Chapter 2
Review of Literature

According to Article 1 of the United Nation’s Convention on the Rights of the Child, “A child means every human being below the age of 18 years unless, under the law applicable to the child, maturity is attained earlier” (United Nations Children’s Fund 2001). Ministry of Statistics and Programme Implementation of India (2012) in its report on ‘Children’ says that in India, childhood has been defined in the context of legal and constitutional provisions mainly for the aberrations of childhood. However, various legal provisions address children with differing definitions. It is thus a variable concept to suit the purpose and rationale of childhood in differing circumstances. Essentially they differ in defining the upper age-limit of childhood. For e.g. according to the definitions given by Factories Act (1948), the Apprentices Act (1961) and the Child Labour Prohibition and Regulation Act (1986) a child refers to a person who has not completed his/her fourteenth year of age.’

The Prohibition of Child Marriage Act (2006) declares ‘Child means a person who, if a male, has not completed twenty-one years of age and, if a female, has not completed eighteen years of age’. Thus there are differences as to how the duration of childhood can be measured. A child domiciled in India attains maturity at the age of 18 years. History shows that in Medieval India as a custom, children were married at the age of 5
Chapter II

or 6 years. But as time went by, with the rise in the age at marriage, the custom of child marriage was gradually replaced by the practice of early marriage, in which marriage occurs below the age of 18 years. Thus early marriage indicates the marriage of children below 18 years (The United Nations Children’s Fund 2001). Nour (2006) accords that early marriage is vague and does not necessarily refer to children. Moreover, what is early for one person may be late for another. However, today in the field of research, early marriage is used synonymously for child marriage.

2.1 History of Early Marriage

According to Boyte (2010) the practice of early marriage can be traced back to ancient Greece. Marriage of girls at the age of 14 was not uncommon in 200 B.C for various reasons including moving up in the social ladder. Sheri and Stritof (2009) also mention that early marriage was a common practice in Ancient Rome. Women were under the jurisdiction of their fathers, so young girls were often married off when they were between the ages of twelve and fourteen.

McLaughlin (1997) points out that according to the medieval Canon Law, by a child is meant a male or female human being above the age of 7 years – for both gender – and below the age of 14 years for males, and 12 years for females. Usually the marriageable age starts at 12 years and they were not counted as child marriages. During the middle ages, the practice of youthful marriages continued and women married as early as
Review of Literature

fourteen. Men generally waited until they were more established in life, which was usually when they were in their twenties or early thirties. In 1371, due to the plague, the average age at marriage for men was 24 years, and for women it was 16 years. By 1427, the average male of all classes did not wed till he was in his mid-30s, usually choosing a bride about half of his age. Rich girls seemed to marry at a younger age than poor girls. According to Herlihy (1985), during the medieval times, in Italy the average age for marriage was 17 years for girls; in France it was 16 and in England and Germany 18 years was the average age - all for first marriages.

However Melisende (2007) gives the following examples as exceptions: Bianca of Savoy, Duchess of Milan was married at the age of 13 (in 1350). Theodora Comnena was aged 13 when she married King Baldwin III of Jerusalem (in 1158). Agnes of France was 12 when widowed, she was married to Andronicus Comnenus, Byzantine Emperor (in 1182). St. Elizabeth of Portugal was aged 12 when she was married to King Denis of Portugal and gave birth to three children shortly thereafter. Catherina Sforza was betrothed at the age of 9, married at the age of 14, and gave birth at the age of 15.

2.2 History of Early Marriage in India

According to Uttam (2002) the practice of child marriage was totally absent in ancient India. Indra (1995) also mentions that in early Vedic
ages, represented especially by the Rig-Veda, we do not find any evidence of the existence of the practice of pre-pubescent marriages. The Vedic Mantras, such as the Rig-Vedas, mentioned that a girl could be married only when she is fully developed physically, before leaving her father’s home. Men were advised to marry a girl with a fully developed body. Bhat, Sen and Pradhan (2005) also supports this opinion in their study Child Marriage in India, by stating that in Rigveda and Vedic Mantras one hymn mentions that a female should be married only when “she is not a child”. During the time of great epics, The Ramanaya and The Mahabharata, the girls “used to be grown up at the time of marriage.”

According to Tikoo (1985), in ancient times, no boy or girl in India was married at a tender age, because the Hindu way of life did not make that possible. Everybody from his childhood until death in old age had to pass through four stages (four ashramas namely Brahmacharya, Grihastha, Vanaprastha and Sanyasa). Women were also entitled to Brahmacharya, which was the first stage. They were given the training of their classes. The second stage was that of a house holder, and it was not possible for a young boy to cut across the first stage of his life before he was twenty or even more. The question of marriage did not therefore arise. Undoubtedly in the case of men, the age between 24 and 30 years was regarded as the proper age for marriage. This contention is further supported by the mention of time for entering household life after
finishing student-ship. Later on, however, presumably with the change of circumstances, the injunctions of the religious leaders like Manu and Parashar rishi also underwent a change and introduced the system of early marriage for girls.

According to Ghosha (1984), child marriage in India became prevalent during the period of the first foreign invasion. He mentions that child marriage came into existence much later towards the third or fourth century BC. This was an outcome of foreign invasions, such as Greek, Scythians, Bactrians and further down the line, came the Muslims. Norton (2001) also denotes that the practice of child marriage dates back to the Muslim invasions. Invaders raped unmarried Indian Hindu girls and took them away as booty. This put the Hindus in a fix and they started marrying off their daughters at an early age, in order to protect them. After the invaders left, a superstition took hold of people that if girls reach puberty without getting married, they would fall prey to sexual depredation. Illiteracy and superstition also contributed to the belief that if older men married a girl child, they would be cured of sexual diseases. The status and position of women degraded further and as a result more and more girls began to get married in childhood.

After the sixth century, the marriageable age of girls went down lower. The stoppage of participation of girls in Vedic education, Upanayana rituals and the insistence of purity in yajna (sacrificial) ritual contributed
to the lowering of the marriage age for girls (Arijit 2008). Parmar (1999) notices that in India, child marriage was originally practised only by the upper caste Hindus. The practice of pious marriage among the upper castes percolated at low levels and in due course the practice congealed and hardened. Ever since Parashar rishi gave socio-religious recognition to such marriages, child marriages became an accepted form of marriage among the Hindus. The custom of early marriage became so popular and powerful that none dared to defy it. By the passage of time, child marriages became institutionalized in Hindu society. Subsequently other religions also started practising early marriage for their daughters and the practice of marrying girls between the age of two and eight years old became common, not only amongst the Hindus, but also among the Mohammedans and Parsees.

According to Indra (1955), “dharmasasthas” treat a daughter as an object of gift by her father to the bridegroom, the transaction being called Kanyadanam. Kapadia (1963) agrees with Indra’s view and further states that the Hindu marriage, being a sacramental ceremony, every twice-born Hindu desirous of entering the householders’ state was entitled to contract a marriage irrespective of his age, physical constitution and economic condition. A girl must be married before she attains puberty. In this respect the usage outran even the Smritis so far that while the latter enjoys
marriage before puberty, usage favoured marriages even of infants aged 2 or 3 years and sometimes even before they were born.

According to Nagi (1993), in early India, the Hindu scriptures sanctioned both child marriage and early consummation, according to which, the girl should be married before puberty and certainly immediately after her first menstruation. A girl had to be married before she could lose her virginity or be suspected of having lost it. If a girl gets married after her first menses it would not be a Kanya-dan but stree-dan. Kanya-dan can be consummated at the most at 11 years of her age. Roy (2002) and Majumdar (2005) also in their work mention that earlier in India girls were married by the age of seven or eight years.

According to Kapadia (1966), child marriage probably did not become prevalent until the 12th century. But once it was adopted by the high-caste Brahmins, it became a norm for the Hindu community as a whole. Although early marriage was the custom, consummation was not to take place until the girl reached puberty. Kapadia (1989) further says that the social ideal of monogamy contributed to the development of early marriage. It was a sign of one’s affluence, or status to get one’s child betrothed before she reached the age of puberty. It was a matter of prestige and pride that one’s child was sought after a tender age.

