CHAPTER III
CHILD MARRIAGE: CAUSES AND IMPACT

Marriage is, in fact, a turning point in adult life. Though it is generally considered to be an occasion for celebrations, the practice of child marriage does not give any cause for such celebrations. It is a pity to note that the outlook of the society towards child marriage remains unchanged even in this 21st century. Therefore a close scrutiny of the causes and impact of the continual practice of child marriage is highly necessary and quite warranted.

Causes of Child Marriage

Child Marriage: A Protection to girls?

Gender equality is as old as the Vedic times. It is evident from the fact that woman played an equal role to that of man in sacrificial rites and upholding ‘dharma’. With the passage of time there developed a belief, probably a misconception that women are weak and need protection. The strategy of protection can be traced even from the time of Manu. Manu considered woman as an object to be protected by man. To quote his famous lines,
"Pitha rakshathi Kaumare

Bhartha rakshathi youwane /

Rakshathi sdhavire puthra

Na stthree swathanthryamarhathi" //

The ardent desire to preserve the purity of a girl for upholding the honour of the family is the key factor contributing to early marriage. Virginity and chastity are which society considers, the precious possessions of a girl. The undue importance given to chastity paved the way for the society's finding out various ways and measures such as seclusion of girls from interaction with others, Female Genital Mutilation (FGM) and early marriage, to protect girls from possible sexual abuses. Many of the parents are of the view that the reputation of the family depends mainly upon the virginity of

---

1 It means that in childhood the woman must be protected by her father, in youth by her husband and in old age by her sons. Thus a woman denied independence. See J.R. Gharpuh (Ed.) Manusmriti with Bhashya of Bhatta Medhatithi (1920), p.122. See also Manu IX – 3, The Laws of Manu (trs.) Wendy Doniger with Brian K. Smith – (1991), p.197.

2 FGM is a surgerical method to restrict entry to vagina by infibulation or by removing clitoris to restrict sexual pleasure. See Waris Dirie and Cathleen Miller, Desert Flower, Reader’s Digest, August 1999, pp.170 – 192. For details, see Isabelle R. Gunning, “Women and Traditional Practices, Female Genital Surgery”, in Kelly D. Askin and Dorean M. Koenig (Eds.), Women and International Human Rights Law (1999), pp. 651 to 682.
their unmarried daughters and hence the fear in their mind that in case their female children are allowed to mingle freely with the other sex in the society, there is every possibility of spoiling their virginity. Therefore parents isolate them from social interaction and thereby compel their daughters to lead a secluded life. FGM is a prevalent practice in African countries to control sexual temptation. In India, withdrawal of the girl students from school on attaining puberty is resorted to as a method to protect girls from sexual harassments. The high rate of dropout of girls at the secondary level of education in India indicates the attitude of the parents to restrain the girls from education on attaining puberty. Thus they preferred early marriage as a recourse to protect the girls from sexual exploitation. For fear that unmarried or mature girls are often prone to sexual activities including rape, either voluntary or involuntary, with a view to protecting the girls from indulging in promiscuity the parents adopted a more convenient and safe step of early marriage instead of pursuing the other methods. They naturally felt relieved of the burden when the girl got married. Even educated people

---

3A father who arranged the marriage of his six daughters on the same day, was very much relieved and said, “Tonight I am a free man again, Thanks to God, some of my heaviest burdens has been lifted”. John C Burns, “Child Marriage Though Illegal Persists in India”, The New York Times 11 May 1998. See http://www.anusha.com/indiamar.htm 15-08-2000.
are not free from this notion.  

The parents being reluctant to face the risk of late marriages, try to relieve their burden by giving girls in marriage at the earliest opportunity. Moreover, in many societies in India, little brides are often conditioned to become silent, obedient and submissive to husband and the other members of the family. Such conditioning is possible only in the early development stage. The tradition and culture still consider that women are tender human beings who need special protection and it is the duty of the parents to find out a male partner to look after her. Hence the parents are eager to conduct the marriage of the girl at the earliest. Now it has become the symbol of status, pomp and majesty of a person to get his child betrothed or married early.

