The Act declared all child marriage illegal, but not void. Therefore, child marriage had unabated after enforcing of the Act.

**Table 1:** Age of consent prescribed by various Acts in Colonial period

Year	Age of consent	Age mentioned in the Marital rape
1860 Act	10 years	10 years
1891 Act	12 years	12 years
1929 Act	14 years	13 years
1940 Act	16 years	15 years

Source: Prepared by Author

**2.4. Child marriage after independence**

In India, after independence, child marriage is prevalent as a worst ulcer in society. It has done most vulnerable to women from physical assaults, domestic violation and sexual abuse. If today, the socio-economic and educational condition of peoples have far better than past but the scenario of child marriage is not changed. This evil practice is still prevalent in the all states and union territory of India. There are three National Family Health Survey conducted in India after independence. According to NFHS-1(1992-93) [17], about 52 percent of girls in the age group 20-24 years get married before the age of 18 years. The incidents of child marriage are much higher in rural areas (63%) than urban areas (33%) (Figure 1). The data also indicates that 11.8 percent of girls are married by the age of thirteen, 26 percent by the age of fifteen years and 54 percent by the age of 18 years. The second National Family Health Survey carried out between the years 1998 to 1999. It has found that 50 percent women in the age group 20-24 years get married before the age of eighteen years. The rural-urban divide continues in the same way, where 58.6 percent for rural areas and 27.9 percent for urban areas. It was very serious matters that 23.5 percent and 8.9 percent women (aged 20-24) were married before the age of 15 years and 13 years respectably. However, Half of the girls have (age group 20-24) have married before the minimum legal age. (Figure.1). According to NFHS-3 (2005-06), 44.5 percent of girls are married before the age of eighteen years. In rural areas, the proportion is 52 percent and urban areas are 28 percent. Where only 16 percent of men aged, 20-24 years got married at the early age of eighteen years. The District Level Health Survey (DLHS) conducted in 2008-09, that shows that the percentage of child marriage has little decreased. According to this Survey 43.4 percent girls in the age group 20-24 years get married before eighteen years, where 48.7 in rural areas and 29.4 percent in urban areas. (Table). Rajasthan Government conducted a survey, which explored 56 percent of

girls had forced into marriage before the age of 15 years and of these 7 percent were got married before they were only 10 years. However, there are 23 million child brides in the country, approximately 40% of the child brides globally. In India, Child marriage is still prevalent in all the states and union Territory and exceeds 50 percent in eight states. The highest rate has found in Andhra Pradesh (51.9%), Bihar (68.2%), Jharkhand (55.7%), Chhattisgarh (51), Madhya Pradesh (53.8%), Rajasthan (57.6%), Uttar Pradesh (54.9%) and West Bengal (54.7%). It has found nearly fifty percent (49.1%) proportion of child marriage in Dadra & Nagar Haveli, on of the Union Territory of India (Figure. 2). It has also found a gender gap in child marriage. In accordance with Census data (2001), about 25 percent of girls got married between the ages 15-19 years, where 5.3 percent of boys got married in the same age group.

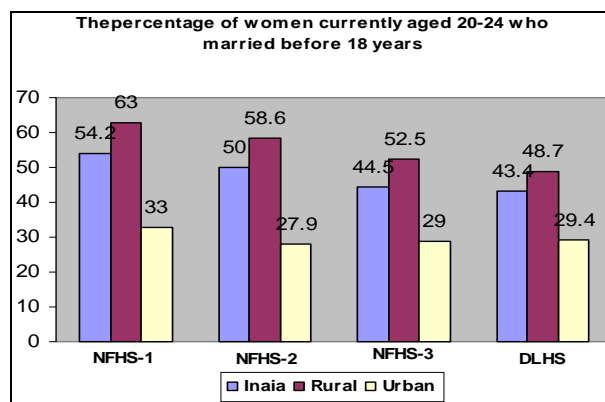
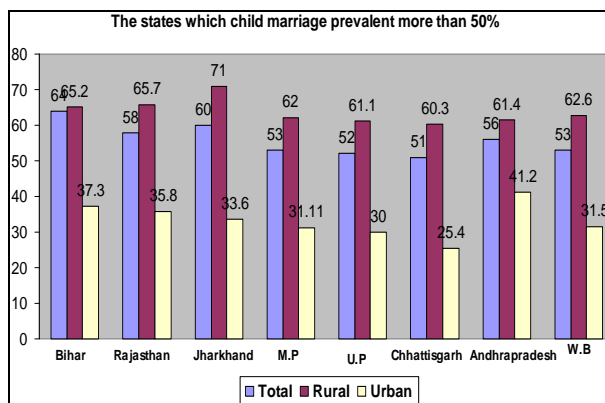