According to Indra (1955), in India, during the medieval period, early marriage was universal and as a general rule, girls were married at an
early date. Usually girls of middle and lower classes were not given much education. They were given training in domestic affairs, needlework, embroidery, cooking etc. In view of the prevailing circumstances, girls were married at an early age of 7 or 8, even before the age of puberty. Sometimes the betrothal took before the actual birth of the children. She concludes that marrying girls at a younger age was a matter of prestige and pride. Under the operations of these various forces, early marriages became very popular and with the passing of time, the practice became so compelling that a departure from it was a matter of social disapproval and even social disgrace.

2.3 Evil effects of Early Marriage

According to Dasgupta (1976), by eighteenth century, child marriage became very popular among the Hindus in India. Marriage of female children usually with much older men was rampant among higher castes and it created a larger number of child widows among them. The custom of child marriage became both a moral as well as a physical evil. Datta (1975) in his book ‘A Social History of Modern India’ shows that child marriage, one of the pernicious customs in India, produced the most shocking of evils. In 1819 there were amongst Hindus, Sikhs, Jains and Buddhists 2, 23,560 girls married below the age of 4. The number of widows below the age of 4 was 10,664. The number of married girls between 5 and 9 years of age was over 18.5 lakhs. The total number of
married girls below the age of 14 was 68,71,999. The number of widows between 5 and 6 years of age was 52,759 and of those between 10 and 14 were 1,43,100. It was clear that early marriage struck at the root of all development of girl children – physical, intellectual and even spiritual. The pangs of child wives and child mothers, the unmitigated sorrows of the child widows and deserted wives demanded an immediate remedy.

Datta (1975) further mentions that in the bulletin on Child Marriage published by the Anti-Child Marriage Committee it was mentioned that according to the Census Report of 1931, in India in 2% of the child marriages, the girls were under the age of 2. There were a total of 14.8% child wives under the age of 5 years. The data highlighted that nearly one girl in 100 girls of less than one year old was married. One of the consequences of this was the almost unbelievable number of child widows in the country. There were 1,515 child widows between the age of 0 to 1 year, 1785 child widows between the age of 1 to 2 and 3485 child widows between the age of 2 to 3 years. The prevailing custom of sati – self immolation of widow on the funeral pyre of her husband- had its raging effect on the unfortunate Hindu child widows. Society frowned upon the widow who did not perform Sati and her life was one of suffering and misery.

According to Moniz (1996), another consequence of child marriage was the number of young mothers who die in child birth. The average
death rate of Indian girls during delivery was two lakh deaths per year. This came up to 20 deaths per hour. It also increased the infant mortality rate in India. Out of every 1000 children born, 181 did not survive. There was a growing awareness about the harmful impacts of child marriage upon the life of girl children and a movement to combat the shocking effects of this widespread custom started in Bengal during the 50’s of the nineteenth century.

2.4 Laws against the practice of Early Marriage

Mehta and Jain (2003) mention that in India, during the 19th century, awareness about the evil consequences of early marriage and early consummation grew and it marked the birth of the “Social Reform Movement”. Raja Ram Mohan Roy was the first Indian to initiate it who worked very hard to ban the customs of child marriage and sati. According to Dasgupta (1976), during 19th century, social and religious reformers like Raja Ram Mohan Roy, Dayananda Saraswathi, Ishwar Chandra Vidyasagar, Swami Vivekananda and others made a great effort through legal measures and educational programmes to eradicate these evils.

Devendra (1994) notes down that the Brahmo Samaj, the Arya Samaj and all other such socio-religious reform movements worked against the practice of child marriage. Child welfare centres were setup, baby shows and child welfare exhibitions were held to focus the evils and problems of
child marriage. It was felt that a law should be passed to prevent this social evil. Ishwar Chandra Vidyasagar did the pioneering work on the issue of child marriage and his efforts met with success when in 1860 the Indian Penal Code prohibited intercourse with a wife who was below ten years of age. Kusum (1990) says that prior to the Penal code of 1860 there was no provision prohibiting the cohabitation of a man with his wife – whatever her age. The law commissioners who drafted the Indian Penal Code in 1846 mooted the idea of penalizing consummation of marriage below a certain age. The code of 1860 fixed the age at 10 and a husband who consummated the marriage with his wife who was below 10 years of age was to be held guilty of rape. The punishment prescribed for the offence could extend to transportation for life. For 30 years this continued to be the legal position. But in the view of several cases, however, it came to be realized that the law was not satisfactory.

Kusum (1990) further says that in 1891, a Bill was introduced to raise the age from 10 to 12 years. The object of the Bill was to protect female children from immature prostitution and from premature cohabitation. In 1924, Dr. Hari Singh Gour introduced a Bill to further amend the rape provision in section 375 of the penal code raising the age to 14 years in both marital and extra-marital cases. Public opinion was very strong on the need to raise the age for marriage or consummation. In 1927, Rai Sahib Harbilas Sarda introduced a Bill to restrain the solemnization of
child marriages among Hindus declaring such marriages as invalid. Consequently reforms were made and the age for marriage and consent was raised and the Sarda Bill known as the “Child Marriage Restraint Act 1929” was enacted. The age for marriage was fixed at 14 for girls and 18 for boys.

The Act of 1929, though it restrained solemnization of child marriages, did not declare them to be void or invalid. There had been a growing demand for making provisions of the Act more effective and the punishment thereunder more stringent to eradicate or effectively prevent the evil practice of solemnization of child marriages in the country. The Act was subsequently amended in 1949 and 1978 and 18 and 21 years were set as the minimum age of marriage for girls and boys respectively (Parmar 1999; Pruthi, Devi and Pruthi 2001). The act brought far reaching consequences upon Hindu marriages, and as a result it led to the decline of child marriages among the Hindus. Agarwal (2010) accords that, to overcome the shortcomings of Child Marriage Restraint Act, the Government of India enacted the Prohibition of Child Marriages Act, 2006 (PCMA), which received the assent of the President of India on 10 January, 2007. The Act came into effect from 1 November, 2007.

The basic premises of the Prohibition of Child Marriage Act, 2006 are, first to make a child go through a marriage is an offence and second that ‘a child or minor is a person up to 18 years in the case of girls and 21
years in the case of boys. The provisions of this law are prevention, protection and prosecution of offenders. The law seeks to prevent child marriages by making certain actions punishable and by appointing Child Marriage Prohibition Officers responsible for the prevention and prohibition of child marriages. These persons are responsible for ensuring that the law is implemented. It is also the responsibility of the community to make use of the law. The law makes child marriages voidable by giving choice to the married children to seek annulment of marriage. It provides for the maintenance and the residence of the female contracting party. It gives a legal status to all the children born from child marriages and makes provisions for their custody and maintenance (Sections 5 & 6, PCMA). The Prohibition of Child Marriage Act, 2006, under section 11 provides punishment for those who permit and promote child marriages. Hence, it is necessary that every individual who is aware of any child marriage that is going to be conducted or is being conducted or has been conducted, to make sure that he/she does not permit or promote the child marriage by not reporting it. He/she can be made liable under the present law and also the Indian Penal Code for abetting the offence (Govt. of India 2006).

2.5 Present trends in the practice of Early Marriage

According to the report of United Nations Children’s Fund (2007), early marriage is becoming less common everywhere, but the pace of
change is slow. In 34 of the 55 countries with comparable data from two recent surveys, there has been no significant change in the percentage of women aged 20–24 getting married by 18 years and only 5 countries experienced a decrease of more than 10%. Nour (2009) in her study *Child Marriage: A Silent Health and Human Rights Issue*, points out that today, over 60 million marriages include girls under the age of 18 years: approximately 31 million in South Asia, 14 million in sub-Saharan Africa, and 6.6 million in Latin America and the Caribbean. Ryerson-Cruz (2008) in his study, carried out across various countries of the world indicates that early marriage is prevalent in almost all societies. He mentions that marriage of girls below the age of 15 is rampant in developing countries. He also found that at least one third of girls marry before the age of 15 in the Amhara region of Ethiopia; Niassa, Mozambique and Niger. Among the African countries an average of more than 40% of girls marry before the age of 18. That figure rises to 60% in some parts of East and West Africa and to as much as 75% in Niger.