---

4 The marriage of two school students Kirthi (7 years) and Raja Singh (12 years) is reported from Bihar. Their mothers are school teachers and groom’s father is a government officer. They have no regret in the performance of early marriage. Instead they were quite proud of this event. They told the newsmen that they were ready to face punishment, if any. Mother of Kirthi felt reassured that Raja would guard Kirthi from being molested on way to the school. See “Road to School”. Editorial. The Telegraph 23 April 2000, p.10.

5 The little girls are conditioned to adopt an attitude of care and protection towards their husbands. By the age of 5 years the girls in rural Pakistan go outside as little as possible to prevent interaction with opposite sex. In India, parents and grand parents give training to the little ones to be good wives even from their infant stages. See UNICEF, “Early Marriage and Child Spouses”, Innocenti Digest No.7 March 2001, p.7.
Countries, where civil or military conflicts prevail, exhibit many instances of symptoms of child related social stress as well as the increased tendency of the parents to seek early marriage as a measure to protect the girl child.\(^6\)

**Child marriage – A Custom?**

Child marriage started as a custom among the Hindus and the Muslims in India who regard their religious customs as sacred ones. From ancient times, masculine supremacy was considered to be the order of the day and this feeling of supremacy persuaded men to indulge in child marriages with an aim to lower the status and position of women in society. Even in the present century, status and position of women remain unchanged, as they find it difficult to escape from the web of this absurd religious custom. Being a uniform persistent practice which has moulded the life and regulated the dealings of a particular class of community, crystallized as a part of the personal law\(^7\), the system of child marriage can be regarded as a custom. But it lacks reasonableness and is repugnant to natural justice, equity and good conscience. Hence this cannot be considered as a valid custom. Moreover, a custom which is immoral or

---

\(^6\) Families in refugee camps at Burundi, protect their honour by marrying their girls off as early as possible. In Iraq, Gulf countries, Afghanistan, war and militarization have led to an increased number of forced marriages of young girls. *Ibid.*, p.6.

opposed to public policy or enactment is neither recognized nor enforced. Viewed from this angle it cannot be regarded as reasonable and legal, as it violates the basic human rights of the child bride and the bridegroom and consequently that of the interest of the society.

It is an accepted fact that if a custom or a traditional rule conflicts with the interests of the society, the latter prevails. In the process of the development of the society, the earlier concepts are frequently replaced by innovative and prescriptive principles. The concept of widow remarriage is a shining example to prove this fact. Before the passing of the Widow Remarriage Act 1856, widows were not entitled to remarry since the Hindu law considered remarriage of a widow to be a sin. Later on, with the change of attitude, the society recognized the remarriage of widows in principle. Likewise the concept regarding child marriage, has to be changed in accordance with the changes in society. Unfortunately, even in the present century, a huge section of people, especially the rural folk generally, prefer to stick to their custom of child marriage. According to B.S.Nagi, in Rajasthan the people are reluctant to depart from this custom. Despite the work of social action groups, including governmental and non governmental

---


9 B.S.Nagi conducted a survey on various aspects of child marriages in Rajasthan. His survey reveals that the people accept the child marriage even today because of the fact that it has become a custom which is to be followed. B.S. Nagi, *Child Marriage in India* (1993), p.98.
organizations, people continue to adhere to the traditional custom of child marriage especially among the rustic population of India. This is the vital reason for the prevalence of child marriage in India.

Child Marriage – To overcome poverty?

The economic status of the family plays a key role in child marriage. Poverty is one of the major factors underpinning this practice. It is a cause as well as an effect of this evil custom. Where poverty is acute, the people adopt even illegal means to tide over poverty. Thus daughters are given in marriage at a very tender age solely for the purpose of shifting the liability of the girl to another family. Sometimes the marriage of young girls to much older men for bride prices\(^{10}\) is also adopted as a strategy for the economic survival of the family. This practice is common in the Middle East, South Asian countries, Subsaharan countries and Egypt. Poverty stricken parents in Bangladesh are often tempted to give their daughters in marriage at a very low age. The girl children, given through promises of marriages or by false marriages, are very often drawn into prostitution abroad.\(^{11}\)

\(^{10}\)Bride price is the sum of money given to the bride by the groom. It is a practice converse to the system of dowry. See R.D. Naik, *A Study of Dowry Practices* (1996), p.2.