Fig 1:



Source: NFHS-III.

Fig 2:

Over the last one and half decade, the incidents of child marriage have little reduced. There has been 10 percent decline in the proportion of child marriage aged 20-24 years in India. The proportion of child marriage decreased from 54.2 percent to 44.5 percent in the year 1992-93 to 2005-06. Similarly in rural areas the proportion of child marriage decline from 63 percent to 52.5 percent (Figure.3). On the other hand, mean age of marriage for girls aged 20-49 has gone up. In 1998-99, mean age of marriage was 16.7 years that increased to 17.2 in 2005-06 (table). This is reality that six decades after independence child marriage is still prevalent in India. Therefore, it has raised question mark, what are the reasons responsible for it.

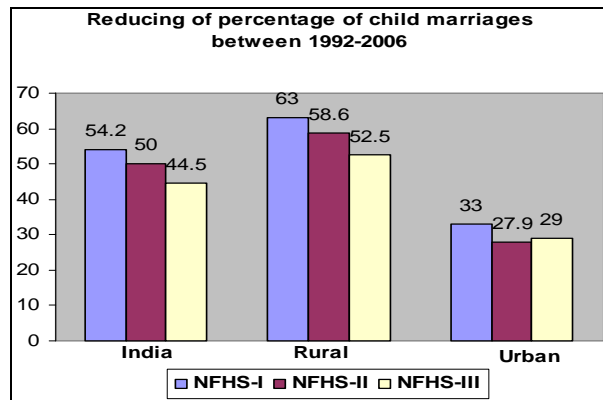


Fig 3:

### 3. Causes for child marriage

The variety of reasons is responsible for child marriage in India. Mainly the socio-economic, cultural and educational factors are responsible for it. Since ancient period, child marriage has been practicing as social norms. Mareille Abeille's study (The historical perspective of child marriage) examined the ancient texts to trace the developments of child marriage as a social custom. Social and religious leaders were strictly protecting it. Pressure to abide by societal norms was vital cause for child marriage. These norms put pressure on the parents to get their daughters married at an early age. On the other hand, it has seen that many parts of Asia, including India early marriages have organized as a cultural tradition. The male dominated Indian society puts high value on the virginity of girls. Many families give importance on the virginity of girls, as family honor and. Therefore, they get their daughters married in the early age to protect them any sexual abuse. Patriarchal institution is an important cause for child marriage in India. Patriarchy has a strong hold on Indian society. It operates at all levels based on sex, age and caste contributes in lowering the status of women in every possible manner. In our patriarchal society, girls are considered as "Parki Dhan" (somebody's property). They consider as liabilities and economic burden of families. This mind set up has devaluated women's status. Parents thought marriage is essential and extreme goal for girls. Therefore, parents get their daughters married as early as possible to remove their liabilities. There is also the fact that "young girls are encouraged to marry older men, because certain cultural practices that dictate longevity of the older husband, some times due to the perception that an older husband will be able to act as a guardian against behavior deemed immoral and inappropriate" (Ibid). Therefore, parents want their daughters to marry in the early age. The rigid caste system has been remaining in Indian society since ancient period. This system is devaluating the role and importance of women in male dominated society. The practice of 'exogamy' has restricted and; endogamy' has supported that has limited choice of marriage. There are many instances of violation of that rule where one's has got married others caste. However to protect caste system parents and community leaders have emphasized on early marriage.