According to the estimation of United Nations Children’s Fund (2006), globally, 36% of women aged 20–24 were married or in union before they reached 18 years of age. In developing countries around 65 million women aged 20-24 were married/ in union before the age of 18. Thirty million of them live in South Asia. An estimated 14 million adolescents
between 15 and 19 years give birth each year. As per the observations of the International Centre for Research on Women (2012), if early marriage continues at its present trend, over 100 million girls in the developing world will be married before the age of 18 -- approximately 25,000 per day. In certain areas of Nepal, Nigeria, India and Ethiopia, marriage at the age of 10 or 12 is not uncommon. Studies showing the trends in the practice of early marriage in India indicate that the practice is widely prevalent in the country, especially in the rural areas.

2.6 Early Marriage in Modern India

In India as a result of legal measures and other activities, the rate of early marriage has declined nationally and in nearly all states. But it has been observed that the pace of change is slow and in some areas of the country early marriage is still prevailing high. Even though the modern development ideology advocates late marriages, early marriages still continue to exist. Basheer (2002) illustrates that child marriage of girls below 18 years is a serious national problem even now. Although early marriage includes boys, most children married under the age of 18 are girls. It is estimated that in about a half of all the marriages taking place in India in a year, the girls are underaged. According to the Rapid Household Survey conducted in 1998-99 across the country, 58.9% of women in Bihar were married off before the age of 18. It was 55.5% in Rajasthan; 54.9% in West Bengal; 53.8% in UP; 53.2% in Madhya
Chapter II

Pradesh; and 39.3% in Karnataka (International Institute for Population Sciences 1999).

According to the International Institute for Population Sciences (2008) even though the rate of early marriage shows a variation throughout the country, the practice prevails almost everywhere. The following Table 2.1 shows the rate of early marriage of girls in various Indian states.

Table 2.1

Incidence of Early Marriage in different states of the country

<table>
<thead>
<tr>
<th>SL No.</th>
<th>India/States</th>
<th>Percentage of women among the age group 20-24 years who are married before the age of 18 (2007-08)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>1.</td>
<td>Andhra Pradesh</td>
<td>51.9</td>
</tr>
<tr>
<td>2.</td>
<td>Arunachal Pradesh</td>
<td>26.2</td>
</tr>
<tr>
<td>3.</td>
<td>Assam</td>
<td>40.0</td>
</tr>
<tr>
<td>4.</td>
<td>Bihar</td>
<td>68.2</td>
</tr>
<tr>
<td>5.</td>
<td>Chhattisgarh</td>
<td>45.1</td>
</tr>
<tr>
<td>6.</td>
<td>Delhi</td>
<td>24.2</td>
</tr>
<tr>
<td>7.</td>
<td>Goa</td>
<td>18.9</td>
</tr>
<tr>
<td>8.</td>
<td>Gujarat</td>
<td>35.4</td>
</tr>
<tr>
<td>9.</td>
<td>Haryana</td>
<td>28.0</td>
</tr>
<tr>
<td>10.</td>
<td>Himachal Pradesh</td>
<td>9.1</td>
</tr>
<tr>
<td>11.</td>
<td>Jammu &amp; Kashmir</td>
<td>24.6</td>
</tr>
<tr>
<td>12.</td>
<td>Jharkhand</td>
<td>55.7</td>
</tr>
<tr>
<td>13.</td>
<td>Karnataka</td>
<td>50.2</td>
</tr>
<tr>
<td>14.</td>
<td>Kerala</td>
<td><strong>15.4</strong></td>
</tr>
<tr>
<td>15.</td>
<td>Madhya Pradesh</td>
<td>53.8</td>
</tr>
<tr>
<td>16.</td>
<td>Maharashtra</td>
<td>40.4</td>
</tr>
<tr>
<td>17.</td>
<td>Manipur</td>
<td>24.6</td>
</tr>
</tbody>
</table>
From the above table it can be seen that the prevalence of the practice of early marriage varies within the country and it is rampant in many parts, particularly in the states of Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar and Andhra Pradesh. Almost all these states have been pointed out to be having high prevalence of early marriage in earlier studies by Nagi (1993) and Misra and Lowry (2007).

A previous research undertaken in 2004 across the Indian states has found that compared to Northern States of Rajasthan and Bihar, where marriage of girls under 18 was as high as 68% and 71% respectively, the

<table>
<thead>
<tr>
<th>State</th>
<th>Girls</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meghalaya</td>
<td>34.3</td>
<td>35.8</td>
<td>21.2</td>
</tr>
<tr>
<td>Mizoram</td>
<td>23.7</td>
<td>28.3</td>
<td>13.6</td>
</tr>
<tr>
<td>Nagaland</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Orissa</td>
<td>37.5</td>
<td>38.7</td>
<td>29.2</td>
</tr>
<tr>
<td>Punjab</td>
<td>15.6</td>
<td>15.8</td>
<td>14.7</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>57.6</td>
<td>61.6</td>
<td>38.8</td>
</tr>
<tr>
<td>Sikkim</td>
<td>30.6</td>
<td>29.9</td>
<td>43.4</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>24.0</td>
<td>25.5</td>
<td>21.4</td>
</tr>
<tr>
<td>Tripura</td>
<td>43.6</td>
<td>44.4</td>
<td>35.3</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>54.9</td>
<td>59.0</td>
<td>30.9</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>19.7</td>
<td>20.1</td>
<td>16.9</td>
</tr>
<tr>
<td>West Bengal</td>
<td>54.7</td>
<td>57.9</td>
<td>36.1</td>
</tr>
<tr>
<td>Andaman &amp; Nicobar Islands</td>
<td>24.4</td>
<td>24.2</td>
<td>25.6</td>
</tr>
<tr>
<td>Chandigarh</td>
<td>21.8</td>
<td>35.7</td>
<td>19.2</td>
</tr>
<tr>
<td>Dadra &amp; Nagar Haveli</td>
<td>49.1</td>
<td>53.6</td>
<td>21.5</td>
</tr>
<tr>
<td>Daman &amp; Diu</td>
<td>22.1</td>
<td>26.6</td>
<td>10.2</td>
</tr>
<tr>
<td>Lakshadweep</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Pondicherry</td>
<td>17.4</td>
<td>16.1</td>
<td>17.7</td>
</tr>
</tbody>
</table>

(Source: International Institute for Population sciences 2008).
percentages of early marriage in Kerala and Tamil Nadu in South of India were only 17% and 25 % respectively (Agence France-Presse 2004). This indicates that even in the most literate states of the country also, early marriage prevails. Media reports (The Hindu 05/04/2011) indicate that early marriage of girls is prevalent in many districts of Kerala. The reports of the District Reproductive Health Project in Kerala that surveyed 2,400 random households in Malappuram in 1998 in collaboration with the Community Based Nutrition Project (CBNP) with the help of UN Population Fund indicate that 53% of the ever married women it interviewed had married between the ages of 15 and 17 years. The survey identified seven married girls in the age group of 10 – 14 (Basheer 2004).