Many instances of marriages of old men with young girls for a bride price are reported from the rural parts of India. The story of Pinky from Utter Pradesh exposes 'the sordid tale of child marriages and abject poverty.' In Ameena's case the father of the child disclosed the shocking truth that he conducted the marriage only because of poverty. Thousands of such cases can be traced in rural villages of India. Instances of Arabic marriage are reported from Hyderabad, and rural areas of Kerala. The Arabs prefer to have an Indian girl for their sexual pleasure because of their

---


13 Unable to meet both the ends, Nirmala, the mother of four daughters, was forced to conduct the marriage of her daughter Pinky with Bajpai a rich widower without dowry and for a bride price. She said that she did it because of poverty and she had no other choice. See Suboth Ghidiyal "Another Sordid Tale of Child Marriage" The Decan Herald 24 July 2000, p.1.

14 In the second week of August 1991, the news about child bride Ameena hit national headlines. The 11 year old girl from Hyderabad was married on to 60 year old Sheikh Yahya, a Saudi citizen in that month. The father of Ameena, an autorikshaw driver who lived in extreme poverty had to accept the offer of Sheikh. An amount of Rs. 6000 was paid as Mehr and a sum of Rs. 1 lakh was expected to go to Ameena's family. It is a clear case of outright sale of girl child to a pleasure-seeking foreigner. After two days the child was forced to leave the country with the foreign husband. Dressed like a bride, sobbing Ameena caught the attention of the passengers and Air Hostess in the Delhi flight from Hyderabad on the 10th of August. Knowing the sad story of the girl, the police arrested the Sheikh and freed the girl. There are thousands of such incidents go unreported. See Abeda Sanudin, "The Child Bride – Ameena Critic" in Asghar Ali Engineer (Ed.), Problems of Muslim Women in India (1995), p. 132.

15 Ibid.

16 The newspaper reports reveal that marriage of young girls with rich Arabs is a common feature in rural parts of Kerala especially in the districts of Malappuram and Kozhikode. The researcher conducted an interview with 30 teenage wives at Malappuram to find the impact of child marriage. See Appendix A(4). The empirical study revealed that 72 percent child wives were discontented as their income was insufficient to make both ends meet.
submissive nature. 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 (Acquired Immuno Deficiency Syndrome) 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. Such marriages are much more economical to the family of the girl as the marriage expenses are met by the foreigner. In most of the cases a huge sum of money is also given in the form of Mehr and parents are promised jobs for their sons in the gulf countries. In connection with Ameena’s case official sources informed that at an average of 150 marriages take place between the Arabs and local girls every year. Hundreds of minor girls have been sold at prices ranging from Rs. 5000 to Rs.5 lakhs. Ninety nine percent of the Arabs marrying the Indian girls leave the country after the expiry of the period of their visas. In these instances the girl child is often exploited and misused by the members of her family themselves for their economic survival. Who is bothered about the sad plight of these minor girls?

\[17\] Mehr is the sum of money or other property which a muslim wife is entitled to get from her husband in consideration of the marriage. See C.N. Sankar Rao, Sociology – Primary Principles (2001), p.344.
Apart from this, another reason for child marriage is the practice of giving dowry, among the higher classes. Traditionally dowry was not a common practice among the lower caste, and most of them followed the opposite custom of bride price. In the recent years, despite the legislation prohibiting dowry, the custom of dowry has been extended to both the high and low classes. It is interesting to note that the quantum of dowry increases with the age and educational level of the girls. Parents prefer to keep their daughters uneducated and get them married even at an early age.  

The parents also resort to mass marriages for three or more daughters in a house irrespective of their age to avoid separate marriage expenses for each daughter. The system of mass marriages of the daughters is also an offshoot of poverty. Marriages on festival occasions like Akha Teej do not involve much expense as it is an auspicious day for marriages. Thousands of marriages take place during these days, every year.  