The system of dowry is one of the major reasons for child marriage. In recent years, demand of dowry has extended highly. It makes the situation very difficult for poor families. The general demand for young brides also creates an incentive for these families to marry their girl's child in early age to avoid high dowry payments for older girls. It has found that quantum of dowry increase with the age and educational level of the perspective birdies. Some upper caste parents prefer to

keep their daughters uneducated and marry them off young to avoid heavy dowry demand (Nagi 1993). In fact, the poor parents think girls as an economic burden for families. They try to marry their daughters at the early age to reduce family expense and saving money. Generally, the demand of dowry is much higher for older girls than younger. It has found that economically backward areas where poverty is very acute, child marriage often organized there. It has also seen in economic backward areas young unmarried girls often coveted by rich old man, in such cases girls treated as commodity. In India "girls from poor families are nearly twice as likely to marry before they are women than girls from wealthy families" [ICRW2008]. However, child marriage is very common in rural backward areas in India. Child marriage is not only restricted to poor families. It is also on way of preserving wealth in families of a higher socio- economic class. Some heavily affluent families, especially of tribal affiliation and inclinations are driven by the need to protect their girl's honor and their family name and by direct extensions the family's wealth. This makes them marry their girls off at the early age to a family of equal wealth reputation. Further, high demand of Suitable groom is one of the reasons of child marriage. Generally, economically and educationally backward people always suffer to find suitable groom for their daughters. It has found that the girls who belong to poor families engaged in house hold activities giving up education. Therefore, if parents get a suitable groom in their perspective, they get their daughters married as soon as possible. Sometimes wealthy men want to marry teenage girls and they sent a proposal to the girl's parents. The proposal often accepted by poor parents. This is one of the causes of child marriage. Some people think girls looking better when they 15 or 16 years and this are suitable age for getting better groom.

Education is the key factor for human development. Social evils will not be removing without expansion of education from up to bottom in the society. Therefore, child marriage as social ulcer is still prevalent in India due to lack of education and awareness of the peoples. In India, large numbers of people are illiterate. Consequently, they are not aware about bad effects of child marriage. Most illiterate and low literate parents do not want continue study for their daughters, because they consider education is essential for boys who will bear the economic burden of family. They also think that girls will go others family by marriage. So they believe investment of girl's education is waste of money. However, this is the fact that formal education normally delays the process of fixing the marriage. It has found that the states which educationally developed, child marriage is less common there than the states which educationally backward. Because educated people do not support child marriage.

Lack of social security is important cause for child marriage. Today, social security is breaking down every moment. Parents remain worried about the safety of adolescent girls. Because sexual harassment and incidents of rape related to girls are widely spreading in society. There is high amount of insecurity and anxiety related to protecting the virginity of the girls. Marriage is considered 'safe' to keep the girls protected from unwanted sexual advances. It also considers girls are no longer virgin without marriage. If girls lose her virgin status by consensual sex or forced sexual assault, she is no longer considered suitable for marriage. Consequently, parents both rural and urban areas are get theirs daughters married in the early age. Sometimes incidents of elopement of school going boys and girls are creating threat and tension among the parents. Therefore, parents prefer to get their daughters

married at early age to avoid this kind of problems. This is the reality that the society and Government cannot create alternative opportunities for girls except marriage. Yadav (2006) has pointed out “if young girls are not be married off, alternative opportunities need to be provided to them. The fact is that there are no such constructive opportunities for them”. Generally, girls dropped out from school due to early marriage. Therefore, they are deprived from educational opportunities, which could help in developing their personality, autonomy and employment skill. From childhood, girls are socialized to believe that marriage is the sole goal of their life and their own interests are subordinate to those of the family group.