Basheer (2002) points out that according to a Rapid Household Survey (1998-99) conducted by the Population Research Centre of the Institute for Social and Economic Change in partnership with the Kochi-based Centre for Socio-Economic and Environmental Studies, close to one tenth of Kerala women are married off before attaining the legal age of 18. Another study on Parenting Practices conducted by the Child Development Centre, Medical College, Thiruvananthapuram (2001) in collaboration with the United Nations Children’s Fund also reveals that early marriage continues to exist in Kerala. In 2002 another survey on Early Marriage in Kerala conducted by the Joint Women Programme (JWP) revealed a shocking reality that parents in Kerala are marrying off
their daughters -- girls often not more than 11 or 12 years to much older grooms (Salini 2003). The media reports also indicated that the incidence of child marriage is alarmingly increasing in the state (The Hindu 22/10/2002). The analysis of the District Level Household Survey (2002-04) also shows that in Kerala, early marriage is prevalent and it continues mainly in the northern part of the state (Kumar and Devi 2010). The most recent reports of the Integrated Child Development Scheme show that in Malappuram district alone the practice of early marriage of girls is shockingly common among the poor Muslims living in rural areas (Christy 2013). Basheer (2001) specifically mentions that the major reason for the existence of early marriage in the northern region of Kerala is the presence of vast majority of Muslims in that region who still practise it. These studies emphasized that due to the influence of religion, culture and poverty, the practice of early marriage of girls is widespread among the poor Muslims in the rural areas of Malabar.

2.7 Early Marriage among the Muslims in Malabar

According to the 2001 Census report Muslims constitute 24.7% of the total population of Kerala, forming the second largest religious community in the state. Kerala’s Muslim population is concentrated in Malabar, the northern part of the state comprising districts particularly Malappuram, Palakkad, Kozhikode, Kannur, Wayanad and Kasaragod. Malappuram has the largest Muslim population followed by Kannur,
Kozhikkode and Wayanad (Census Report of India 2001). Salini (2003) points out that as per the report of the Rapid Household Survey (1998) in northern districts of Kerala, a considerable portion of the Muslim girls marry before the age of 18. As per the results of the survey, the highest rate of underage marriages takes place in the Malappuram district followed by Kannur and Kozhikode.

The Muslim tradition of Malabar is culturally and religiously distinct (Bayly 1998; Rantattani 2007). According to Basheer (2004), in Malabar the occurrence of early marriage is high among the poor rural Muslims who live a traditional life. The socio-cultural condition of the Muslim community in Malabar plays a vital role in perpetuating early marriage of girls in rural areas. The Muslim community in Malabar is highly tradition bound and in Basheer’s view the increase in the practice of early marriage of Muslim girls is part of strengthening the communal and cultural identity, by strictly following the ‘Muslim way of life’. Since the Sharia’h (Muslim jurisprudence) allows marriage of women after menarche, this too was considered a ‘Muslim tradition’ and hence the strengthening of the practice of marriage of teenaged girls. Poor Muslims of Malabar practise early marriage because they consider it as part of their tradition as in any other traditional Islamic society.

Besides the practice of marriage of girl children to the local Muslim men, instances of Arab and Mysore marriages are also common among
the rural poor Muslims. Arab marriages are considered as part of traditional practice, in which parents marry their daughters to rich old Arabs from Saudi Arabia by receiving hefty bride price from them. The history of Arab marriages can be traced back to the origin of indigenous Muslims of Malabar coast in the 7th century through the union of Arab traders with native women. According to Koya (1983) the Arabs involved in a muta or temporary marriage with local women. The conversion in Malabar Coast was rather a calm movement which used marriage and trade relations with the locals. Among the Hindus in Malabar, inter-marriage was not restricted to the members of the caste or sub-caste alone. Hindu women especially Nairs usually engaged in ‘Sambandam’ and contractual marriages were common among them. The contracting parties agreed to live together in the house of the woman for a stipulated period of time for which the man has to pay an amount mutually agreed to pay as bride price and it was a marriage for pleasure. Inter marriages were also possible. So Arabs could easily marry local women. Over the time though the custom has already vanished in most of the areas, it prevails in the coastal parts of the Malabar region. Basheer (2003) notes that Arabs during their visit to Malabar either for business purpose or for pleasure, contract marriage with the girls in the coastal region. They prefer adolescent girls for the contracted marriage. Since Islam allows short term (Muta) marriages the practice of Arab marriages
has gained social recognition in Malabar. Therefore such marriages are conducted as a contract for only a short period. When the period of contract is over, Arabs simply divorce them by giving an oral or written tala’aq. Thus it leads to the abandonment of young Muslim girls after a short duration of marriage.

Just like Arab marriages, Mysore marriages are also prevalent among the lower class strata of the Muslim community in Malabar (The Hindu 30/11/2008). Gopakumar (2004) mentions that for an ordinary lower class Muslim family it is very difficult to arrange a big amount of dowry for the marriage of daughters. Mysore marriages are conducted with the impression that grooms from Mysore charge a very small amount of dowry than their counterparts in Kerala do. Many men come to Malabar with a letter of authorization purportedly from their mosque committee and marry teenaged girls. Many of these girls are abandoned shortly after they become pregnant. Arab and Mysore marriages also have affected the rate of early marriage of Muslim girls in Malabar and this has increased a girl’s vulnerability to marry when she is still a child.

The Personal Law validates the marriage of an under-aged Muslim girl even though it goes unreported and unregistered by the Civilian Law. Other than religion and religious teachings, it has been found that the socio-economic backwardness of the community also has considerably impacted the practice. The Hindu (14/06/2003), reports that among the
Malabar Muslims early marriage is highly preferred by the lower economic strata families in rural areas. It is also found that the socio-economic backwardness of the rural Muslim population also triggers the practice of early marriage of girls in Malabar. Anand (2004) observes that social backwardness is an important factor that promotes the practice of early marriage. Mondal (2005) comments that whatever may be the reason it is a fact that early marriage is quite widespread among Muslim girls.

2.8 Determinants of Early Marriage

Tristam (2011) in his article, *Child Marriage: Facts, Causes and Consequences*, mentions that the practice of early marriage of girls is being determined by a number of factors that are interwoven. According to him, social, economic and religious factors play significant role in early marriage. Malhotra (2010) in her study, *The Causes, Consequences and Solutions to Forced Child Marriage in the Developing World*, points out four main causes of child marriage. They are tradition and religion, poverty, limited education and economic options and insecurity in the face of conflict. According to United Nations Children’s Fund (2001), the practice of early marriage continues unabated because it is being influenced by certain socio-economic, cultural as well as educational factors.
Chapter II

Ministry of Law and Justice (2008) in its 205th Law Commission report mentions that ‘in India, the phenomenon of child marriage can be attributed to a variety of reasons. The chief amongst these reasons is poverty and culture, tradition and values based on patriarchal norms’. The report says that poverty is a major reason and dowry becomes an additional reason, which weighs even more heavily on poorer families. Based on available literature, the most common factors that significantly affect the practice of early marriage can be grouped under five major headings: culture, religion and tradition, economy and poverty, protection from pre-marital sex, early marriage as a safe sex practice for men and the limited education of the parents.

2.8.1 Culture, religion and tradition

In a worldwide study, United Nations Children’s Fund (2010), points out that ethnicity/culture has emerged as the most complex reason for girls’ early marriages everywhere. According to the International Centre for Research on Women (2007) and the International Planned Parenthood Federation (2007), early marriages are deeply embedded in the cultural tradition of a society. The United Nations Children’s Fund (2001) says that culture is a major factor perpetuating early marriage across the world and early marriage is widespread in traditional societies where the practice is observed as a social norm. The Forum on Marriage and the Rights of Women and Girls (2000), reports that culture is the most
important factor affecting the early marriage of girls in a given society. According to the report, all other causes of early marriage differ according to the culture. Hirschman (1985) accords that cultural norms and practice have a significant impact upon the practice of early marriage of girls in many societies.

In the cultural context of India, early marriage is viewed as a custom that fosters the marriage of teenaged girls. The International Centre for Research on Women (2011) in its report to United Nations Children’s Fund, on the practice of early marriage asserts that social norms surrounding early marriage have significant impact in its practice in India. Shulman (2006) says that in rural India, the practice of early marriage is deeply rooted in culture and grounded in social structures. Sagade (2005) argues that patriarchy is a strong factor affecting the practice of early marriage of girls in traditional societies like India. According to her, the reason for the continuity of early marriage of girls in patriarchal societies is the absence of alternatives to the roles of a wife and a mother from which woman’s social identity and economic status are derived.

