Chapter- 1

Education and Marriage
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EDUCATION AND MARRIAGE

Historically, women with more education have been the least likely to marry and have children, but because of education the marriage gap and the outlook towards marriage has changed. Marriage and remarriage rate have risen for women with a college degree relative to women with fewer years of education.

However, the patterns of marriage have changed. College educated women marry later, have fewer children, are less likely to view marriage as "financial security", are happier in their marriage and with their life, and are not only the least likely to divorce (http://www.nper.org/papers/w15725...visited on 09-12-2010). It is said that marriages are made in heaven and celebrated on earth. The popular belief is true to some extent, because it is a special bond shared between two souls who tie the wedding knot after promising to be companions for a lifetime. It is the physical, mental and spiritual union of two souls. It brings significant stability and substance to human relationships, which is otherwise incomplete. It plays a crucial role in transferring the culture and civilization from one generation to the other so that the human race is prospered. The institution of marriage is beneficial to the society as a whole, because it is the foundation of the family which in turn is the fundamental building block of the society (http://weddings.iloveindia.com/features/what-is-marriage.html...visited on 08-02-2011).

Female education directly affects the marriage age of females. While education of female emerges as an important factor in delaying marriage prospect and difficulty in marriage also affect female literacy and education. Among the urban middle and upper classes, there is a strong pressure to educate girls for securing a better employed bridegroom. Even the top sections of rural areas which were reluctant to educate their girls, are now sending their females to schools and colleges because they think they will otherwise suffer from a handicap in matrimonial matchmaking. The pressure to educate girls in order to secure a better employed son-in-law is due to
the fact that many young people are employed in the modern sector who insists on a bride with education suitable to their educational level. It has been pointed out that such bridegrooms cannot be trapped only through large dowry unless they are satisfied with the educational level of brides. Hence, we see that matrimonial prospects are strong force behind spreading female education among better off sections of society. Schools and colleges provide for many of them respectable waiting places till their marriage (Bhagat, 2002:162).

Every individual has to play a number of roles in his life, or we may say life consists of a combination of roles played in various institutional settings. Of the various roles one plays, two roles have great significance: one is the economic role and the other is the marital or the family role. According to Koos (1953:44), marriage is a dividing line between the family of orientation and family of procreation in terms of the nature of roles one performs in two families. The roles in the family of orientation vary in infancy, childhood and adolescence and carry responsibilities and obligations, but the roles one performs in the family of procreation after the marriage as a husband, a father, a wage-earner, as a grand father, a retired person, etc., have different expectations and obligations (Ahuja, 2006:117-118).

**Status of Women**

The condition of a nation is reflected in the status of its women. The status of Indian women is evident in the census conducted by the Government of India in 2001. As per 2001 Census, the overall literacy rate of India is 65.38%. The male literacy rate is 75.96% and female literacy rate is 54.28%.

**Ancient Period**

Free and equal access to education for both sexes seems to have been available during the early Vedic period. Women then enjoyed equality with men in pursuing their interests freely and had the right to participate in academic discourses in the fields such as astronomy, philosophy, logic, mathematics and geography. Love marriages (Gandharva vivaha) and remarriages of widows were permitted. In this period, both husband and wife were joint owners of the property. An educated Vedic woman had a voice in the selection of their husbands. The unmarried person was not
eligible to participate in Vedic sacrifices. The matrimony was not compulsory for a woman and there was no limitation on the age of marriage (pandya, 2008:184).

**Medieval Period**

The Indian women’s position in the society further deteriorated during the medieval period. Sati, child marriages and ban on widow remarriages became part of social life. The Muslim conquest in the Indian subcontinent brought purdah practice in the Indian society. Polygamy was widely practiced especially among Muslim and Hindu Kshatriya rulers. In some parts of India, the Devadasis or the temple women were sexually exploited. Among the Rajputs of Rajasthan, the Jauhar (practice of the voluntary immolation of all the wives and daughters of defeated warriors) was practiced in order to avoid capture and consequent molestation by the enemy (http://en.wikipedia.org/wiki/Women_in_India...visited on 09-02-2011). The negligence of education and lowering of the marriage age brought disastrous consequences upon the position and status of women. Remarriage of women was stopped and they were asked to devote themselves to ascetic life at home. In South India many women administered villages, towns, divisions and heralded social and religious institutions. Guru Nanak, the first guru of Sikhs preached the message of equality between men and women. He advocated that women be allowed to lead religious assemblies, to perform and lead congregational hymn singing called Kirtan (Bhajan), to become members of religious management committees, to lead armies on the battlefield, and to have equality in marriage and equality in Amrit (Baptism), etc.

