CHAPTER – II

CHILD MARRIAGES

Child marriage is a marriage of individuals before they attain the age of adulthood. The Indian law recognizes 18 years for girls and 21 years for boys as the age of adulthood for the purpose of marriage. Any marriage before the minimum valid age is termed as child marriage. "Child Marriage" means a marriage to which either of the contracting parties is a child. Child marriage are the pre-puberty marriages, where the couples would be children and they used to be most immature. These are the marriages can be defined as the marriage of children arranged by the parents consanguineous prescribed by the customs of society and unrecognised by the law of the state. "Child marriage are unplanned and un-thoughtful marriages have greater chances of disruption (S. Pothen) act as the obstacles in the way of progress of the personalities. These child marriages can be recognised by the following characteristics.

1. These are the non-age specific marriages in which the age of either of the contracting parties is under a specified age, hence these are called as under age marriages. In fact these are the pre-puberty marriages that is the entrants into such marriages would be physically most immature, physically and mentally they would be very weak to understand the purpose and doing of marriages.
2. These are the consanguineous marriages. Marriage partners would be blood relatives among themselves arranged by the parents who used to be kith and kins among themselves like among cross cousins. The various restrictions regarding the kinship endogamy, Gotra practices are all tuned towards the continuation of early marriages.

3. These are the mis-match marriages that is to be entrants into this wed-lock would be different in age, interest and understanding. In fact, these are parents interested marriage but not children's real interest.

4. These are unplanned and unregistered wed-locks. As these marriages would be arranged by illiterate, innocent and irresponsible parents for petty ends, they are performed without any documenting or bringing to the notice of the authorities.

5. These marriages are the incomplete institutions. As in the performance of marriage, completely prescribed rites and rituals are not followed, not registered or documented systematically, such marriages are considered as incomplete institutions, which pave the way for the emergence of incomplete institutions like early marriage, desertion remarriage, prostitution etc. Hence in this regard these are non-sacramental and non-impressive marriages.
6. These are the marriages practiced by the people socially and economically backward regions. That is most of the people who involved in such marriages would be rural poor and illiterates and irresponsible. Thus, these marriages are the indicators of socio-economic backward rural societies.

7. These are the improper and illegal marriages, as these marriages are arranged and done against the proper age and persons to be married and law of the land. These marriages will be considered as improper and illegal marriages leading to unhealthy and unhappy conditions in the society. These child marriages used to be held in two ways. First one is Pre-Puberty marriage wherein the marriage is done to the children immediately after birth or during the infant days and the second one is post-puberty marriages used to be held in pre-prescribed standard age.

8. Child marriages are the social evils. These are the practices make the couple to suffer so many social, economic and physical disgraces. These marriages continue the vicious circle of persistent poverty, high illiteracy, high incidence of infectious diseases including HIV/AIDS, malnutrition, elevated child mortality rate, high birth rate, high mortality rate, low life-expectancy of women, reinforcement of the subordinate status of women.
2.1 Consequences of Child Marriage:

There are multiple consequences of child marriage in terms of the health and the social and economic situation of adolescent girls can be contextualized in two ways on i) Epidemiological Context and ii) Sociological Context.

2.2 Consequences of Child Marriages-Epidemiological Context:

Early onset of sexual activity and the pressure on young married women to prove their fertility as soon as possible after marriage, results in high rates of fertility. This seriously affects their health as well as of their children.

These adolescents experience, pregnancy and motherhood before they are physically fully developed, and are exposed to particularly acute health risks during pregnancy and childbirth such as complications arising from it, abortion contributes to infection, infertility and mortality among young women in developing countries, primarily because the medical services are not easily available, especially to adolescents.

While people of all ages can be affected by STDs, young women especially are more susceptible to STD transmission. However, epidemiological data on patients with AIDS suggest that in many cases HIV infection was acquired during adolescence and young women appear to be at greater risk of HIV infection than older women.
Another severe consequence of child marriage on young girls is that their mutual health is seriously affected. Child marriage along with low levels of education or no education, economic dependence, denial of decision making power, inequality in the home and sexual exploitation has a negative impact on mental health.

2.3 The Sociological Consequences of Child Marriage are as Follows:

It usually takes away educational opportunities of adolescent girls. As a consequence, it limits their opportunities for employment and income generation, souring the seeds for a lifetime of dependency. It also taken away their personality development opportunities as they get hardly any exposure to the outside world. It thereby limits their career options. The resulting lack of education limits women's ability to make informed choices. In term of development, child marriage prevents women from participating fully in the life of the family, the community and society. Energies, which might be directed towards social good and development are curtailed. Women's potential and their contribution towards development and growth are important aspects of the development process. Child marriage prevents women as well as society from realising their full potential.

Their opportunities for socio-economic advancement in later life are considerably reduced. A young girl's potential for acquiring skills to deal
with a wide range of experiences in the outside world, her socialisation, is severally limited. This ends up is treating lower self-esteem in her own eyes and lower status in the eyes of the other. Finally it also makes her pass on the age-old patriarchal values to future generation, thereby contributing to the vicious circle of women's subordination and dependency.

This in turn may have a negative impact on their position in and potential contribution to society. Adolescent wives are also observed to have little autonomy and decision making authority in their homes exposing them to additional health and other risks, including violence.

Even the early child bearing reinforces, the poverty of women with low incomes. Poor mothers work more and earn less than other mothers do and the timing of their child bearing is directly related to their nutritional status.

Thus the child marriage deprives females of a supportive social environment; it limits their decision making roles, their education, career and income earning options.

It is the child marriage, which is related to a health issue and a human rights violation. Because it takes place almost exclusively within the context of poverty and gender inequality, it also has social, cultural and economic dimensions.
2.4 **Prevalence of Child Marriages in The Past And Present:**

One of the schools of thought argues, that the practice of child marriage originated and strengthened its roots during the medieval ages. The invasions, war and expansion of territory trailed the trends of the times. The established structures and practices were being disturbed by the new rules who brought in their own ideas and rules law and order was not yet a universal phenomena and arbitrary powers were concentrated in the hands of a few. The status of women deteriorated from bad to worse, as they were being exchanged as gifts, concubines and slaver. This slowly led to a downfall in the status of women, resulting in the practices like wearing of the veil and isolating women from the rest of society. During the time, customs like Sati denigrating the birth of a female baby and female infanticide, were spawned.

The general insecurity that prevailed, especially with regard to women, made the presence young unmarried girls a potential disaster. The practice of child marriage reached its height, so that guardians could get rid of this insecurity as soon as possible. Hence parents sought to dispense with the responsibilities of their daughters by getting them marriage before they reached marriage able age.

The custom of child marriages, with the 'bride' and 'groom' still in their cradles, was a culmination of this intention in addition it was also felt, that this would reduce the danger to a growing girls virginity.
Till the 1860's girls were getting married below the ages of eight or nine years. Socio reform religious movements, such as the Brahmo Samaj and the Arya Samaj, Pioneered work against child marriage. The contribution of Raja Ram Mohan Roy is curbing the ill practices of marriage cannot be neglected. Later in the 1860's, some success was achieved when the Indian Penal Code made provisions against child marriage.