---


19 The story of Hansa, a child aged 4 indicates the attitude of the society towards child marriage. Hansa’s father arranged the marriage of first six daughters ranging from 4 years old Hansa to 14 years old Dohia at a stretch in order to avoid marriage expenses. However, he had to borrow Rs. 60000 for conducting the marriage. Supra, n.3.

20 See supra, Chapter I, n.7.

21 The newspaper reports clearly reveal that during Akha Teej days several child marriages take place in Rajasthan. Though it is always difficult to gather specific data of child marriage in the absence of registration, reports coming from rural areas confirm the open violation of the law. See the news item titled as “Mass Child Marriages Performed”, The Hindu, 7 February 2003, p.11.
Child Marriage – A Consequence of Urbanisation?

Urbanisation is a movement of population from the rural to the urban areas resulting in an increase of population in urban areas. The migration of rural people may be due to lack of resources or because of population pressure. As a result of urbanization, the joint family system breaks up leading to the formation of nuclear families. The nuclear family, in search of better opportunities goes to towns and settles there. The woman also joins in the labour force and receives education beyond that which is needed for the household management. Urbanization brings a positive change in the status of women, making her self-reliant and economically independent. It provides larger opportunities for education and employment for a woman which in turn results in a non-familial role. The better educated urban dwellers, adopt the norms and values of urban world, including late marriage. At the same time the remaining population in the rural area continues to live in the same old pattern with the traditional customs. However, the beliefs and customs tend to persist even in the urbanized areas. Urban dwellers usually sent their daughters to native places for marriage without considering the opinion of the girls.22 They prefer early marriage to avoid a situation of girls selecting their own partners.

22 The young British born Indian women were being compelled by their families to return to their ancestral village and marry men from there as per the prevailing custom. See Thomas Abraham, “Forced Marriages a Bane Here”, The Hindu 6 March 2000, p.14.
Families in the process of transition, are suffering from a conflict between the traditional and modern values. Usually men having jobs in the cities live there while their women, married in their teens, with children continue to live in the rural areas. Even though men are in the urban area, they adopt their own traditions and customs, like early marriage. The consequence will be that the children of young illiterate mothers tend to pass through the same vicious circle of facing childhood deprivation and damage experienced by their mothers. Thus the impact of child marriage is reinforced by the very process of development.

Impact of Child Marriage

The impact of child marriage is wide ranging. It usually results in curtailment of the basic human rights of a child. It is shocking when we delve deep into the impact of child marriage on the human rights of survival, development, protection and participation. A probe into the factors related to child marriage deteriorating the opportunity to self development is very significant. A close analysis of the intensity of the impact of child marriage on the whole fabric of the society is the need of the hour, in order to expose the multidimensional implications of this complex problem. Such an analysis should be aimed at revealing the physiological, psychological, eugenic, educational and demographic factors connected with child marriage and the extent of domestic violence associated with it.
Physiological

Early sex, forced sexual union and early pregnancy may result in profound health consequences on a teenage girl.\textsuperscript{23} In many countries, including India, society regards a girl in high esteem when she proves her fertility by becoming pregnant and giving birth to a child within the first year of marriage. According to medical experts early pregnancy poses great health risks for the girl.\textsuperscript{24} Before attaining sufficient physical maturity, cohabitation will lead to under-development of her reproductive organs and expose her to infections and diseases.\textsuperscript{25} Besides there are instances resulting in shock to the nervous system, the effect of which is felt throughout the life often leading to pronounced general debility. Teenage girls are more

\textsuperscript{23} The researcher collected information from the medical experts with respect to the consequences of child marriage. It reveals that health risks are rather high in teenage pregnancy cases. The total health of the girl is deteriorated by early marriage. Chances of abortion are high in teenage pregnancies. The incidences of cervical carcinoma is more common in women whose coital activity and child bearing start in teenage. See also V.G. Padubirdri and Shrish. N. Daftary (Eds.), \textit{Howkins and Bourne Shaw's Textbook of Gynecology} (1994), p.405.