**Modern Period**

During this period (19th and 20th centuries) the status of women was improved by the untiring efforts of different social reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Maharishi Karve, and Sister Nivedita etc.

According to the Charter Act of 1813, the East India Company was entrusted with the responsibility of the education of the Indian people. But its efforts were restricted to the education of boys and no effort was made for the education of girls. The famous social reformer Raja Ram Mohan Roy argued for the abolition of Sati and in 1829 Sati was abolished and came to be regarded as a crime. He established
Brahma Samaj and advocated the principle of freedom of women and equality of sexes.

The untiring efforts of Ishwar Chandra Vidyasagar led to the promulgation of the Widow Remarriage Act (1856) and thus it became legal. In 1872 Civil Marriage Act was passed. This Act made the registration of the marriage compulsory and age of marriage of girls was raised to 14 years. It also permitted widow remarriage and its most remarkable feature is the enforcement of monogamy. Even though the Civil Marriage Act was passed in 1872, the Hindu society accepted the practice of monogamy and inter-cast marriage only in 1956.

The education of women became slow, but it made steady progress during the period 1882-1902. In the last decade of the 18th century, Swami Vivekananda (1863-1902) gave a great impetus for the liberation of women from seclusion and bondage. A major landmark of this period was the establishment of the first women's university at Poona which was started as a college for young widows by Karve in 1896 and grew into a multi-faculty university. Later in 1916, it was renamed as Srimati Nathibai Damodar Thackersey (SNDP) University. By the end of the 19th century women entered in the field of different professions. Mahatma Gandhi was also a strong advocate of equality of men and women.

**Post-Independence Period**

The University Education Commission (1948-49) made certain recommendations regarding women's education. But the most important development in the field of women's education after independence was the setting up of a National Committee for Women's Education in 1958 under the chairmanship of Smt. Durgabai Deshmukh. This committee recommended special measures to bridge the gap between girl's education and boy's education at the primary and secondary levels.

The Union Ministry of Education set up the National Council for Women's Education in 1959. Most of the state governments have established state councils for women's education. Smt. Hansa Mehta Committee was appointed in 1961 by the National Council for Women's Education to examine the problems of curricula for girls at all stages of education (Pandya, 2008:185-186).
Hindu Marriage: a Sacrament

Marriage, being mainly performed for dharma and not for pleasure, it was considered as a sacrament among Hindus. Several reasons may be given for considering the Hindu marriage as sacrament: (i) dharma (fulfillment of religious duties) was the highest aim of marriage; (ii) performance of the religious ceremony (included certain rites like Havan, kanyadan, panigrahana, saptapadi, etc., which, being based on the sacred formula, were considered sacred; (iii) the rites were performed before agni (the most sacred God) by reciting mantras (passages) from Vedas (the most sacred scriptures) by a Brahmin (the most sacred person on earth); (iv) the union was considered indissoluble and irrevocable and husband and wife were bound to each other not only until death but even after the death; (v) though a man performed several sacraments during the course of his life, a woman performed only one sacrament of marriage in her life, hence, it has greatest importance for her; (vi) emphasis was on chastity of a woman and the faithfulness of a man; and (vii) marriage was considered to be a “social duty” towards the family and the community and there was little idea of individual interest and aspiration (Ahuja, 2006:120-121).

Types of Marriage

There are many types of marriages.

Polygamy

In this type of marriage a man marries more than one woman. Polygamy is a broader term and includes polyandry and polygynye. In polygamy Muslim and Hindu rulers of India were known to have a large number of wives. Under this type of marriage the husband cannot pay full attention to each of his wives, and it may result in jealousy, enmity and quarrel.

Polyandry

In this form of marriage one woman marries more than one man at a given time. This type of marriage is widespread only in few areas in Asia. Drupadi’s marriage is the example of polyandry marriage (Pradhan, 2004:63-64).
Tribal culture in India is a blend of epic words and modernity. The Kinnaure tribe of Himachal Pradesh is a brilliant example of its kind. They inhabit in the border of Kinnaur district and earn their livelihood by rearing farm animals. Their occupation lies in raising wool, agriculture and horticulture (http://tribes-of-india.blogspot.com/2009/03/polyandry-marriage-system-inhimachal.html...visited on 21-02-2010).

