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Introduction

Marriage is an important universal social phenomenon from times immemorial; it is a special type of sanctioned person-to-person relationship. Marriage is sanctioned by societies to establish durable bonds between males and females and to permit sexual intercourse for the implied purpose of parenthood and the establishment of family. Marriage ensures both biological (that of sex) and psychological (that of love and affection) satisfactions on the individual plane and the wider plane; it ensures a two-fold survival of the group and its culture. Marriage plays a significant role in the creation of a new domestic unit --- the family. According to Parsons (1959) marriage is essential for emotional security. Within marriage men and women fill their natural roles as human beings and equip the family to serve two major functions: first, the primary socialization of children, and second, the stabilization of adult personalities in society. The emphasis here is on the marriage relationship and the emotional security the couple provide for each other. Thus marriage ensures a genuine feeling of trust, true love, affection and understanding between a husband and wife along with regulating sex relations and condemning promiscuity. In the contemporary world, marriage has become a powerful instrument to regulate the sex-life of man in a proper way to avoid
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chaos and confusions in the society. So the institutional strength of marriage has clear consequences for children, adults, and the communities in which they live. It is found that the forms and functions of marriage vary from place to place and from time to time.

1.1 Marriage in India

Marriage is almost obligatory and unavoidable for an average Indian. Life without marriage is almost unthinkable in India and there is a sharp social stigma attached to those who remain unmarried for long. There is a deep-rooted long-standing and wide-spread tradition here in favour of marriage as a basic ritual. Marriage in India is a holy performance of religious duties. It is regarded as one of the most important life-cycle rituals and a familial as well as social expectation for Hindus. Marriage among Hindus is a religious sacrament, a religious duty to establish family that strengthens the relationship of love and affection of the members. In Hinduism, marriage is considered to be the duty (dharma) of a person. Hindu marriage being one of the essential Samskaras is sacramental in nature. According to Prabhu (1961), among the Hindus, marriage is obligatory for begetting a son, for discharging ancestral debts and for performing religious and spiritual duties. Without marriage, there can be no children and without them ‘Moksha’ cannot be attained.
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According to Kapadia (1966), the primary aim of a Hindu marriage is *dharma praaja* (progeny, particularly sons) and *rati* (pleasure). Furthermore, a Hindu marriage is regarded not only as a union of two individuals, but also as the union of two families, making them almost blood relatives.

In Islam marriage is a civil contract. According to Virani (2007), the Qur’an conceives of marriage as a civil contract between a man and a woman. As such it is governed by rules that define the relationship between two contracting parties. In Islam, marriage is the favoured institution for a legitimate sexual relationship between a man and a woman. Virani further states that the Qur’an recognizes sexuality as a central feature of the natural world and consequently as an innate and vital dimension of human existence. Thus even though it lays down certain rules that govern human sexuality (for example, within the confines of marriage) it authorizes sexual pleasure and does not condone sex for the sake of procreation.

1.2 Early Marriage in India

According to Uttam (2002), the practice of child marriage was totally absent in ancient India. The Rig-Veda had mentioned that a girl should have matured before leaving her father’s home. Men were advised to marry a girl with a fully developed body. Ghosha (1984) accords that in India, child
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marriage became prevalent during the period of foreign invasions when the unmarried girls stood a risk of being enslaved by the invaders. The Hindus started marrying their daughters at an early age in order to protect them. During the 19th century child marriage of girls became rampant among the Hindus across the country. Both boys and girls were married at a very young age. Bhat, Sen and Pradhan (2005) point out that the custom of child marriages, with the ‘bride’ and ‘groom’ still in their cradles, was the culmination of the thought that parents sought to dispense with the responsibilities of their daughters by getting them married before they reached the marriageable age. Ahmad (2003) opines that in India, the system of child-marriage was started by the Hindus, and later on adopted by the Muslims. Till the 1860’s child marriage of girls continued unabatedly in India, where girls were getting married even below the age of eight or nine years.