\textsuperscript{24} The fate of thirteen year old Sajida who was married off to Rahim in Perinthalmanna in North Kerala cited in the survey conducted by Joint Women Programme (JWP) is a shocking example for the health and other risks the teenage wife has to face. She became pregnant at 14 years and the medical practitioners were forced to do a hysterectomy on her because her uterus was not sufficiently developed to bear a child. Rahim divorced her the day she returned from hospital. See "Survey Indicates Rise in Child Marriage in Kerala", \textit{The Times of India} 6 October 2002. For more details see, http://www.infochangeindia.org.

\textsuperscript{25} Medical science considers teenage pregnancies as “High Risk Pregnancies”. Incidence of premature labour is common in teenage pregnancies. See M.K. Krishna Menon and B.Palaniyappan (Eds.), \textit{Mudaliar and Menon's Clinical Obstetrics} (1988), pp. 81, 522.
susceptible to sexually transmitted diseases causing infertility. In the case of HIV positive, there are premature mortality, reported incidents of the virus being transmitted to foetus. The younger the age at sexual intercourse and the first pregnancy, the higher the incidence of HIV infections. Apart from these, birth injuries, infant death, maternal injury and maternal death are the consequences of early pregnancy.

Medical evidence proves that attainment of puberty is not a sufficient indication of physical maturity to justify consummation of marriage. There must be full physical development to withstand the strain of pregnancy and child birth. Otherwise the girls suffer from both physical and mental distress. The progeny is weak and unable to resist diseases and eventually the duration of life will be very short.

26 In many countries evidence points to much higher prevalence of HIV among teenage girls than teenage boys. In a recent study in Western Kenya, 25 percent of the girls between the age of 14-15 found to be infected with HIV virus while the rate is as low as 4 percent among boys of the same age. A survey conducted in Zambia also proves that the rate of HIV infection among girls is thrice the rate of HIV infection among boys. See H.E. Janat Mukwaya, “The AIDS Emergency”, UNICEF, Progress of Nations 1999, p.23.

27 In a study conducted in Rwanda, 25 percent of the women who became pregnant at the age of 17 or before was infected with HIV. UNICEF (1994) “Too old for toys and Too young for motherhood”, New York cited in supra, n.5 at p.10.


29 Medical experts to whom the researcher interviewed unanimously expressed the view that early pregnancy results serious consequence on physical and mental health of a teenage wife.

30 Dr. P.T. Kothary, Age of Consent Committee 1928-29 Evidence V (II), p.20. Interview with medical experts also confirmed this point. Seventy five percent of child wives interviewed disclosed the fact that their children are weak and unhealthy.
Early pregnancy and child birth results in increased risk of death, risk of premature labour, complications during delivery, infant mortality and various connected diseases. High rate of vesico-vaginal fistula are clearly identified with the marriage and child bearing in 10-15 year old age group.

In a study in Niger, 88 percent women with fistula were in this age group at marriage. The report of the tragic picture of child bride suffering from fistula even in the 21st century is shocking. The fistula conditions are permanent without surgical intervention to reseal the tissues. The World Health Organisation estimates that there are two million women living with fistula.

---

31 The interview with child wives discloses that 50 percent of them experienced premature labour.

32 Fifty six percent of them have caesarean where as 30 percent show other complications and bleeding connected with delivery.

33 Women with under developed pelvis and birth canal often endure very prolonged labour pain. Unless they receive emergency obstetric care, relentless pressure from the baby’s skull damaging the birth canal and causing breakages on the wall, may cause uncontrollable leakage of urine from the bladder into vagina. The same problem may also occur in relation to the rectum with the leakage of faeces. See V.G. Padubidre, *op. cit.*, pp. 191-194.

34 The Researcher collected opinions from the medical practitioners of the Medical Colleges in Kerala. They are of unanimous opinion regarding the incidence of high rate of vesico vaginal fistula in early married cases. See Appendix A(3).