Monogamy

In this type of marriage, one man is married to one woman at a time. A man cannot marry another woman and vice versa while the wife/husband is alive. This is the most acceptable and common form of marriage in India.

Companionate Marriage

This marriage is based on an understanding between two persons that the marriage may be dissolved by mutual consent as long as they do not have offspring.

Experimental Marriage

This type of marriage has been referred to as cohabitation. It allows two people to test their compatibility before they settle down as permanent life partners. This approach is thought to reduce the chances of divorce. By cohabitating they come to know each other intimately, including their vices and virtues. They may enter into marriage permanently, if they feel that they have compatible personalities, life style, values, and goals. However, cohabitation may not be a microcosm of real life and may include a set of rules and expectations that are far different than marriage itself (Pradhan, 2004:63-64).

Endogamy

Endogamy is a social rule that requires a person to select a spouse from within certain groups. These endogamous groups specially refer to Varna, cast and sub-cast. Thus, a Brahmin boy has only to marry a Brahmin girl, a kanyakubja boy has to marry a kanyakubja girl, a Saryupari boy has to marry a Saryupari girl and a Gour boy has to marry a Gour girl.
Exogamy

Exogamy is a social rule which forbids selection of a spouse from certain groups. The two types of exogamy practiced by Hindus are: *gotra* exogamy and *sapinda* exogamy. In a few cases, besides *gotra* and *sapinda*, village is also treated as an exogamous group.

Hypergamy or Anuloma

Hypergamy (anuloma) is a social practice according to which a boy from upper caste can marry a girl from lower caste and vice-versa. For example, Khatris (a caste) are divided into four hypergamous groups: Dhaighar charghar, Baraghar, and Baraghar, Bawanjati, a boy of Dhaighar can marry a girl not only from Dhaighar (according to the rule of endogamy) but from any of the three lower groups of Charghar, Baraghar and Bawanjati (according to the rules of hypergamy); but a girl from Dhaighar has to marry a boy of Dhaighar only (Ahuja, 2006:124-131).

Hypogamy or Pratiloma

Hypogamy (pratiloma) is another form of inter-caste marriage. It allows men of lower caste or Varna to marry women of higher caste or Varna. The ancient law givers, especially Manu discouraged the practice of Hypogamy, but a number of scholars have recognised it as an acceptable form of marriage. It is said that Kakustha Varma, a Brahmin king gave his daughter in marriage to a non-Brahmin king of the Gupta dynasty.

In another instance Jajati, a Kshatriya king married Devayani a Brahmin girl. Similarly, a number of instances of pratiloma are found in our modern society. This inter-caste marriage is becoming very popular in the modern Indian society. The government also legalised the inter-caste marriage under Hindu-Marriage Act, 1955 (http://www.preservearticles.com/201101183514/write-a-brief-note-on-inter-caste-marriage-and-its-forms.html#...visited on 08-2-2011).
The Hindu Marriage Disabilities Removal Act, 1946

Among Hindus, no marriage is valid between persons related to each other within the prohibited degrees, unless such marriage is sanctioned by custom. However, this Act validated marriages between persons belonging to the same gotra or pravara. This Act now stands repealed after the passing of the Hindu Marriage Act, 1955.

The Hindu Marriage Validity Act, 1949

Hypogamy marriage among Hindus was invalid while hypergamy marriage was permitted till late 1940s. 1949 Act validated all marriages between persons belonging to different religions, castes, sub-castes or sects. But it did not validate marriage between a Hindu and a Muslim. This Act also stands repealed after the 1955 Act.

The Special Marriage Act, 1954

This Act came into force on April 1, 1955. It repealed the Special Marriage Act, 1872 which provided a form of marriage for those who did not wish to conform to the existing forms.

The Hindu Marriage Act, 1955

This Act came into force from May 18, 1955 and applies to whole of India, except Jammu and Kashmir. The word ‘Hindu’ in the Act includes Janise, Sikhs, Buddhist and the Scheduled Castes.