The practice had far reaching evil consequences upon the life of girls as well as the society. Knowing the evil effects of child marriage, several socio-religious reform movements such as Brahmo Samaj and Arya Samaj did their pioneering work against the practice of marrying girl children. Raja Ram Mohan Roy was the key social reformer who emphatically fought for the eradication of child marriage in India. Later in the 1860’s some success was achieved when the Indian Penal Code made provision against child marriage.
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According to Bharti (2008), the efforts made by progressive thinkers and social reformers to curb the practice of child marriage led the British to seriously assess the problem of child marriage in India. As a result, the Child Marriage Restraint Act, 1929 (popularly known as Sarda Act), prescribing minimum marriageable age as 14 years for girls and 18 years for boys was enacted with a view to restraining the solemnization of child marriage in India. In 1949 the age of marriage was raised to 15 years for girls and by an amendment in 1978, the age was fixed at 18 years for the marriage of girls. But this law was ineffective to deal with the issues related to the practice and having realized the ineffectiveness of the Child Marriage Restraint Act, 1929 the Indian legislature enacted the Prohibition of Child Marriage Act, 2006. This law provides for stringent penal action against those who indulge in solemnization of child marriage. However, despite the law, marriage of underaged girls remains extremely popular in India, and in some regions girls marry even before the age of fifteen.

With a view to put an end to the practice of early marriage of girl children International Organizations like the United Nations Children’s Fund and United Nations Population Fund have initiated numerous researches at the global level on the subject and the research reports suggest that the rate of early marriage (of girls) is high in the developing countries. According to
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United Nations Children’s Fund (2010) study, ‘State of the World's Children 2009’ report, more than 40% of the world’s early marriages occur in India.

According to the definition of the United Nations Children’s Fund (2005) “early marriage” refers to both formal marriages and informal unions in which a girl lives with a partner as if married, before the age of 18. Such types of marriages involve either one or both spouses being children and may take place with or without formal registration, and under civil, religious or customary laws. United Nations Population Fund (2006) defines early marriage as “any marriage carried out below the age of 18 years, before the girl is physically, physiologically, and psychologically ready to shoulder the responsibilities of marriage and childbearing.”

Raj et al. (2009) in their study on early marriage in India found that in the country, the prevalence of child marriage remains unacceptably high. A report of the “State of the World’s Children 2009” published by the United Nations Children’s Fund (2010) discloses that 47% of the India’s women aged between 20-24 years are married before the legal age of 18. It further reports wide variations in the prevalence of early marriage across the country with 56% in rural areas and 29% in urban. Early marriage is most common in rural areas especially among the poorest of the poor. It also stated the higher prevalence of early marriage among the socially and economically backward
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Indian states. However, it is found that early marriage prevails in almost all states regardless of the socio-economic and political development of the state.

1.3 Early Marriage in Kerala

During the last quarter of the 20th century, Kerala has successfully achieved the international level of human development mainly through developments in the social, economic and health sectors as a result of decades of assiduous adherence to credo based on social justice, economic equity and people centered public policy. As per the 2011 Census, Kerala’s Human Development Index is 0.920 (while the National HDI is only 0.547) which is greater than that of China, Russia and many other developing countries (www.wikipedia.org). Still it is a fact that Kerala model is referred to as a paradox of high social development and low economic growth (Govt. of Kerala 2006). The HDI of a country varies from state to state (Pal and Ghosh 2007). Similarly it has been noted that the HDI of Kerala also varies between different districts (Chakraborty et al. 2010). This variation in HDI is supposed to be due to the influence of inter-geographical plurality of culture and a subtle blend of different ethnic and religious groups. Kerala society can be regarded as a miniature replica of the vast ethnic and cultural diversity of India. The diversity of Kerala is significantly marked by its regional and religious differences. Religion is believed to have a significant impact on the culture of
Kerala. Compared to the other states of India, Kerala is unique in its religious composition. Besides Hinduism, Christianity and Islam are also found in Kerala.