35 An Ethiopian child bride Abu Yisman narrated the four days long labour pain during her delivery which resulted in vaginal fistula and the consequential agony. Because of her incontinence, she always remained in a pool of urine and excreta. Later she was disowned by her husband. See “Hurt Ethiopian Child Brides Seek Care, Dignity”, *Indian Express* 7 May 2001, p.15.
and an additional 50,000-1,00,000 new cases every year, many of which go untreated. A girl with fistula is usually ostracized as unclean and often divorced.\textsuperscript{36}

The maternal mortality is at its maximum in the early pregnancies. It is pointed out that the incidence of maternal mortality is greatest in the marriage below fifteen years.\textsuperscript{37} Pregnancy related deaths are the leading cause of maternal mortality for 15-19 year old girls.\textsuperscript{38} Mothers in this age group face a minimum of twenty percent and a maximum of two hundred percent greater chance of dying in pregnancy than women in 20-24 age group. The girls below the age of fifteen years, when compared to women in their twenties have five times greater chance to face death in pregnancy.\textsuperscript{39} Medical experts

\textsuperscript{36} In Nigeria 80 -90 percent of the wives with fistula is divorced – \textit{Ibid.}

\textsuperscript{37} Maternal death rate under the age of 15 is three times higher than the death rate of women aged between fifteen and nineteen years. The rate of increase of female death over male death in between the age periods of 10-15, 15-20, and 20-30 is shocking. The Age of Consent Committee with the help of medical officers had came to the conclusion that the increase in the number of female death is due to early marriage and \textit{purdha} system which render women more susceptible to diseases and bad hygiene during maternity. See the Report of The Age Of Consent Committee, in 1928-29, p.165. The situation has not changed even today. This is evident from a survey conducted by the Joint Women Programme (JWP). It pointed out that in India, every five minutes, one woman dies during maternity. On an average, India has 1,25,000 maternal deaths a year. A large number of these deaths are of adolescent girl children. “Survey Indicates Rise in Child Marriage in Kerala”, \textit{The Times of India} 6 October 2002.

\textsuperscript{38} The Medical experts are of the opinion that incidents of infant and maternal mortality are high in early marriages. In India, most of the female deaths between the age of 15-24 are due to the causes associated with the pregnancy and child birth.

share the view that rates of infant mortality and maternal mortality are high in those aged below eighteen years.\textsuperscript{40}

**Psychological**

The loss of adolescence, the forced sexual relations, denial of freedom and personal development have profound psychological effects on child wives. Shifting from the parental home itself affects the mental peace of the girl. The agony of the young girl who is burdened with various kinds of duties, obligations, harassments and strains is inexplicable. Medical Experts have observed that constant headache, stomach ache, chest pain and sleeplessness are the common complaints of the child wives. Psychiatrists consider this type of sickness as imagined ones. Since the girls are psychologically unsophisticated they express their mental distress through physical illness and it is known as ‘somatisation’.\textsuperscript{41} Medical experts are of the opinion that it is very difficult for a child wife to adjust to the situation which demands full responsibility from her. The total change in the life situations and heavy demands made on her after marriage and delivery breaks the mental equilibrium of the victim of child marriage. Apart from


\textsuperscript{41} Somatisation means the process by which a mental event is expressed in disturbance of bodily function. Macdonald Critchley (Ed.), *Butterworths Medical Dictionary* (1990).
this, the emotional and psychological turbulence of adolescence, total lack of sex education and wrong concepts of married life together make the life of a teenage wife more troublesome. Discontinuation of education due to marriage, further increases the mental stress of child wives. These girls find it very difficult to adjust with husband, mother in law and relatives in husband’s houses. Sandwiched between childhood and adulthood, the girls are often unable to cope with the changes in their body and mind. Everyone in the family of the husband expects the girl to behave like an adult and to take up the responsibilities of the whole household. The conflicts arising out of the disparity between her actual age (teenage) and expected role (adult) worsens the situation. A very common symptom of teenage wives’ mental illness is high irritability which gives way to depression.

42 15 or 16 year old girl is often scared of sex. These aversions are unconsciously translated into physical illness. There are reported incidents where teenaged wives started vomiting at bed time. Psychological counselling about the fundamentals of sex relieved them from their troubles. See K.P.M Basheer, “Where Teenage Marriage Triggers Mental Illness”, The Hindu 16 November 1999, p.11.