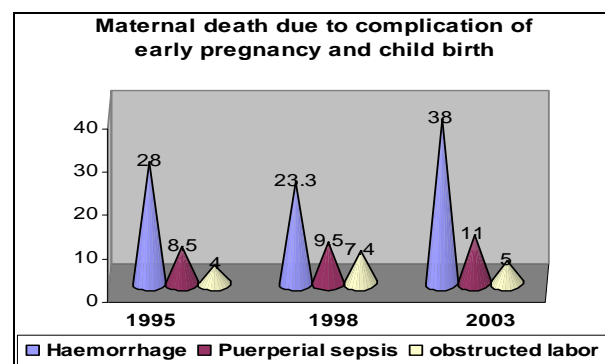
#### 4. Consequence of child marriage

The effects of child marriage are vast and multiple. Child marriage increases maternal death, infant mortality, the spread of HIV, gender inequality, poverty, drop out from school and sexual exploitation of girls etc. The world health organization stated, “There are multiple consequences of child marriage in terms of the health and the social and economic situation of adolescent’s girls. Early onset of sexual activity and the pressure on young married women to prove their fertility as soon as possible after marriage result in high rates of fertility”. Giovanna Lauro and Margaret Greene describe, “Child brides are twice as likely to be victims of domestic violence as their peers who marry later. Girls are also twice as likely to contract sexually transmitted diseases such as HIV as boys of the same age are. Girls also face significantly higher risks of dying during pregnancy and childbirth than women in their 20s- complications from pregnancy and childbirth being the leading cause of death for girls between the age of 15 and 19 in poorer countries. Stillbirths and deaths of newborn babies are 50% higher among mothers under the age of 20 than among who get pregnant in their 20s. Finally, child marriage often prevents girls from continuing their schooling and inhibits them from breaking out of poverty”.

Child marriage denies schooling for girls and their right to education, which are necessary for their personal development and their effective contribution to the future wellbeing society. Lack of education prevents their universal developments. Many parents believe that investment in a girl’s education is a waste of money. Ultimately, she goes to husband’s house after marriage. Therefore, illiteracy has increased among the girls who get married at the early age. About 59 percent ever married women in the age group of 15-19 years are illiterate. While 42 percent are illiterate in the age group of 20-24 years (NFHS-2). Though illiteracy rate are decline day by day even the youngest married women continue to illiterate. The illiteracy rate is much higher among the states which incidents of child marriage are prevalent much higher. In fact, child marriage often means of the end of education for girls. It is closely related to girl’s dropping out from school. It is true that delaying marriage help them to attain more education. Women who married in the age of 18 years or older got more education than those who married at the early age. It has found that majority of girls dropped out by the time when they reached 9<sup>th</sup> or 10<sup>th</sup> standard. Because parents get their daughters married in the early age. However, over seventy percent of women who had been married before the age of eighteen years have no any formal education in India.

Early pregnancy is result of early marriage of girls. Young married brides are forced to set up sexual intercourse with their husbands without contraception. Consequently, they get pregnant in the early age. Sometimes groom’s family creates pressure on young bride to prove her fertility after marriage as

early as possible. According to census 2001, nearly 300000 girls under 15 years gave birth to at least one child. Therefore, “premature pregnancy and motherhood are an inevitable consequence of child marriage. An estimated 14 million adolescents between 15-19 years give birth each year [UNICEF, 2007]”. In India percentage of young mothers who are, get pregnant before 15 years are much higher in the states, which child marriages are often practicing. Child marriages are responsible for higher maternal mortality. Young married girls get pregnant in the early age when they are not fully physically or mentally mature. Therefore, they have been suffering badly from various complications related to pregnancy. Young mothers under aged 15 years are five times more likely to die than women aged 20 years due to complication from hemorrhage, sepsis preeclampsia / eclampsia and obstructed labor etc [UNICEF 2007]. Yadav describes, “45 percent of all maternal deaths occur among women of age less than twenty four years and that 25 percent of these deaths are attributable to complications associated with childbirth and pregnancy”. A woman dies every seven minutes in the country due to complication related to pregnancy and the maternal mortality ratio for India is 301 per 100000 live births (Rediff News 7<sup>th</sup> march, 2007). Another report points out that the maternal deaths are considerably higher among adolescents than older women are. A community-based survey carried out in Andhra Pradesh, suggests that adolescent mortality rate are almost twice than adult women aged 25-29 years. Maternal morbidity is much higher among young married girls than older women are. They have been suffering from anemia, high blood pressure, and toxemia, delayed or obstructed labor, complication in pregnancy and weight loss during lactation. In developing country including India, girls are get married in the early age and exposed to greater risk of reproductive morbidity and mortality. According to UNICEF report (2001), every woman who dies in childbirth, thirty more suffer injuries, infection, disabilities, which usually go untreated, and some of which are lifelong. There are 35 percent pregnant women under twenty years do not get parental care [NFHS]. In India 38 percent pregnant women died for Hemorrhage, 11 percent for puerperal sepsis and 5 percent for obstructed labor. (Fig.4). However, the mortality and morbidity rate is much higher in rural areas than urban areas. About 15 percent of all deaths of women, aged 15-24 years in the rural areas are assigned to disease of childbirth and pregnancy, the second largest cause of death.