According to Menon (2008) Hinduism is the indigenous religion of Kerala. Hindus constitute 56.2% of the total population (Census Report of India 2011). Christianity was introduced in the first century AD and Islam in the 7th century because of trade relations (Menon 1967). According to Joseph (2003), Kerala is the only state in India where both these minorities exist in almost the same strength (as per the 2011 Census, Muslims – 24.7% and Christians - 19.0%). Nevertheless all the three religions are said to have influenced each other. Both Christianity and Islam have had a profound influence on Hinduism. In turn, Hinduism has made its impact on Christianity and Islam as well. Geographically Hinduism pre-dominates the southern part of the State and Christians, the middle. The northern region of Kerala called Malabar is occupied by a high concentration of Muslim population keeping a distinct Muslim culture in that area.

The Muslim community in Kerala, primarily in the northern region, is called ‘Mappilas’ (Engineer 1995). According to Menon (1967), despite several controversies it is believed that the origin of the Muslims in Kerala goes back to 7th century AD and that there was a revival amongst the Muslims.
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Menon (1981) says that as a matter of fact, Malabar was the first place where Islam made peaceful conversion on a large scale in India. Islam found a receptive soil in the circumstances of existing social and economic conditions of the region and transformed Malabar into a region dominated by Muslim community.

Even though the people of Malabar under various circumstances embraced Islam, the converts showed a close adherence to the indigenous tradition. The arrivals also frequently picked up social practices from the Hindu culture such as marumakkathayam, dowry, polygamy, child marriage, thali etc. It is said that in Kerala, the Mappila culture in Malabar is a beautiful amalgamation of Arabic and Malayalam culture (Kashif-ul-Huda 2010). Even though Islam does not permit dowry, it became one of the crucial factors of Muslim marriages in Kerala. Regarding marriage practices, child marriage became an accepted social practice among the Mappilas as well, since the religion does not have a prescribed age for the marriage of girls.

Kaplan (2009) shows that under the Islamic Law, a father has the right to arrange the marriage of his minor daughter. Just like in other Islamic societies, the practice of marrying girl children has got wide recognition among the Muslims in Malabar also. It is significant to note that there has been a slight increase in the age at marriage of Muslim girls over a period of time and the
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The custom of child marriage has almost been replaced by another practice called early marriage whereby girls are married in their adolescence. The practice of early marriage of girls is still prevailing very high in Malabar, in spite of the several growth spurts made by the region. Basheer (2003) observes that among the rural poor Muslims in Malabar, early marriage of girls is a very common practice. Traditionally, in Malabar early marriage of female children has been viewed as a religious necessity and a social law among the Muslims.

The International Institute for Population Sciences (1999) in a Rapid Household Survey conducted in 1998, found that compared to other districts of Kerala, early marriage persists significantly high in districts comprising Malabar. Table 1.1 on the rate of early marriage in various districts of Kerala makes this explicit.
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Table 1.1

Rate of Early Marriage in various districts of Kerala

<table>
<thead>
<tr>
<th>Districts</th>
<th>Percentage of Early Marriage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alappuzha</td>
<td>00.00</td>
</tr>
<tr>
<td>Ernakulam</td>
<td>00.00</td>
</tr>
<tr>
<td>Idukki</td>
<td>01.05</td>
</tr>
<tr>
<td>Kannur</td>
<td>19.00</td>
</tr>
<tr>
<td>Kasaragod</td>
<td>18.01</td>
</tr>
<tr>
<td>Kollam</td>
<td>02.30</td>
</tr>
<tr>
<td>Kottayam</td>
<td>00.00</td>
</tr>
<tr>
<td>Kozhikode</td>
<td>14.00</td>
</tr>
<tr>
<td>Malappuram</td>
<td>35.07</td>
</tr>
<tr>
<td>Palakkad</td>
<td>10.03</td>
</tr>
<tr>
<td>Pathanamthitta</td>
<td>00.00</td>
</tr>
<tr>
<td>Thrissur</td>
<td>02.00</td>
</tr>
<tr>
<td>Thiruvananthapuram</td>
<td>02.09</td>
</tr>
<tr>
<td>Wayanad</td>
<td>08.04</td>
</tr>
<tr>
<td><strong>Kerala</strong></td>
<td><strong>9.1%</strong></td>
</tr>
</tbody>
</table>