Ryerson-Cruz (2008) in his study, *Before She’s Ready: 15 Places Girls Marry by 15*, states that early marriage of girls in a community is promoted and reinforced by the tradition bound lifestyle and rigid religious practices of that community. According to him, in most societies the local custom and tradition have significant impact upon the
practice of early marriage of girls. Amin, Chong and Haberland (2007) also support this view, by saying that traditional gender norms are another major factor that affects the rate of early marriage of girls.

Alemu (2006) in his study in Ethiopia found that the desire to maintain the family’s honour is a strong factor for early marriage. In societies where high fertility is preferred, social pressure appears to play a significant role in getting the girl married early as mentioned in the study by Tapan (2002). According to Macklin (1999), under a Muslim culture, a female is valued for her reproductive capacity and it can significantly promote the occurrence of early marriage of girls in that community. Owing to this reason, early marriage is more common among the Muslims. According to him, Muslim tradition has strongly impacted the practice of early marriage of girls because generally the Muslim community fears that unmarried girls will become promiscuous once they enter adolescence, as a result of which the family will be put to shame. A daughter’s promiscuity brings the family great dishonor and the family experiences deep shame as a result. There is no worse evil that could befall them than the dishonor of having a promiscuous daughter who engages in sex before marriage.

According to the report of the International Planned Parenthood Federation (2007), generally everywhere early marriage is common in rural areas because rural households tend to have more entrenched
Review of Literature

traditional attitudes and customs, are less affected by external influences, and have fewer livelihood options for young women. Respect for traditions that dictate that girls should marry early, the honouring of pledges to family or benefactors etc are some of the other factors that promotes the practice of early marriage in rural areas. A study conducted in Ethiopia by Pathfinder International (2006) found that in traditional societies, the locally established norms and values determine the right age at marriage for girls. It also mentions that the respect for traditions that dictate that girls should marry early is another factor that influences the practice of early marriage in traditional societies. According to Nagi (1993), in rural India, early marriage is deep-rooted in tradition and even today people accept it as a social custom that has to be followed. In the rural parts of Kerala, especially in Malabar, the traditional nature of child marriage has given rise to Arab marriages in which grooms from Saudi Arabia marry adolescent Muslim girls (Govind 2002).

2.8.2 Economy and poverty

According to Utomo and McDonald (2009), the practice of early marriage in a community is strongly associated with its economic backwardness. Early marriage is common among the deprived sections of the society. Ooto-Oyortey and Pobi (2003) also note down that globally, poverty is a major cause as well as a consequence of early marriage for many young girls under the age of 18. In many traditional settings, poor
families use the early marriage of daughters as a strategy for reducing their own economic vulnerability, shifting the economic burden related to a daughter’s care to the husband’s family. The United Nations Children’s Fund (2001), reports that poverty is one of the major factors underpinning early marriage. Where poverty is acute, a young girl may be regarded as an economic burden and is married to a much older, sometimes to an elderly man. Globally, early marriage and early childbearing have almost disappeared among the wealthiest sections of the society, even in poor and highly traditional countries. Virtually, everywhere, poor women in rural areas tend to marry younger than those in urban areas. According to the UN Population Division (2000), poverty is recognized as a major deciding factor for early marriage of girls especially in poorer households. Where girls are viewed as additional burden of family resources, they tend to be married off earlier as a family survival strategy. When a girl is married early, this reduces the economic burden on the family. Kabir (1999) points out that in Bangladesh, poverty-stricken parents are persuaded to part with daughters through promises of marriage, or by false marriages and therefore girls are married off earlier. Barratt (1991) in her study on adolescent mothers found that poverty is a factor that pushes adolescent females into marriage. Research study conducted by Teti and Lamb (1989) also indicates a relationship between economic backwardness and early marriage among girl children.
Emirie (2005) in her study on early marriage states that in rural Ethiopia, anecdotal evidence indicates that the majority of married adolescent girls in rural communities tend to have mothers who are married early. Since mothers are poor and face economic difficulties, early marriage becomes the only option available to such girls. Harper et al (2003) found that poorer mothers are more likely to transmit intergenerational poverty to their children. According to them, the intergenerational transmission of poverty involves the ‘private’ transmission of poverty from older generations of individuals and families to younger generations (especially but not solely from parents to children). The intergenerational transmission of poverty is the basic process that results in the feminization of poverty among married adolescent girls. They continue that “… teenage mothers – often single parents – are more likely to experience unemployment, be reliant on benefits and experience homelessness, and that the daughters of teenage mothers are more likely to become teenage mothers themselves. Children born to young mothers will be disproportionately affected by the ‘intergenerational transmission of poverty via nutrition’ which often begins in the womb of the malnourished mother.”

Assani (2001) shows that economic hardship encourages a rise in early marriage, even among some population groups that do not normally practise it. According to the Forum on Marriage and the Rights of
Women and Girls (2000), the practice of bride price also significantly contributes to early marriage among girls in some poor Muslim societies. Since Muslim marriages require a high amount of bride price, it promotes the early marriage of girls. In cases of bride price payment, where the future husband must pay his in-laws, the girl is married off to a man much older than her because he can afford to pay the designated price. The Forum mentions that in such cases, it is greed rather than tradition that promotes early marriage of girl children. Rwezaura (1994) also shows bride price as an important cause of early marriage of girls in poor societies. She mentions that in traditional societies in Sub-Saharan Africa, the bride’s family may receive cattle from the groom, or the groom’s family, as the bride-price for their daughter. Therefore to get relieved of the economic difficulties, parents of girl children try to marry them as early as possible and this has a direct impact upon the occurrence of early marriage in such societies.

In many societies the system of bride price has given rise to the custom of dowry that is paid by the bride’s family to prospective grooms. According to Ooto-Oyortey and Pobi (2003), in parts of Asia the financial consequences of dowry payments will be often greater for poorer and more vulnerable families. Additionally the general demand for younger brides will also force poorer families to marry their daughters early to avoid the payment of higher dowries for older girls.
In India also dowry is a major factor leading to early marriage of adolescent girls of poverty-stricken families. According to Amin, Chong and Haberland (2007), in India, poverty seems to have a large scale impact upon early marriage of girls. Sagade (2005) also shows that economic constraints faced by families foster early marriage of girls in India. According to her, one of the financial considerations is that daughters (unlike sons) once married, cease to be members of their natal family and bear no responsibility to support their parents or siblings; so there is limited incentive for daughters to remain unmarried for long. It increases the daughters’ vulnerability to early marriage. Bagchi and Gupta (2005) denote early marriage as one of the evil effects of dowry in India. In India although giving or receiving dowry is a crime under the Dowry Prohibition Act, 1961, it is still in common practice.

Ramachandran (2002) mentions that greed for dowry has become a major factor in arranging early marriages, as parents and guardians are more motivated by financial benefits than by the well-being of their daughters. The inability to pay dowry can also put young girls at the risk of early marriage or worse. Nagi (1993) contends that the economic status of the family has significant relation with the age at marriage, i.e. lower the economic status, lower the age at marriage. In fact, the practice of early marriage is tremendously increased by the payment of dowry for the marriage of a girl. The quantum of dowry increases with the age of
the prospective bride and it is also found that one pays less dowry if the
girl is married young. It prompts poor parents to marry their daughters
young to avoid heavy dowry demand. According to Augustine (1991),
historical evidences in India suggest that both Hindus and Muslims
practised dowry and early marriage. Generally Muslim marriages require
a big payment of dowry for a girl and according to Huq and Amin (2001),
among the Muslims there is a positive relationship between dowry and the
age at which a girl is married. Field and Ambrus (2006) also mention a
relationship between dowry and early marriage. It is found that among
the Muslims normally after the age of 15, the dowry price doubles.