43 The empirical study revealed that majority of the child wives had only primary education. The study also shows that in most of the cases marriage stop their education. Though two girls were permitted to continue education they were compelled to stop it because of pregnancy. During the interview, one of them said that she could not write the SSLC examination because of the shock she received from her marriage. According to the medical officer, the discontinuation of education triggered her mental illness. The researcher also conducted interview with psychologists and psychiatrists and they expressed the opinion that child marriage itself is psychologically upsetting because the girl is not ready for it. See Appendix A(3) and A(4).

44 Empirical study revealed that all of the child wives are fed up with married life owing to the infliction of cruelty and humiliation of their husbands and in-laws.

45 Interview with teenage wives and psychiatrists points out that depression is common phenomenon among child wives. Psychiatrists also opine that adjacent disorders are the main problems of teenage wives.
Eugenic

A clear relationship exists between early marriage and high infant mortality.\textsuperscript{46} Early marriage affects the mother and foetus. The problem continues even after child birth. The infant mortality of a very young mother is higher compared to that of grown ups. The percentage of still-births and neonatal death is higher in the case of girls below sixteen years, than those women between 20-30 years.\textsuperscript{47} Infants born to women who are married under 18 years have almost twice the risk of death compared to those born to mothers married over 21 years. Thus the early marriage results in early child bearing which is associated with higher infant mortality risks. Mothers in the age group 12 to 16 face formidable challenges to safe motherhood such as maternal malnutrition, severe anaemia, shorter gestation and antenatal hypertension which will affect the proper upbringing of the progeny.\textsuperscript{48}

Children of adolescent mothers are more likely to be born underweight\textsuperscript{49} and the risk of death is very high.\textsuperscript{50} This maybe due to

\begin{itemize}
    \item \textit{Supra}, n.40.
    \item Sixty percent of the child wives admitted that their children born underweight.
    \item Evidence shows if a mother is below the age of eighteen years, her baby’s chances of dying in the first year of its life is sixty percent higher than that of baby born to a mother older than nineteen. Mahesh Vijaparkar – “Concern Over Infant Death in Maharashtra” – \textit{The Hindu} 3 September 2002, p.9.
\end{itemize}
poor maternal nutrition unfitness of the adolescents both physically and mentally for marriage. The risk of dying in low birth-weight babies is 5-30 times more than the babies of normal weight. There will be a vast number of physical wrecks and invalids among the survivals who become a burden to the families and community in general.

Educational Impact

Education, a basic human right, stands in the forefront of all fundamental rights, enshrined in the Constitution of India. It develops human personality and a sense of dignity and increases the respect for human rights and fundamental freedoms. It empowers the individual as it imparts necessary skills, expands personal choice and induces self confidence. It equips the people to cope better with work, family responsibility and social obligations. It enables a citizen to participate effectively in a free society and promotes understanding, tolerance and friendship among members of the society.

---


52 See Art.45 of the Constitution of India, Art.28 and 29 of the CRC, 1989. Recently, by the amendment Act, the Constitution of India has incorporated the right to primary education as a fundamental right under Article 21A. See for more details, supra, Chapter II, n.56 and the text.
Women's education produces profound positive effects in the socio economic scenario. Mr. Venkatasubramanyan, Member of Planning Commission observed that the educated women have comparatively less number of offspring who are generally healthier and they are normally in a better economic status. Educated women take due care in bringing up their children perfectly. Besides, education provides them with a good number of opportunities for employment and income. Thus the existing vicious circle of high birth rates, infant mortality and endemic poverty has been transformed to a moral virtuous cycle through education of women.

The modern educated man always prefers a wife with adequate education suited to keep him company. An educated wife is likely to be more responsive to the ideas or sentiments of her educated husband. She must have the minimum knowledge to run a home and to bring up her children. She must be competent enough even to educate them, to some extent. It is essential that a certain period of time is necessary to equip herself for the fulfilment of her duties. Education is the prime factor which empowers her to manage the affairs of the household. The observation made by Geeta Rao Gupta is quite pertinent in this context:

“Education is not a magic pill. But it can boost a young woman’s confidence and teach her life ‘skills’, equipping her to make her own judgments. It may enable her to assert her rights to choose whom and when she marries and to shift the skewed distribution of power between herself and husband. Education can also provide vocational skills, potentially increasing her economic power, thus freeing her from dependence on her husband, father or brother”54