(Source: International Institute for Population Sciences 1999)
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From the table it appears that in the districts comprising the Malabar region (Malappuram, Kozhikode, Kannur, Palakkad and Kasaragod), the rate of early marriage is higher compared to the other districts. Among the districts in Malabar, the highest percentage of underage marriage has been reported in Malappuram -- the densest Muslim populated district of the State. According to the media reports (The Times of India 10/02/2002), in Malappuram district the rate of early marriage is found to be more than 36%. It indicates that the incidence of early marriage is increasing in Malabar. Similarly, another survey in 2001 conducted by the Child Development Centre, Medical College, Thiruvananthapuram, in collaboration with the United Nations Children’s Fund has also pointed out Malappuram and Kozhikode as the districts with the highest prevalence of early marriage in Kerala (Salini 2003).

Gopakumar (2011) indicates that as per the results of the survey conducted in Malappuram district, by the Kerala Social Welfare Department, the prevalence of early marriage is very high in the district. In Malappuram, more than fifty thousand girls have been married during the period of 2001-2009. According to the data 26,442 “underage” marriages were performed during 2001-02 in Malappuram, and during the period of 2002-03 it was 17,933. In more than 80% of the total marriages conducted in a year, in Nilambur panchayat of Malappuram district girls are under aged. The Department also
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provides an age wise statistics of early marriage of girls in Malappuram, as shown below.

Table 1.2
Age wise frequency of Early Marriages in Malappuram District.

<table>
<thead>
<tr>
<th>Age of girls</th>
<th>Frequency of Early marriages</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2002</td>
</tr>
<tr>
<td>13-14</td>
<td>352</td>
</tr>
<tr>
<td>14-15</td>
<td>918</td>
</tr>
<tr>
<td>15-16</td>
<td>2480</td>
</tr>
<tr>
<td>16-17</td>
<td>7440</td>
</tr>
<tr>
<td>17-18</td>
<td>15282</td>
</tr>
<tr>
<td>Total</td>
<td>26,442</td>
</tr>
</tbody>
</table>

(Courtesy: Gopakumar 2011)

Even though the table shows a downslide in the number of early marriages over the years, it is clear that the practice persists. The survey further reveals that the tradition of early marriage persists in almost all districts of Malabar.

No authentic data from 2003 to 2007 is available on the occurrence of the practice of early marriage in Malappuram district. According to a rough
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Estimation 5829 early marriages were conducted among different caste groups during 2007-09. While the bulk of the early marriages involved Muslim brides, others have also not eschewed this social evil. Salini (2003) in her study on child marriages in Kerala mentions that 80% of her study sample, (child wives) were from Muslim community thereby showing that early marriage is rampant among the Muslims. According to the Social Welfare Department, about 73% of the early marriages are conducted by Muslims. The number of early marriages conducted among different caste groups are as follows.

Table 1.3

Community-wise distribution of Early Marriages in Malappuram Dist.

<table>
<thead>
<tr>
<th>Community</th>
<th>Actual number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Muslims</td>
<td>4249</td>
<td>72.9</td>
</tr>
<tr>
<td>Scheduled Castes</td>
<td>339</td>
<td>5.8</td>
</tr>
<tr>
<td>Others</td>
<td>312</td>
<td>5.4</td>
</tr>
<tr>
<td>Scheduled Tribes</td>
<td>55</td>
<td>0.9</td>
</tr>
<tr>
<td>Un-identified</td>
<td>874</td>
<td>15</td>
</tr>
<tr>
<td>Total</td>
<td>5829</td>
<td>100</td>
</tr>
</tbody>
</table>

(Courtesy: Gopakumar 2011)
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It is evident from the above table that the incidence of early marriage is extremely high among Muslims. In 72.9% of early marriages, the girls involved are Muslims. The percentage may increase as there is ambiguity regarding 874 early marriages in the statistics provided by the Department of Social Welfare. A close observation reveals that all the groups mentioned in this table belong to the deprived sections of the society. It appears that the girls of the economically deprived sections are highly vulnerable to early marriage.