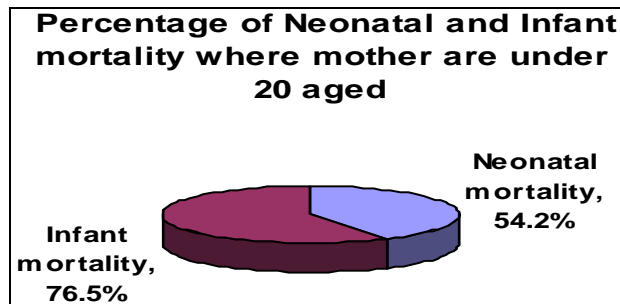


Source: Statistics on women in India 2010.

Fig 4:

It has seen that Infant mortality is much higher among the young mothers who are often suffering from various complications during pregnancy. Consequently, they cannot able to born healthy babies due to their poor reproductive

health. It has seen large numbers of neonatal are died of at the early days. In India, one in fifteen children dies before their first birthday. UNICEF report 2007 shows that “infant of mothers aged younger than 18 years have a 60 percent greater chance of dying in the first years or older”. Premature birth is a major problem of early pregnancy, where are born with low weight and various complications. According to DLHS (2007-08), the neonatal and infant mortality rate was 54.2% and 76.5% where mothers were under 20 aged. The National family health survey has shows that the neonatal mortality rate (70.8%) is much higher for adolescent mothers than adult mothers.



Source: DLHS 2007-08

Fig 5:

The patriarchal nature of society makes women highly capable to gender based violence. Women are often victimizing by domestic violence from their spouse or family members. UNICEF (2005) study points out that India has one of the highest levels of domestic violence and adolescent married girls who are more likely to be beaten, threatened or sexually abused. The second ‘national family health survey’ points out “in the age group of 15-19 years, a large number, 61.1% justified at least one reason for wife beating and 15.4% reported that they had been physically mistreated since the age of 15 years”. This the reality that young married girls has been suffering by domestic violence and they cannot protest it due to their physical and mental immaturity. An international centre for women (ICRW) survey in the states of Bihar and Jharkhand in 2004, found that girls who were married before 18 years were twice victimizing by their husbands than girls who married later. On the other hand, women are highly suffering from sexual harassment to day and child brides are more victimizing by sexual violence from their spouse or elder in her marital home. Generally, young married girl with low level of education is not preparing physically or mentally for sexual intercourse with her husband. However, adult husband forcefully set up sexual relation with his wife who is unwilling to early sexual activity. When a young girl who is still struggling to understand her own anatomy is forced to make conjugal relations and often show sign of post-traumatic stress and depression for sexual abuse by her older partner. In fact, her weak body and innocent mind are not prepared for sexual intercourse. Consequently, her husband rapes her constantly. The girls are three times more likely to experience marital rape. Several studies indicate that child marriage makes young wives extremely vulnerable to physical and sexual abuse.