The Hindu Widows Remarriage Act, 1856

From Smriti period onwards, widows were not permitted to remarry. According to Manu, “A widow who marries again brings disgrace on herself and should, therefore, be excluded from the seat of her lord”. The 1856 Act removed all legal obstacles to the marriage of Hindu widows. The object was to promote good moral and public welfare. The Act declares that the remarriage of a widow whose husband is dead at the time of her second marriage is valid and no issue of such
marriage will be illegitimate. In case the remarrying widow is a minor whose marriage has not been consummated, the consent of father, mother, grandmother, elder brother or nearest male relative is required.

**The Dowry Prohibited Act, 1961**

This Act was passed on May 20, 1961. The bill to this effect was introduced in the Lok Sabha by the then Law Minister, Mr. A.K. Sen on April 27, 1959. Though it was passed by the Lok Sabha, the Rajya Sabha rejected it (Ahuja, 2006:145).

**The Dowry Prohibition Act, 1961 (Amended 1986)**

This Act prohibits the giving or taking of dowry that is any property or valuable security given or agreed to be given either directly or indirectly by any party or parents of either side at the time of marriage, or before or after the marriage ceremony. It extends to the whole of India except Jammu & Kashmir. The dowry system has been a source of great social problems. So many cases of burns, homicides, and suicides are reported to the medical casualty in the hospitals. These cases are mainly due to the fact that dowry was not given according to the expectation of bridegroom party. As the value of male child has been fixed much higher as compared to girl and the status of women is low, the bride's parent has to offer costly gifts, and spend a lot of money on arranging household goods to present even before the marriage, which is illegal. If any person violates the Act, he may be punished with the imprisonment for a term not less than 5 years and with fine which shall not less than Rs. 15000/- or the amount of the value of such dowry, whichever is more. Under the amended Act of various states many types of prohibitions like advertisement, scope of dowry, gift, presents, and joint accounts are also included.

The Dowry Prohibition (Maintenance of list of presents to the bride and bridegroom) Rule 1885 prescribes that list of gifts, and other items should be made and kept. Where the death of a women is caused by any burns or bodily injury within 7 years of her marriage and it is shown that soon before death she was subjected to cruelty or harassment by her husband or any relatives, it is known as dowry death and punishment for it is not less than 7 years which may also extend to life term imprisonment.
Amendment Act 43 of 1986- Statement of Objects and Reasons.

The Dowry Prohibition Act, 1961 was amended by the Dowry Prohibition (Amendment) Act, 1984 to give effect to certain recommendations of the joint Committee of the Houses of Parliament to examine the question of the working of the Dowry Prohibition Act, 1961 and to make the provisions of the Act more stringent and effective. Although the Dowry Prohibition (Amendment) Act, 1984 was an improvement of the existing legislation, opinions have been expressed by representatives from women’s voluntary organizations and others to the effect that the amendments made are still inadequate and the Act needs to be amended further.

2. It is, therefore, proposed to further amend the Dowry Prohibition Act, 1961 to make more stringent and effective provisions therein.

The salient features of the Bill are:

(a) The minimum punishment for taking or abetting the taking of dowry under Section 3 of the Act has been raised to five years and a fine of rupees fifteen thousand.

(b) The burden of proving that there was no demand for dowry will be on the person who takes or abets the taking of dowry.

(c) The statement made by the person aggrieved by the offence shall not subject him to prosecution under the Act.

(d) Any advertisement in any newspaper, periodical, journal or any other media by any person offering any share in his property or any money in consideration of the marriage of his son or daughter is proposed to be banned and the person giving such advertisement and the printer or publisher of such advertisement will be liable for punishment with imprisonment of six months to five years or with fine up to fifteen thousand rupees.

(e) Offences under the Act are proposed to be made non-bailable.

(f) Provision has also been made for the appointment of Dowry Prohibition Officers by the State Governments for the effective implementation of the Act.
The Dowry Prohibition Officers will be assisted by the Advisory Board consisting of not more than five social welfare workers (out of whom at least two shall be women).

(g) A new offence of “dowry death” is proposed to be included in the Indian Penal Code and the necessary consequential amendments in the Code of Criminal Procedure, 1973 and in the Indian Evidence Act, 1872 have also been proposed (http://www.endvawnow.org/uploads/browswr/files/indiadowryact1961.pdf...visited on 10-03-2011)

Muslim Marriage

Muslims are divided into two divisions: Shias and Sunnis.

Mutual Agreement of Bride and Groom

Marriage (nikah) is a solemn and sacred social contract between bride and groom. This contract is a strong covenant. The marriage contract in Islam is not a sacrament. It is revocable.