Basheer (2004) in his study *The Gulf Wife Syndrome*, conducted
among the Muslims in north Kerala, observes that the Gulf-syndrome has
significantly affected the rate of early marriage of poor Muslim girls in
Malappuram district. Usually the Gulf men prefer young girls for
marriage and since they set the norms for other young men, the preference
for younger brides extends to all sections and it has resulted in demanding
more dowry for the older ones. To avoid the payment of a bigger dowry
poor parents marry off their daughters as early as possible. According to
him, a 15 year old girl who would go with a ‘fifty and fifty’ (meaning a
dowry of Rs. 50,000/- and 50 sovereigns worth of gold ornaments) may
require ‘one and 100’ (Rs. 1 Lakh and 100 sovereigns) three years later.
The father or the brother of a girl who has saved ‘fifty and fifty’ from the
toil in the Gulf hates to wait until she turns 18 years and thus it obviously ends with her marriage before coming of age. This has also been mentioned by Jacob (2003) according to whom the steady rise in marriage of minor girls is linked to the large inflow of Gulf money into the Malabar belt in recent years. Once the men start earning in the Gulf, they prefer to marry off their daughters as soon as possible.

Kurien (2002) in her study on Gulf migration of men from Kerala shows that among the Muslims there was a tendency towards early marriage for the girls in the community following Gulf Migration. According to her, with the increase in the rate of men migrating to Gulf countries, dowry rates registered a tremendous increase. As a result, marriages were arranged when the girl was much younger so as to reduce the amount of dowry given at the time of her marriage. Earlier poverty was cited as the major reason for the early marriage of poor Muslim girls in rural parts of Malabar, because in the midst of acute poverty, parents consider early marriage as an economic survival strategy for the family. But with the Gulf boom there have been a lot of change taking place at the economic level of the community. It has helped to reduce poverty among Muslim masses in the region. So along with the reduction in poverty, it is expected that the rate of early marriage will also come down. But ironically the practice is still widespread among the poor Muslims. It indicates that whether in poverty or economic prosperity, it is mainly
female children who are easily preyed to early marriage on economic grounds.

2.8.3 Protection from pre-marital sex

United Nations Children’s Fund (2010) reports that parents may think that child marriage offers protection for their daughter from the dangers of sexual assault, or more generally, offers the care of a male guardian. It further mentions that child marriage may also be seen as a strategy to avoid girls becoming pregnant outside marriage. Bayisenge (2010) in her research study, *Early Marriage as a Barrier to Girls’ Education*, found that the importance given to the value of virginity of girls has become a major factor leading to the early marriage of girls in African countries. Early marriage is often considered as a measure to protect girls from sexual exploitation. For many communities, the loss of virginity in girls before marriage is the worst shame that can be brought upon a family. For this reason and to control a girl’s sexuality, girls are married off early due to the fear of pre-marital sex or pregnancy.

According to Mathur, Greene and Malhotra (2003), there are marked pressures toward marriage at an early age among girls to minimise the risk of improper female sexual conduct and the dishonour associated with it. Kunjakkan (2002) mentions that in India, the marriage of a daughter is the prime responsibility of the parents to ensure her protection. Husband
becomes solely responsible for the safety and security and protection of the girl and father has no obligations to attend her.

2.8.4 As a safe sex practice for men

Ooto-Oyortey and Pobi (2003) state that in many societies that have been practising early marriage for long time, the AIDS epidemic has resulted in an increase in the rate of early marriage among girls. In Uganda there has been an AIDS Control Programme for a number of years and increased awareness, ironically leading to girls being married earlier. Owen’s (1996) research into widowhood and AIDS in Uganda revealed that, as in Bangladesh, girls are being forced to marry early so that men could avoid HIV/AIDS. Myths that virgins will cure someone infected with HIV or that safe sex in or outside marriage can only occur with someone very young, have led to a decrease in the age at which girls are married.

Salini (2003) in her study in Kerala mentions that in Arab marriages the myth that sex with young children strengthens one's masculinity and improves virility is a major factor for selecting the little children as wives. The fear of AIDS and the false belief that children are not susceptible to AIDS is another equally important reason for child marriage. Further, the children silently submit themselves to the sexual perversions and fantasies without any resistance. According to Shaji (2007), even though there is widespread propaganda that Arab marriages are not taking place in this
most literate and progressive state, such marriages are still taking place clandestinely in north Kerala. The fear of AIDS might be an added reason for their preference of fresh young girls for marriage.

2.8.5 Limited education of the parents

Education has a close association with the practice of early marriage. A United Nations Children’s Fund (2010) study reports that early marriage is intrinsically linked to parents’ education. According to Field and Ambrus (2006), the educational level of parents has significant impact on the age at marriage of girls as low levels of education indicated low age at marriage for daughters. The practice of early marriage is highly associated with the tradition and in traditional communities not much importance is assigned to education, especially female education. In societies that are characterized by its educational backwardness, early marriage is found to be very high (Yadav and Badari 1999). Little or no schooling strongly correlates with being married at a young age.

Nagi (1993) in his study on Child Marriage in India mentions that education is an important factor in the determination of the age at marriage of girls in rural India. If the literacy level is high in a village, the mean age at marriage will also be high. Similar is the case with the community, the family and the individual. Salini (2003) shows the influence of education upon the rate of early marriage, between different districts of Kerala. Even though statistical data show an average age at
Review of Literature

marriage for Kerala women, it varies with the educational level of the states. Early marriage is fairly common in Malappuram, Kozhikode, Kannur and Kasargod districts where a sizable section of the community is educationally backward. But in districts like Alappuzha, Emakulam, Kottayam and Pathanamthitta that are known for the dramatic spurts in the field of education, not a single case of marriage before the age of 18 years has been reported. It reflects the influence of education upon the age at marriage of girls in a community.

2.9 Gender violence in Early Marriage

According to the United Nations Children’s Fund (2001) early marriage is a form of gender based violence and has negative impacts upon the personal development of girls. It cuts short a girl’s childhood and compromises her fundamental rights. Early marriage is an age old practice having serious harmful consequences for young girls and their families as well as wider communities. According to the report of the Pathfinder International (2006), on the *Causes and Consequences of Early Marriage in Amhara Region in Africa*, the practice of marrying off girls at lower ages has considerable physiological, psychological, socio-economic and demographic consequences.
2.9.1 The loss of adolescence and psycho-social disadvantage

According to Kudlova (2004), young people are the human capital for the future, therefore child and adolescent health has attracted considerable political and professional attention in recent years. Adolescence is considered the greatest years of one’s life. Lerner and Spanier (1980) defines adolescence as the period within the life span when most of a person's biological, cognitive, psychological, and social characteristics are changing from what is typically considered child-like to what is considered adult-like. According to Mathur, Greene and Malhotra (2003), adolescence—the juncture between childhood and adulthood—is a period when both boys and girls face a number of pressures to adjust, explore, and experience life as their culture defines it. In many societies boys face social and cultural pressures during adolescence to succeed in school and rarely these pressures translate into early marriage for boys. In contrast, the adolescent experience of girls in many developing countries may be defined almost entirely in terms of entry into the marital state; emphasis is placed on domestic work and obedience, traits seen as essential to being good wives and mothers. The wider range of developmental activities, including schooling, skill building, sports, and friendships, are often not part of the adolescent experience of girls because marriage is on their immediate horizon. Lerner, Noh and Wilson (2001) say that in contemporary society, adolescents experience institutional changes
especially female adolescents, who face sudden transitions in their life like moving from high school to the world of household work, childbearing etc. In many cultures, adolescence is considered as the proper time for the marriage of girl children.

When girls marry early, their adolescence is cut short and fundamental rights are compromised. Mathur, Greene and Malhotra (2003) observes that on a worldwide basis, there are more than 51 million adolescent girls aged 15–19 years who are married and are bearing the burden of domestic responsibility and the risks associated with early sexual activity including pregnancy. The United Nations Children’s Fund (2007) states that premature pregnancy and motherhood are the inevitable consequences usually married adolescent girls are exposed to. In early marriage, adult responsibilities come too early. As a result, an adolescent female is forced to enter directly into adulthood without experiencing different stages of her adolescence, and this adversely affects the growth of her personality. The United Nations Children’s Fund (2001) reports that the loss of adolescence, the forced sexual relations, and the denial of freedom and personal development attendant on early marriage have profound psychosocial and emotional consequences. The impact can be subtle and insidious and the damage, hard to assess. It includes such intangible factors as the effect of a girl’s loss of mobility and her confinement to the home and to household roles. The International Women’s Health
Chapter II

Program (2009) made a remark on early marriage that the loss of adolescence in girls indicates that they are inhibited from realizing their dreams and aspirations. Their rights are violated and they lose the ability to choose how their life is to be fulfilled. According to Lerner and Steinberg (2009), early marriage has profound implications for girls’ psychological development. When girls marry at an early age they lack psychological maturity and therefore they may find it difficult to adjust with their new life especially to take up new responsibilities as a wife and a mother. It puts a lot of pressure on young women and this can cause severe psychological and emotional stress that has long term effects upon the health of a married woman.