According to United Nations Children’s Fund (2001), poverty is one of the major factors associated with the early marriage of girls. Poor parents regard girl children as a financial burden due to the demand of high dowry at the time of marriage. The International Institute for Population Sciences (IIPS) and the Population Council (2008) in a study on Early Marriage found that dowry has been an important factor that promotes the practice of early marriage of girls from poor families. Basheer (2004) points out that the amount of dowry required at the time of marriage of Muslim girls is significantly higher than their counterparts in other religions, and among the Malabar Muslims, the amount of dowry varies with the age of the bride. If the bride is very young, then the amount of dowry will be considerably low. Therefore to escape from the future financial liabilities of arranging a high amount of dowry, poor
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parents try to marry off their daughters when they are quite young. Consequences of dowry upon the poor parents have led to social customs such as Arabic marriage and Mysore marriage in which adolescent girls are married to adult men from other places.

Gopakumar (2011) mentions that the incidence of Arab kalyanams (Arab marriages in which girls are married to rich Arabs on a short term contract basis for money) and Mysore kalyanams (grooms from Mysore) have been observed among the poor Muslim communities especially in Kozhikode, Malappuram and Wayanad districts of north Kerala. Arab marriages are considered as a traditional practice and 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 and native women. Even after putting restrictions upon it, Arab marriages still continue in some areas of Malabar since poor parents receive bride-price from such marriages. Dowry has significantly impacted the increase of the incidence of both Arab and Mysore marriages among the rural poor Muslims in Malabar.

According to Govind (2002) ‘Arabikalyanams’ have rampantly increased the number of early marriage of the Muslim girls in the region. In Malabar, such marriages are considered as customary and are conducted according to the Muslim Personal Law. Such marriages are held only for a short prescribed
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duration (Muta marriage) after which, girls are divorced by their husbands. In Malabar, among the lower class Muslim population, in earlier days polygyny, Arab marriages and unilateral right of men to give talaq were all part of their cultural practices. Menon (1997) accords that in Malabar, the age old tradition of polygamy is fading out, giving way to ‘serial marriage’ whereby men can marry a new girl after divorcing the existing wife. Sex and money are considered to be the major drives for the serial marriage among the lower class Muslims.

It is also seen that among the poor Muslims in Malabar, most of the divorces are not held as per the suggestion of the Muslim Personal Law. Instead, women are just abandoned forever by their husbands. The Quranic principles governing marriage and divorce have undergone severe misinterpretations and men use Islam in their own way by manipulating and making things work for them. Due to greed for money and sex, men marry several times. If a man wants to marry a new wife, he simply deserts the existing wife. Yet it is accepted and justified with strong religious interpretations.

Early marriage among the Muslims in Malabar has always been viewed as part of their tradition. Muslim community especially in rural areas maintains traditional patriarchy and generally early marriage is seen as a family matter.
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governed by religion. Several other factors also work together behind this inhuman practice, that is unique to this area. A study carried out by Salini (2003) in Malabar shows that generally a girl child is subjected to more abuses than a male child. The girl child is counted as 'another's property', 'a guest in parents' house' or 'a thing which has to be given away' as early as possible through early marriage. Since early marriage affects only girls, it can be regarded as part of the gender discrimination towards girl children.

1.4 Early Marriage as a form of Gender based Violence

Bhave (2005) mentions that Mahatma Gandhi regarded marrying off girls at an early age as an immoral inhuman act which made innocent girls the objects of man’s lust; ruined the health of many a child mother and converted tender-aged girls into widows. According to Kaplan (2009), marriage of minor daughters is a method of discrimination against women. He says that marriage of minor sons is rare, while the marriage of minor daughters is much more frequent. Human rights organizations in various countries declare that they presently address the problem of the “marriage of minor daughters”. The marriage of minor daughters in conservative societies stems from a stereotypic outlook that a woman’s place is in her home, and her main roles in life are childbearing and caring. The imposition of a marriage partner upon a girl child means that her childhood is cut short and fundamental rights are compromised.
Early marriage denies a girl of her childhood, disrupts her education, limits her opportunities, increases the risk of violence and abuse and jeopardizes her health and development.