Both parties mutually agree and enter into this contract. Both bride and groom have the liberty to define various terms and conditions of their liking and make them a part of this contract.

Mahr

The marriage-gift (Mahr) is a divine injunction. The giving of Maher to the bride by the groom is an essential part of the contract. “And give the women (on marriage) their Maher as a (nikah) free gift” (Quran 4:4). Mahr is a token commitment of the husband's responsibility and may be paid in cash, property or movable objects to the bride herself. The amount of Maher is not legally specified, however, moderation according to the existing social norm is recommended. The Maher may be paid immediately to the bride at the time of marriage, or deferred to a later date, or a combination of both. The deferred Maher, however, falls due in case of death or divorce.
One matrimonial party expresses 'ijab" willing consent to enter into marriage and the other party expresses 'qubul" acceptance of the responsibility in the assembly of marriage ceremony. The contract is written and signed by the bride and the groom and their two respective witnesses. This written marriage contract ("Aqd-Nikah) is then announced publicly.

Sermon

The assembly of nikah is addressed with a marriage sermon (khutba-tun-nikah) by the Muslim officiating the marriage. In Muslim societies, customarily, a state appointed Muslim judge (Qadi) officiates the nikah ceremony and keeps the record of the marriage contract. However, any trust worthy practicing Muslim can conduct the nikah ceremony, as Islam does not advocate priesthood. The documents of marriage contract/certificate are filed with the mosque (masjid) and local government for record.

Prophet Mohammad (S) made it his tradition (Sunnah) to have marriage sermon delivered in the assembly to solemnize the marriage. The sermon invites the bride and the groom, as well as the participating guests in the assembly to a life of piety, mutual love, kindness, and social responsibility.

The Khutbah-tun-Nikah begins with the praise of Allah. His help and guidance is sought. The Muslim confession of faith that 'There is none worthy of worship except Allah and Mohammad is His servant and messenger" is declared. The three Quranic verses (Quran 4:1, 3:102, 33:70-71) and one Prophetic saying (hadith) from the main text of the marriage are cited. The hadith is:

‘By Allah’ Among all of you I am the most God-fearing, and among you all, I am the supermost to save myself from the wrath of Allah, yet my state is that I observe prayer and sleep too. I observe fast and suspend observing them; I marry woman also. And he who turns away from my Sunnah has no relation with me”. (Bukhari). The Muslim officiating the marriage ceremony concludes the ceremony with prayer (Dua) for bride, groom, their respective families, the local Muslim community, and the Muslim community at large (Ummah). Marriage (nikah) is considered as an act of worship (ibadah). It is virtuous to conduct it in Mosque
keeping the ceremony simple. The marriage ceremony is a social as well as a religious activity. Islam advocates simplicity in ceremonies and celebrations.

Prophet Mohammad (S) considered simple weddings the best weddings:

"The best wedding is that upon which the least trouble and expense is bestowed" (Mishkat).

Primary Requirements

- Mutual agreement (Ijab-O-Qubul) by the bride and the groom with two adult and sane witnesses.
- Mahr (marriage-gift) to be paid by the groom to the bride either immediately (muajjal) or deferred (muakhkhar), or a combination of both.

Secondary Requirements

- Legal guardian (wakeel) representing the bride. Written marriage contract ("Aqd-Nikah) signed by the bride and the groom and witnessed by two adult and sane witnesses Qazi (State appointed Muslim judge) or Ma'zoon (a responsible person officiating the marriage ceremony)
- Khutba-tun-Nikah to solemnize the marriage.

The Marriage Banquet (Walima)

After the consummation of the marriage, the groom holds a banquet called a walima. The relatives, neighbors, and friends are invited in order to make them aware of the marriage. Both rich and poor of the family and community are invited to the marriage feasts.

Prophet Mohammad (S) said:

"The worst of the feasts are those marriage feasts to which the rich are invited and the poor are left out". (Mishkat)

It is recommended that Muslims attend marriage ceremonies and marriage feasts upon invitation.
Prophet Mohammad (S) said:

"...and he who refuses to accept an invitation to a marriage feasts, verily disobeys Allah and His Prophet". (Ahmad & Abu Dawood) (http://www.soundvision.com/info/islam/marriage.nikah.asf..visited on 05-10-2010).