Early marriage also implies psycho-social disadvantage to adolescent females. The United Nations Children’s Fund (2001) asserts that early marriage has psychological and emotional impact upon adolescent girls. After marriage an adolescent girl has to move to her husband’s home leaving her family and friends behind. She is transplanted into a new environment that is quite strange to her. Due to lack of preparation for marriage, lack of sex education and above all ignorance, a child-wife finds it very difficult to adjust with her marriage. Loss of adolescence and social isolation have intense psychological and emotional impact upon girls who marry early. According to Jacob (2003), early marriage and related violence can affect the mental health of married women. Even
though adolescent girls live the life of adult women after their marriage, their mental age will be of an adolescent itself. The research by the International Centre for Research on Women (2007) shows that early marriage has severe ramifications upon the mental health of a girl child causing depression and anxiety. It reported that child brides often showed signs symptomatic of child sexual abuse and post-traumatic stress. Jacob (2003) observes that with the rise in minor marriages, Kerala is fast becoming a doctor's nightmare. Incidentally, Kerala, which has the highest literacy rate in the country, also has the highest depression rate among women and related suicides.

2.9.2 Denial of education

Reduced access to education is both a cause and a consequence of child marriage. Kerckhoff and Parrow (1979) address the notion that early marriage has a detrimental effect on a girl’s educational attainment. The United Nations Children’s Fund (2001) report says that early marriage inevitably denies children of school age their right to the education they need for their personal development, their preparation for adulthood, and their effective contribution to the future wellbeing of their family and society. The removal from school of a young girl to marry, or to work in her parents’ or another household in preparation for married life, limits her opportunities to develop her intellect. She also loses out on socializing, making friends outside her family circle, and acquiring many
useful skills. This reduces her chances of developing her own independent identity. The most important implication of this loss is that the girl grows up with no sense of the right to assert her own point of view -- and little experience in articulating one.

The United Nations Children’s Fund (2005) study explicitly shows that early marriage can considerably reduce a girl’s access to education. It shows that in Nicaragua, 45% of girls with no education are married before they turn 18, compared to 28% of girls with primary education, 16% of girls with a secondary education and 5% of girls with higher education. The International Centre for Research on Women (2006) highlights the relationship between age at marriage of a girl and her level of education. It says that in all regions girls with higher levels of schooling are less likely to marry as children. In particular, girls with secondary schooling are up to six times less likely to marry as children when compared to girls who have little or no education. Basheer (2002) in his study in Kerala has mentioned that early marriage often prevents girls from attending classes. It shows that even in Kerala which is well-known for its great strides in the field of female education than any other state of the country, early marriage is still a barrier to girls’ education (Nair 2008).
2.9.3 Adolescent health and reproduction

According to Mensch, Judith and Margaret (1998), young brides face pressure to prove their fertility and produce children soon after marriage and also have little ability to negotiate sexual activity. According to the Forum on Marriage and the Rights of Women and Girls (2000), early marriage brings young girls a larger number of child bearing years, leading to more chances of miscarriage, infant death, malnutrition etc. Sagade (2005) has the view that the practice of child marriage is one of the most important factors responsible for the high rates of maternal and child mortality. The International Centre for Research on Women (2006) reports that underdeveloped physiology, combined with a lack of power, information, and access to services, means that young married girls experience much higher levels of maternal mortality and morbidity than do women who bear children when they are older. The United Nations Population Fund (2003) shows that at young ages, health problems associated with pregnancy and childbirth are also more common. Morbidity levels among young mothers are very high, especially on account of severe complications such as obstructed labour or obstetric fistula, which is often a result of obstructed labour and occurs most commonly among young women.

According to the report of the International Centre for Research on Women (2006), the consequences of early marriage reach beyond the
lives of young married girls themselves to the next generation. Poor infant and child health outcomes are strongly associated with the early age of mothers, due in part to young women’s physical vulnerabilities and in part to the lack of social and reproductive health services for this high-risk group. The mother’s young age and lack of proper nutrition lead to an improper growth of the baby. Many married adolescent girls may also be under-nourished and underweight thus compounding the health risks (Adhikari 2003; Packer 2002). Studies of Dali et al (1989) and Adhikari and Amatya (1996) also highlight the higher incidence of low birth weight among the new born children of adolescent mothers. The United Nations Children’s Fund (2001) reports that early marriage is related to premature pregnancy and child birth.

According to Nour (2006), early marriage has many adverse effects on the health of women in their later life: increased risk for sexually transmitted diseases, cervical cancer, malaria and obstetric fistulas. Early marriage forms one of the risks for cervical cancer in women. Pregnancy poses many challenges for young girls, because pregnancy suppresses the immune system and pregnant girls are at an increased risk of acquiring diseases like malaria. Worldwide, approximately 25 million pregnant women are exposed to malaria per year and it increases the mortality rate among the young pregnant women. Similarly, due to lack of proper health and immunity, women are highly susceptible to various diseases.
The interaction between HIV and malaria in young married girls is devastating. The biological interaction between these diseases not only complicates treatment in an already challenging setting but also presents a serious risk of death to pregnant girls less than 19 years of age.

According to Salini (2003), since girls enter into marriage at an early age, without having fully matured body and mind, they are susceptible to future health problems. Early and repeated pregnancies, maternal mortality and morbidity, prolonged exposure to marital violence etc can significantly affect the health of women in early marriage. Poverty, marital violence including physical as well as psychological violence and abandonment can have profound consequences upon the health of women who marry early. It shows that early marriage has far reaching negative consequences upon the health of women and as women get older it intensifies their health problems. Abandonment and related poverty also can cause severe health damages among women who marry as adolescents.

Early marriage brings early and repeated pregnancies to young adolescent females and this can affect the reproductory health of women and may result in sexual dysfunctioning in future. According to the report of United Nations (2001), the problem with children delivering children is that the young mothers are at a significantly higher risk of contracting debilitating illness and even death than older women. Compared with
women who are above the age of 20 years, girls 10–14 years of age are 5–7 times more likely to die from childbirth, and girls 15–19 years of age are twice as likely. Also they face obstructed labour during childbirth. Many times obstructed labour leads to fistulas. Girls aged between 10 to 15 years are especially vulnerable to fistulas because their pelvic bones are not ready for childbearing and delivery and their risk for fistula is as high as 88%.

2.9.4 Marital violence

According to Gottschalk (2007), early marriage is a form of sexual and gender-based violence with detrimental physical, social and economic effects. Heise, Ellsberg and Gottemoeller (1999) show that married young girls’ initiation into sexual activity often occurs under coercive conditions. Thus, even within unions that are formally consensual, nonconsensual sexual activity is common. The United Nations Children’s Fund (2005) in a study, points out that early marriage also leads to physical abuse and sexual violence. Marital/domestic violence is the most widespread and common form of violence against women and young girls. Violence against younger brides is rooted basically in patriarchal ideas of male ownership of their female partners. In most cultures it is common for men and boys to assert their authority in the home through physical violence. Being young, child wives frequently experience marital violence and abuse by their husbands.
A United Nations Children’s Fund (2005) study points out that India has one of the highest levels of domestic violence whereby 67% of women who were married below the age of 18 years face domestic violence. The study also revealed that India has the highest levels of domestic violence cases among women compared to other countries like Zambia, South Africa, Cambodia, etc. Since early marriage limits skills, resources, knowledge, social support, mobility, and autonomy, young married girls often have little power in relation to their husbands or in-laws. Amin (2008) comments that in Bangladesh, early marriage often leads to dowry related violence. Domestic violence is also believed to be more prevalent among women who marry early.