Young married girls are severally affecting for their lack of decision-making power in their own sexual, reproductive lives. The risks of infection from sexual transmitted diseases including HIV are much higher for young wives. They get these kinds of diseases from their spouses who are often engaging in sexual relation with others women outside the

marriage. Further, young married girls forced to engage in unprotected sexual intercourse. Consequently, they are physically more prone to contracting HIV/AIDS. Therefore, prevalence of HIV infection is highest in women aged 15-24 years [Barua, A---supra note]. Yadav points out “early sexual activity also exposes adolescent to greater risk of contracting sexually transmitted diseases, including HIV/AIDS”. On the other hand National family health survey indicates that the knowledge about sexual transmitted diseases and HIV/AIDS is very low among girls in the age group of 15-24 years. The NUFPA report claims that it is difficult for marriage girls to insist on condom use by their husbands, who commonly are older and more sexually experienced, making the girls especially vulnerable to HIV and sexual transmitted infection. Further Child marriage also increases fertility rate of women. In patriarchal society, large numbers of families want more children. Further, the groom’s families put pressure on young bride to prove her fertility after marriage as early as possible. Consequently, girls are getting motherhood in the early age. Sometime young mother have no idea of family planning. In India about 36% of married adolescents aged 13-16 years and 64% of those aged 17-19 years are already mother or are pregnant with their first child (Jejeebhoy 1999). However, adolescents contribute significantly to the total number of birth in the country. About eight million adolescents aged 15-19 are already mother and another two million are pregnant with their first child. When about five million have experienced pregnancy by the time, they are 16 years old [jejeebhoy 1999]. Therefore, early pregnancy puts on adverse effect on the mental, sexual and reproductive health of young married girls. Generally, groom’s age is much higher than brides in India are. Often young brides are not satisfying with their old aged husbands. It makes them mentally sick and creates great depression and anxiety which some time direct them to take harmful decision. It has seen that the girls’ reproductive and sexual healths are highly affected by child marriage. According to Bhat (2005) “girls suffer from high rates of obstetric complication, intrauterine growth retardation, pregnancy induced hyper tension, premature deliver, higher mortality rates and fetal wastage. The neonatal and infant mortality rates are also high along with incidences premature delivery and low weight of the newborn child”. The state of the world’s children Report (sowc) 2007, south Asia edition, points out that “In India on out of every three adults women in under eighteen and therefore at risk of delivering babies with low birth weight”.

Child marriage cerates another problem likes trafficking of girls. Recent time trafficking of girls have increased highly for various purpose including prostitution, Labour and exploitation etc. child marriages are one of the well known way for trafficking of girls as legal instrument. A study conducted by HAQ, showed that girls from west Bengal were trafficked to remote reign such as Kashmir for the purpose of marrying them to older men or forcing them into prostitution after marriage. Present day trafficking of married girls is rampant in Rajasthan, Chhattisgarh, Utter Pradesh and even Kerala (Infochange, 2007). Therefore child marriage makes women and children most vulnerable from trafficking.

## 5. Initiatives to prevent child marriage

### 5.1. Constitutional commitment:

The Government of India has taken various initiatives to prevent child marriage in India. The constitution of India recognized the vulnerable position of children (girls) and committed to protect their rights. The Commitments of the

constitution clearly manifested through several articles. Article 14 stated that the state should not deny to any person equality before the law or the equal protection of law with in the Territory of India. Article 15 stated, "The state shall not discriminate against any citizen". Article 23 also instructed, "Trafficking in human beings and beggar and other forms of forced Labour are prohibited and convention of this provision shall be an offence punishable in accordance with law". Further article 39 stated that "children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and childhood and youth are protected against exploitation and against mortal and material abandonment". According to article, 45 Government shall provide early childhood care and education for all children. However, constitution has committed to protect right of life, right of liberty and right against exploitation for all people including girls.