United Nations Children’s Fund (2001) addresses early marriage as a form of gender based violence against female children because it results in lost development opportunities and limited life options. It also deprives the girl child of her right to obtain education and live a life of freedom and dignity. According to the Law Commission report of the Ministry of Law and Justice (2008), due to young age, a child wife becomes socially isolated and does not have any decision-making power and consistently faces harassment from her husband and in-laws. Furthermore, because young brides enter marriage at an early age, they do not develop personal and social skills that will enable them to fend for themselves. They become totally dependent on their spouses and are not likely to leave violent marriages. Early marriage makes girls more vulnerable to domestic violence and sexual abuse thereby increasing the risks of being exploited within marriage. Girls who are married young often lack status and power within their marriages and households, and so are more likely to experience domestic violence, sexual abuse, and isolation from family and community.
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United Nations Children’s Fund (2005) study shows that India has the highest rate of domestic violence among women married by the age of 18 with a rate of 67%, compared to 45% among women married later. The International Centre for Research on Women (2005) in a survey in India found that girls who married before the age of 18 reported experiencing physical violence twice as often as girls who married at a later age. The girls who marry as adolescents are more prone to sexual violence from their husbands. The early entry into the unavoidable sexual relations in marriage can be a traumatic event for a young girl who is still a virgin, with a body not yet old enough to enable safe sexual intercourse.

The marriage of under aged girl children itself is a form of violence against them, additionally it not just increases the risks of domestic violence, but also leads to separation or abandonment, the extreme form of violence against a woman in early marriage. Rudra and Dasgupta (2011) say that abandonment has far reaching negative effects upon the lives of women. Divorce or abandonment often plunges a woman into poverty. The stigma of divorce is still profound on women and it affects the social, economic and emotional wellbeing of the women. The consequences of abandonment and subsequent divorce extend to women’s social, economic, and emotional disenfranchisement.
Menon (2002) in her article, mentions that in Malabar the number of abandoned Muslim wives has increased recently. Although early marriage and divorce have been there in the past as part of their traditional practices, they were not considered as serious social issues since abandonments were not that frequent during that time. The rapid increase in the number of early marriages over the past several years coupled with extremely high rate of desertion/abandonment among the Muslim women itself indicates the extreme seriousness of the problem. The dramatic increase in the number of abandoned Muslim wives in recent years denotes a social pathology of great significance associated with the welfare of the Muslim women in Malabar. The combined effect of high rate of early marriage and abandonment is hazardous to the morality, well-being as well as existence of the entire Muslim community of Malabar. Even though the problem requires rigorous attention from the authorities concerned, it remains under-recognized due to the unavailability of statistical records regarding marriages and divorces. Similarly, even though there are several researches studying the effects of early marriage, the area of concern was different as all of them focused only on premature sex, early and repeated pregnancies, education etc. Little analysis is done systematically to explore the full impact of the practice of early marriage upon girls.
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The United Nations Children’s Fund (2001) reports that early marriage is often linked to wife abandonment. Just like early marriage is invariably linked with marital violence and violent behaviour towards a wife, including coercive sex, it also leads to marital breakdown. Most studies – national and international – on the consequences of early marriage have focused on premature sex and associated reproductive health risks adolescent mothers face; very little analysis is done on the complex association between early marriage and divorce or abandonment. Even though several survey estimates have been produced in this regard, none of them deal with it in detail. It explicitly indicates a serious shortage of researches on the intensity and consequences of the problem of early marriage of girls. Therefore the present study attempts to get an insight into the intricate association between early marriage and early abandonment of Muslim girls in Malabar. The study aims to probe into the complex and life threatening issues having far reaching consequences upon the wellbeing of the Muslim girl children, within the realm of gender violence and sexual exploitation.

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