Speizer and Pearson (2011) in their study, *Association between early marriage and intimate partner violence in India: a focus on youth from Bihar and Rajasthan*, explored the relationship between early marriage and intimate partner violence using the National Family Health Survey -3 data. Bayisenge (2010) observes that domestic violence is a major problem that adolescent brides face at their husbands’ home. Women who marry younger are more likely to be beaten, threatened or sexually abused. They are sometimes more likely to believe that a husband might be justified in beating his wife. Due to the age difference between the partners, young girls are more vulnerable and therefore susceptible to abuse. These girls deal with lesser autonomy, and are more susceptible to
violence and sexual exploitation. Sometimes the young married bride also faces sexual exploitation by the elders in her marital home. She is also burdened with the responsibilities of the entire family at this very young age. The girls affected by early marriage are emotionally tormented since the boys who are married early often marry four to five times. She further says that cases of wife beating and sexual abuse are also very high in early marriages.

2.9.5 Marital breakdown and wife abandonment

According to the United Nations Children’s Fund (2001), newsletter, girls “marry young” means they are physically and psychologically not mature enough to lead a family life. Lack of preparation of adolescent girls for marriage can result in family violence and abandonment. According to Lichter (2001), early marriages are highly unstable and often end in divorce. Dahl (2010) and Cohen (2004) also found high rates of divorce among women who marry early. Greenberg, Bruess and Conklin (2011) in their study found a relationship between early marriage and marital breakdown and also that the occurrence of desertion or abandonment is high in early marriages. They also report that a woman’s age at the time of marriage has a considerable influence upon the length of the marriage. It is found that when girls marry early, they are highly susceptible to divorce or abandonment.
Winch and Greer (1964) in a study titled, *The Uncertain Relation between Early Marriage and Marital Stability*, found a negative correlation existing between the age at marriage of girls and the stability of marriages. They found that women who married younger have shorter duration of marriages than those who married as adults. According to Mott and Sylvia (1979), age at marriage is found to be a strong predictor of marital disruption. Girls who marry early are highly susceptible to divorce by their husbands. Moore and Waite (1981) accord that teenage marriages are less stable than the marriages of older women. Similarly Witt et al (1987) and Lee (1997) agree that one of the negative consequences of early marriage is the instability of marital relationships.

Teti, Lamb and Elster (1987) in their study in America report that the high marital instability in teen marriages may be a result of multiple stresses from marriage, parenthood and adolescent stage. They found that blacks and whites who married as adolescents appeared to have experienced high levels of marital disruption. Strong, Devault and Sayad (1998) argue that adolescent marriages are more likely to end in divorce than the marriages that take place when couples are in their twenties or older. Early marriage is followed by early divorce for many, so it is not surprising that teenage marriages are likely to fail. The probability of divorce early in their marriage is nearly four times than in normal marriages (Levine and Hennessy 1990). Tilson and Larsen (2000) in their
study, *Divorce in Ethiopia: The Impact of Early Marriage and Childlessness*, found that early marriage has a significant impact upon divorce. Findings suggest an inverse relationship between age at marriage and risks of divorce. Vue (2000) also has mentioned a similar finding that early marriage is associated with a higher rate of dissolution of marriages.

### 2.10 Problems faced by abandoned women

The United Nations Children’s Fund (2001) in its News letter *Early Marriage and Child Spouses*, pointed out that early marriage is often linked to wife abandonment as shown by its association with divorce and separation. It profoundly affects financial, emotional, physical, and social conditions of women and renders their lives and livelihood virtually nonviable. Bayisenge (2010) in her study on early marriage shows that in Africa some desperate girls and women who have been forced into early marriage try to run away or take other avenues to leave their spouses; others are abandoned by their spouses. She says that such women are largely ignored by the society. Families consider them as social as well as financial liabilities. Generally it can be seen that divorced women are placed in a low status position and they face many social and familial problems in their post-abandoned life. According to Dahl (2010), women who marry early can have a high likelihood of ending up poor later in life. A woman who marries young may have more children, may gain less
work experience, and divorce sooner, all of which can increase the chances of future poverty.

According to Rudra and Dasgupta (2011) in South Asian societies, dissolution of a marriage poses severe economic and social burden for women. The parents of the abandoned women may have given substantial amounts of dowry in cash and kind to grooms and their families during the marriage with the cultural expectation that they would henceforth be free of their daughters’ responsibilities. The economic burden imposed by divorce on women however short the marriage has been, is significant in the socio-economic context of South Asia. The United Nations Children’s Fund (2001) reports that, divorce or abandonment often plunges a woman into poverty as she usually assumes the sole responsibility for dependent children. Early marriage is highly linked with wife abandonment. If she has married young, is under-educated and has few income-generating skills, her poverty may be acute. Abandonment leaves her within the vicious circle of poverty from where there is no escape. According to Ooto-Oyortey and Pobi (2003), married adolescent girls, especially those from rural settings, are at the risk of being poor and will therefore manifest most of the characteristics of poverty. Their increased economic dependence, denial of decision-making power and inequality at home further perpetuate their discrimination and low status.
It is found that abandoned women who are married young face acute poverty.

The United Nations Children’s Fund (2001) found that early marriage and resultant abandonment can lead to psychological problems among women. According to Albrecht (1980), women face more stressors due to divorce than do men because of gender differences in income, social activity etc. As a result women suffer more psychological pressure after divorce. Kitson and Sussman (1982) report that divorced and separated women report more disappointment and dissatisfaction with their past marriage and men. According to Kitzmann and Gaylord (2002), divorced individuals are at an increased risk of some psychological disorders immediately after their divorce. Many show milder levels of distress in the form of painful emotions of sadness, anger, guilt, social isolation, loneliness etc.

According to Madan (1989), divorce represents a fundamental change in the role and status of women. Verma (2005) shows that separated or divorced women practically have no social position. Divorce takes all status from the deserted women and women are victimized through the process of divorce. According to Trivedi, Sareen and Dhyani (2009), empirical studies repeatedly show that marital dissolution is associated with a number of social problems. For example, as Gahler (2006) in an earlier study shows, divorcees have smaller social networks and are more
likely to lack social support. In addition to the lack of a partner, they generally have smaller social networks (i.e., a smaller number of potential providers of social support).

Cava and Nanetti (2000) insist that divorce or abandonment is seen as a shame for the women’s family. In cases of both divorce and abandonment, most women cannot return to their families which consider them an economic burden. Without male protection they are marginalized. Women with daughters are at great risk of violence, marginalization and poverty. Divorced women who return to their family of origin are at risk of violence from male members of their family. In traditional societies, divorced women face considerable discrimination and social stigma. Kotwal and Prabhakar (2009) in their study, *Problems faced by Single Mothers*, mention that in the social sphere majority tried to avoid attending social gatherings due to the fear of low social esteem. The problem was that there was no male member to accompany them during night so they avoided social gatherings. These women hesitated to make new friends and hence experienced lack of companionship. A study from Bangladesh carried out by Rahman (1993) suggests that Muslim women are more often abandoned and are forced for remarriage. The pressures to marry and lack of alternatives to marriage mean that unmarried or widowed, divorced, or abandoned women are often severely disadvantaged, both socially and economically. They have little social
legitimacy or control over their living arrangements and other circumstances.

Review of the collected literature shows that early marriage is widely prevalent in developing countries. It also gave a picture about the various determinants and consequences of early marriage of girls. In India the practice is rampant across the states especially in rural areas. In Kerala also, especially in Muslim dominated Malabar areas, early marriage is widely prevalent. So far no studies are found depicting the consequences of early marriage of girls in its severest form. It highlights the necessity to conduct an inquiry into the problem of early marriage and the present research is an in-depth analysis of the core issues of early marriage of Muslim girls in Malabar.

******