### 5.2. Child marriage prohibition Act- 2006 Other Act

In colonial period, the initiatives against child marriage had taken by the Government of India. The child marriage Restraint Act introduced in 1929, known as Sarada act named of Rai Shaib Haribilas Gour Sarada who introduced the bill in legislative assembly. The act prohibited marriage of girls below 15 years and boys below 18 years. After independence In 1978, Government of India amended that act to make it more effective and raised minimum age of marriage by three years, from 15 to 18 years for girls and 18 to 21 years for boys. Further, that act again amended in 2006. After amended the Act known is 'the prohibition of child marriage act 2006' which the minimum legal age of marriage is 18 years for girls and 21 years for boys. The act instructed to appoint full time 'child marriage prohibition officers' in the every state. These

officers are vested with the authority to prevent child marriages, make documented report of violation, charge offenders that can also include the child's parents and even remove children from dangerous and potentially dangerous situation. Further the act considered Child marriages are legal but merely void able. The ground for the declaration as void are laid down in the act itself. This has done at the option of the child that has been married off allowing her to declare her marriage void at any time up two years after reaching adulthood. Another provision stated that the only exception where a child marriage can be declared as void even before the child reaches the age of 18 years, is when the child has been abducted, kidnapped, trafficked or been compelled to marry under force, deceit, coercion or misrepresentation. The legislation has also penalizes the arrangement, performance or participation in child marriages. By section 9, any man who is aged above eighteen who contracts for a child marriage is punishable by imprisonment of up to on lakh rupees or both. By section 10, these penalties has extended to anyone who performs, conducts, directs or abets a child marriage unless he can prove that he had reason to believe that the marriage was no child marriage. However, the Act emphasized for prohibition of child marriage. Many states government appointed the child marriage prohibition officer and given power to these officers to prevent and prosecute solemnization of child marriages and to create awareness on the issue. Adopting this Act 21, states have framed their rules and states have appointed prohibition officer. There after government enacted "The protection of children from sexual offences Act, 2012 (POCSO)" to protect children from offence of sexual assaults. The act defined the term 'child' means any person below the age of eighteen. The act declared that sexual intercourse with a person under 18 is an offence and punitive.

Sl. No.	Name of the schemes/ programmes	Introduced in year	Main objectives
1	Balika Samridhi Yojana	1997	Delaying marriageable for girls
2	Kisory Sakti Yojana'	2001	Improving the nutritional and health status of adolescent girls.
3	National policy for the empowerment of women'	2001	eliminate all forms of discrimination against girls child and to protect their rights
4	National population policy'	2000	To address the vulnerability of girls
5	'National youth policy'	2003	To address the vulnerability of girls
6	National charter for children'	2003	To remove the root causes, which negate the healthy growth and development of children, and to protect children from all form of abuse
7	Girls child protection scheme'	2005	To protect the girl's child from social evils
8	'National plan of Action for children'	2005	Similar
9	Bal Vivah Virodh Abhiyan'	2005	To increase awareness against child marriage
10	Integrated child protection Scheme'	2007-12	To protect children from criminal activities and ensure social security
11	Dhanalakshmi'	2009	To provide cash to the family of the girls'
12	Rajiv Gandhi Scheme for Empowerment of adolescent Girls	2010	development of adolescent girls aged 11-18 years

### 5.3. Government's policies and programs for Girls

The Govern of India has taken various initiatives to protect girl's rights, In 1997, Government introduced a policy known as **Balika Samridhi Yojana** for delaying marriageable age for girls and changing attitude of society towards girls. It had also purpose to increase enrollment of girls at the school that could improve their capabilities and self-confidence. Further, Government lunched similar scheme, was '**Kisory Sakti Yojana**' in 2001 to empower adolescents girls. The program focuses on improving the nutritional and health status of adolescent girls between ages 11-18 years. Another purpose was to provide opportunities, if they could gain better environment and could prove their potentiality in society as a productive member. In 2001, Government took the '**National policy for the empowerment of women**' to eliminate all

forms of discrimination against girls child and to protect their rights by strong measures both preventive and punitive. The policy emphasized on strict enforcement of laws against child marriage, child abuse and female infanticide. Hence the '**National population policy**', [2000] and '**National youth policy**' [2003] were introduced to address the vulnerability of girls in the context of child marriage. The main objectives of these policies were to promote non-formal education and vocational training, development of livelihood skills and create awareness of sexual and reproductive health.