Christian Marriage

Christianity is another prevalent religion in India. It was brought to India in two main movements separated by more than a millennium. The first movement occurred in the early centuries after Christ when Christian travelers came to India and settled in Kerala state. They made converts among the inhabitants and established Christian faith. The second wave began in the 16th century when Europeans seized political control over trade centers in India and eventually over the whole country. They brought with them their traditions and social customs, including Christian beliefs and practices. Although marriage is not an essential condition for a Christian, marriage among Christians around the world and in India is the norm. The purposes of marriage among Christians are:

1. To regulate and control sexual impulses
2. To ensure healthy procreation
3. To develop mutual love among men and women
4. To reflect the relationship between Christ and his universal Church

Many Christian priests regard the institution of marriage as a blessing from God. The establishment of family is thus an important objective of the Christian marriage. A christian marriage is not merely a civil contract like the Muslim marriage; rather, it is a religious sacrament as among Hindus, which binds the husband and wife to lead a united life throughout the trials and tribulations of life (pradhan, 2004:66).

Dowry

Dowry system is a huge problem in India and has been a source of great disturbance and embarrassment in our society. Dowry is a cultural system where the
Parents of bride (girl) pay huge amounts of money, expensive gifts and jewellery to bride groom (boy) and his parents during marriage. Historically, it was a system of honoring a bride groom for his willingness to accept a girl for marriage. Earlier, this system was prevalent only among very wealthy families. Unfortunately, greed of dowry has struck most ordinary families in India. In the marriages at all levels of society, dowry is usually an unspoken requirement. The bride grooms have been rated with dowry worth millions of rupees. Depending on the social status, education qualification and affluence of family the amount of dowry can vary significantly. In fact many believe that a person who is not demanding the dowry might have some faults in him that he cannot bargain for dowry. Legally, dowry is a banned practice in India but it still happens all over the place. Many educated and sensible youths have gone against the idea of dowry and they simply have a noble intention of marrying a girl without taking any money.

Dowry is usually a promise to give the money and wealth to the guy and his parents. Later, if the girl’s parents cannot afford to give those things, the treatment of their daughter at the guy’s home can get quite bad. She may get harassed everyday because her parents were not able to give enough dowry. It is true that a young man may require financial support to settle comfortably in his life and to fulfill other needs. But it should not be a reason to ask for dowry and to spoil the life of a girl. Gifts that a girl gets from her parent’s home should solely be their wish and there should be no pressure on them to spend more while marrying their daughter (http://www.saching.com/Article/Dowry-System-in-India/3372...visited on 08-02-2011).

Dowry is positively related with the level of education. This means that more the girls are educated, the more dowry the parents have to give. This makes matrimonial operation double expensive. It encourages female literacy and education because parents realize that the consequences of educating daughters will amount to demand of higher dowry. This is also one of the reasons resulting in big drop outs and lowering the enrolment of girls (relative to boys), and also account for large drop outs at the middle and the secondary stages (Kamath 1983). While among the better off sections parents perceive the utility of female education, such perception hardly exists among relatively poor sections of society; on the contrary, they perceive female
education as an extra burden since it is associated with higher amount of dowry. Thus, link between female education and dowry is crucial. Such a link must be broken with the help of Dowry Prohibition Act passed by Indian Parliament in 1961 for healthy spread of female education in the country (Bhagat, 2002:162-163).

**Divorce**

Divorce is the legal separation of two spouses by bringing an end to the vows that they took during the sacred ceremony of marriage. The divorce procedure differs from one governmental jurisdiction to another. In India divorce is still a major social taboo and divorce seekers have to undergo several ordeals in order to get separated from each other. Unlike western countries like USA and Sweden, the divorce rate is significantly low in India. In earlier days, in spite of existence of radical disparity between spouses, either of the two was expected to compromise with the other so that their marital bonding survives. In most cases women were forced to adjust with the unbearable post marital conditions for the welfare of the family, the children and even for herself as she was hardly open to any means of earning her own livelihood (Http://www.indidivorce.com/...visited on 22-02-2010).

Both the husband and wife amongst the Hindus can seek divorce on common grounds, be it under the Hindu Marriage Act, 1955 or the Special Marriage Act, 1954. Amongst the Christians also, under the Indian Divorce Act, 1869 there are stipulated ground for seeking divorce. Amongst the Muslim, the wife has been given restricted rights to dissolve marriage according to traditional laws. She also has rights for such dissolution under the Muslim Marriage Act, 1939 on stipulated grounds. But the husband has the entitlement to given talaq to his wife, without assigning any reason, whenever he wishes. While there are different forms of talaq, the triple talaq is both instantaneous in effect and irrevocable. This has been a matter of much concern amongst Muslims themselves, especially women. As already brought out, the All India Muslim Personal Law Board itself is reported to have taken up this issue for internal deliberation.