The government had taken '**National charter for children**' in 2003 for securing every right of children. The objectives of this charter were to remove the root causes, which negate the healthy growth and development of children, and to protect children from all form of abuse. The charter also prescribed to

all states and communities for acting appropriately to address the all factors that deprive the girl's child from their rights to survive with dignity. Further, in 2005 '**Girls child protection scheme**' lunched to protect the girl's child from social evils. The main purpose of this scheme was to increase enrollment of girls at the school and ensure their education at least up to intermediate level for delaying their marriageable age. The '**National plan of Action for children**' (2005) also prescribed similar kind of objectives. The National commission for women lunched '**Bal Vivah Virodh Abhiyan**' (campaign against child marriage) in 2005. It focused particularly on the state of Rajasthan, Bihar, Chhattisgarh, Madhyapradesh, Jharkhand and Uttar Pradesh.

Government has taken various programmes continuously. The '**Integrated child protection Scheme**' launched in the XI five-year plan (2007-12) to protect children from criminal activities and ensuring social security. In 2009, '**Dhanalakshmi**' scheme introduced under ministry of women and child Development Department. It was a conditional cash transfer scheme to provide cash to the family of the girls' child. The families of the girls can get benefits of this scheme by fulfilling certain conditions like birth registration, enrollment retention in school and delaying the marriage beyond 18 years. The scheme also provides insurance facilities for the girl's child. Thereafter Government had taken an extensive scheme named "**Rajiv Gandhi Scheme for Empowerment of adolescent Girls**" or "**Sabala**" in 2010, for development of adolescent girls aged 11-18 years. The scheme implemented in 205 selected districts around the country. Sabala includes nutrition provision, health education, childcare practice, life skills education etc. for girls aged 16 and above under the National skill Development programme. However, the Government adopted "National policy for children" and "National strategy on child marriage" in 2013 for tracking, rescuing and rehabilitant out of schoolchildren; including married children and ensuring them access their right to education.

#### 5.4. Initiative of State Government

Many states Government have lunched conditional cash transfer scheme to hold girls child in school for delaying their marriageable age. Rajasthan Government lunched "**Rajlakshmi Scheme**" in 1992. Haryana initiated "**Apni Beti Apni Dhan** (our daughters, our wealth)" in 1994. This was the first conditional cash transfer scheme which provides Rs. 500 to the mother upon the birth of a girls to cover her post delivery needs. Further the Government invests Rs 2500 in the girl's name that can be cashed Rs 25000 when she reached in 18 yrsrs. Karnataka lunched the "**Bhagyalaxmi scheme**" in 2004. Delhi and Madhya Pradesh introduced "**Ladli Yojana**" and the "**Ladlilakshmi Yojana**" respectively. The government of West Bengal lunched "**Kanyashree Prakalpa**" a conditional cash transfer scheme for girls' students. It provides Rs 500 per students per year from class VIII to above and it provides Rs 25000 one time for the girls' students at the age of eighteen. Only unmarried girls can get benefits of this scheme. Above all the schemes has been introducing for delaying the age of marriage for girls to prevent early marriages.

#### 6. Conclusion

India is a land of diversity. There are many practices and beliefs still prevalent. Child marriage is one of the forms of worst practice that puts evil effects on the society. The Government of India has taken various constitutional, legal and policy-making program to prevent child marriage. In spite of, child marriages are continuously practicing. The laws have

failed to prevent child marriages. The child marriage Act 2006, do not declare all child marriages are invalid. Exceptionally the act has declared child marriages are void in the case of marriages that performed by use of force/threat/fraud/kidnapping. Otherwise child marriages are treating as social evil instead a crime. The Act is not implementing properly. Only 20 states have appointed 'child marriage prohibition officer' who are holding other responsibilities. On the other hand, there are no programmes or schemes that directly addressing the issue of child marriage. The most of the scheme intends development of the girl child and address the problem indirectly. Therefore, child marriage still prevalent in India that puts worst effects on lives and future of youth. Today, large numbers of girls are getting married before the age of 18 years. They are depriving their basic rights to health nutrition, education and freedom and victimizing by several violence and abuse. Therefore, the strong initiatives with fully support of civil society need to remove child marriage in India.

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