Divorce on demand of wife is Khula. On such demand (usually by returning the paid mahar and all given by her husband), the husband is to pronounce talaq; and the wedlock breaks. On refusal by husband to pronounce talaq despite valid reasons,
marriage can be dissolved by the qazi (court); in India under Dissolution of Muslim Marriages Act, 1939 (http://in.answers.yahoo.com/question/index?qid=20070206172158AAU4A3V ... visited on 14-12-2010).

Age at Marriage

The level of educational attainment also has a bearing on the marriage age. Age at marriage is an important indicator of population growth and development. Higher age at marriage has shortened the reproductive span of women for some years and also changed the fertility pattern towards fewer children of women in the late age partly due to the factors like education and modernization. Higher age at marriage checks the early widowhood of women, the maternal mortality rate due to premature age of child birth, the birth rate and growth of population of a country. In many developing countries the birth rate declines with the rising age at marriage of the girls. In India over the last few decades there was a shifting emphasis for raising the age at marriage of girls particularly among the urban educated and modern sections. Though the legal age at marriage for girls in India is fixed at 18 years by law many girls are married before reaching that particular age. India is the country which has one of the lowest age at marriage in comparison to developed countries. Simultaneously the birth rate and population growth rate are very high (Bhadra, 2000:24).

Marriage in India marks the point in a women’s life when child bearing becomes socially acceptable. Age at first marriage has a profound impact on child bearing because women who marry early have on average a longer period of exposure to pregnancy and a greater number of life time births.
Table 1.1

Median Age at First Marriage

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<td>15.4</td>
<td>15.3</td>
<td>15.3</td>
<td>15.5</td>
<td>15.5</td>
<td>15.4</td>
</tr>
<tr>
<td>&lt;5 years complete</td>
<td>16.9</td>
<td>16.4</td>
<td>16.4</td>
<td>16.6</td>
<td>16.4</td>
<td>16.5</td>
<td>16.5</td>
<td>16.5</td>
</tr>
<tr>
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<td>17.6</td>
<td>17.1</td>
<td>17.0</td>
<td>17.3</td>
<td>17.2</td>
<td>16.9</td>
<td>17.3</td>
<td>17.1</td>
</tr>
<tr>
<td>8-9 years complete</td>
<td>19.0</td>
<td>18.5</td>
<td>18.4</td>
<td>18.5</td>
<td>18.3</td>
<td>19.0</td>
<td>18.7</td>
<td>18.5</td>
</tr>
<tr>
<td>10-11 years complete</td>
<td>19.9</td>
<td>19.6</td>
<td>19.5</td>
<td>19.7</td>
<td>19.9</td>
<td>19.8</td>
<td>19.7</td>
<td>19.7</td>
</tr>
<tr>
<td>12 or more years complete</td>
<td>a</td>
<td>23.1</td>
<td>22.8</td>
<td>22.6</td>
<td>22.5</td>
<td>22.5</td>
<td>a</td>
<td>22.8</td>
</tr>
<tr>
<td><strong>Religion</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hindu</td>
<td>18.1</td>
<td>17.3</td>
<td>16.7</td>
<td>16.5</td>
<td>16.3</td>
<td>16.3</td>
<td>17.0</td>
<td>16.7</td>
</tr>
<tr>
<td>Muslim</td>
<td>18.2</td>
<td>17.3</td>
<td>16.8</td>
<td>16.3</td>
<td>16.5</td>
<td>16.3</td>
<td>17.0</td>
<td>16.7</td>
</tr>
<tr>
<td>Christian</td>
<td>a</td>
<td>20.3</td>
<td>20.9</td>
<td>20.6</td>
<td>20.2</td>
<td>21.3</td>
<td>a</td>
<td>20.6</td>
</tr>
<tr>
<td>Sikh</td>
<td>a</td>
<td>20.4</td>
<td>19.7</td>
<td>19.6</td>
<td>19.8</td>
<td>19.7</td>
<td>a</td>
<td>19.9</td>
</tr>
<tr>
<td>Buddhist/neo-Buddhist</td>
<td>19.1</td>
<td>18.3</td>
<td>16.6</td>
<td>16.2</td>
<td>16.2</td>
<td>17.1</td>
<td>17.4</td>
<td>16.9</td>
</tr>
<tr>
<td>Jain</td>
<td>a</td>
<td>22.5</td>
<td>20.8</td>
<td>20.0</td>
<td>19.9</td>
<td>19.7</td>
<td>a</td>
<td>20.8</td>
</tr>
<tr>
<td>Others</td>
<td>17.8</td>
<td>17.6</td>
<td>17.2</td>
<td>17.8</td>
<td>18.4</td>
<td>19.0</td>
<td>17.8</td>
<td>17.7</td>
</tr>
</tbody>
</table>


Table shows the median age at first marriage for women age 20-49 by current age and background characteristics. The median age at marriage has been increasing in both urban and rural areas, but urban women on average, marry more than two years later than rural women. The rural-urban difference in the median age at first marriage exists among women in all age groups.

There is steady increase in age at marriage with increasing education resulting in a seven year difference in the median age at marriage between women aged between 25-49
with no education and women with at least 12 years of education. As regard the
differential in the median age at marriage from the point of view of religion the highest
median age at marriage is seen among Jain women (20.8 years) followed by Christian
women (20.6 years) and Sikh women (19.9 years). Hindu and Muslim women have the
lowest median age at first marriage of 16.7 years (NFHS 3, 2005-6:263).

**Child Marriage**

Child marriages are obnoxious. It is a social evil and it breeds, in turn, more
evils. Sadly enough, it is prevalent in many parts of developing nations like India. It is
a violation of human rights whether it happens to a girl or a boy, but it represents
perhaps the most prevalent form of sexual abuse and exploitation of girls
(http://www.unicef.org/protection/files/childMarriage.pdf...visited on 26-12-2010).

Child marriage usually refers to two separate social phenomena which are
practised in some societies. The first and more widespread practice is that of marrying
a young child (generally defined as below the age of fifteen) to an adult. Due to
women's shorter reproductive life period (relative to men's), perhaps, the practice of
child marriage tends to be the marriage of young girls to fully-grown men.

The second practice is a form of arranged marriage in which the parents of two
children from different families arrange a future marriage. In this practice, the
individuals who become betrothed often do not meet one another until the wedding
ceremony, which occurs when they are considered to be of marriageable age.

An increase in the advocation of human rights, whether as women's rights or
as children's rights, has caused the traditions of child marriage to decrease greatly as it
was considered unfair and dangerous for the children.

Child marriages may have many purposes. The aristocracy of some cultures
tend to use child marriage among different factions or states as a method to secure
political ties between them. For example, the son or daughter of the royal family of a
weaker power would sometimes be married into the royal family with a stronger
neighbouring power, thus preventing itself from being assimilated. In the lower
classes, if they are fortunate, families could use child marriages as means to gain financial ties with wealthier people ensuring their successions.

In child betrothals, a child's parents arrange a match with the parents of a child of another family (social standing, wealth and expected education all play a part), thus unilaterally determining the child's future at a young age. It is thought by adherents that physical attraction is not a suitable foundation upon which to build a marriage and a family. A separate consideration is the age at which the wedding, as opposed to the engagement, takes place.

Families are able to cement political and financial ties by having their children inter-marry. The betrothal is considered a binding contract upon the families and the children. The breaking of a betrothal can have serious consequences both for the families and for the betrothed individuals themselves (http://en.wikipedia.org/wiki/Child_marriage...visited on 09-02-2011).

Awareness programs are conducted on a full scale and there are very strict rules provided in the Indian Penal Code for supporting child marriages. Owing to corruption, political clout and negligence child marriage is still practiced in India. NGO's and many freelance social workers are bringing forth the evil effects of child marriage that thwart the growth of an individual. Whether it is a boy or girl, childhood is meant for enjoyment and exploring joys rather than restricting it in family discipline.

Children should be given the wealth of education: their health should be supported and cared for. Nutrition is vital for a girl child and this is often over looked owing to early motherhood and related gynecological problems. The enforcement of the law should be stricter and unpolluted of corruption and bribery. This will only ensure safety of Indian children who are less fortunate than their urban friends. Government is making the rules more stringent to register marriage as a method to check for valid age proofs (http://www.goodparenting.co.in/children/child-health/child-marriage-in-india/...visited on 15-12-2010).