In India, in the matter of education, boys are considered to be in a better position than girls. In a patriarchal society, parents give prime importance to the education of sons and compel them to continue their education at any cost. But girls are often denied such an opportunity. From childhood onwards, girls are destined to take their traditional female roles such as looking after younger siblings and domestic animals and helping the mother in household affairs. Many parents still believe that investment in girl’s education is a waste because she is going to be married and going to work in another house. Even though primary education is technically free in India, the incidental expenses like buying books are not affordable to many poor families. Some parents insist on stopping the education when the girl attains puberty for fear that while at school she may be exposed to the risks of sexual harassment, pre-marital sex and pregnancy.

Statistics shows that about 74 million children in the 5-14 years age group in India are not going to school. In rural areas of India only 49.6 percent of the boys and 30.6 percent of the girls in the 15-19 age group have ventured beyond the middle school level. In urban India 67.4 percent of the boys and 63 percent of the girls could reach the secondary schools.\textsuperscript{55}

Figures show that in India, female children are the most disadvantaged in terms of access to education.\textsuperscript{56} In India, despite the closing gender gap, every year one million girls leave school without having completed primary schooling.\textsuperscript{57} India has one of the highest female - male gaps in literacy rates in the world.\textsuperscript{58}

Low female age at marriage is a crucial factor causing population increase in most of the developing countries.\textsuperscript{59} Comparatively low age at marriage in various states in India is realised as a dominant cause for the rise in population which hinder the development in all fields.

\textsuperscript{56} The dropout rate of female children in the middle class during 1997-98 is 58.61 percent. See NIPCCD – \textit{The Statistics on Children in India} 1998, p.333.
\textsuperscript{57} \textit{Ibid}.
\textsuperscript{58} \textit{Ibid}.
The Government's Population Policy and family planning programmes have tried to reduce the growth of population by reducing the size of the family. Demographers suggest that increase in age at marriage can result in the decline of the growth of population.

It is an accepted fact that age at marriage can influence the level of fertility and the length of reproductive span. Various studies have proved that the overall fertility is higher among women who are married young and the proportion of number of birth is always greater among those who have married under eighteen years. An analysis of the Census of India revealed that the lower the age at marriage, the greater the number of children per married woman in both urban and rural areas. About the influence of age at marriage on fertility, women who got married at higher ages had less number of children. The shorter period of exposure to the risk of fertility leads to the conclusion that late marriage can contribute to a significant reduction in fertility.

---


61 United Nations Demographic Survey conducted in the State of Mysore proved that overall fertility would be reduced roughly by 15 percent if no woman married before 18 years. It is further pointed out that postponement of marriage to the age between the years 19 to 21 or beyond would result in considerable decline of fertility. Shri. J.S. Chauhan, "Age at Marriage, A Study of 400 Mothers Obtaining Maternity Services at a Metropolitan Teaching Hospital." 1974, The Journal of Family Welfare Vol. XX, pp. 54-61 at p.55. See also N.P Das and Devamony Dey, "Female age at Marriage India"-Demography India. Vol.27 No.1 (1988), pp. 91-115. See also supra, n.30 at p.44.

62 Such a finding was reached by L. Meenakumari during her research study in Population Research Centre, University of Kerala. For the findings, see L. Meenakumari "Some Antecedents of Age at Marriage in Kerala" (1984) p.9 (unpublished).
Raising the age at marriage evidently cuts down the reproductive span. Besides it is an established fact that either as a result of being generally more mature or because of greater opportunities and gainful employment, the girls marrying at a higher age adopt family planning readily. Raising the age at marriage has demographic impact thereby reducing the population growth. At the same time it certainly helps to safeguard the health of the mother and child. It can prevent early pregnancy which leads to high maternal and infant mortality. Moreover it provides an opportunity to study and seek income generating jobs and to attain greater emotional and physical maturity in meeting the challenges of life.

**Impact on Family and Society**

**Domestic Violence**

Domestic violence has become a common phenomenon in India and it increases day by day. From 43176 reported cases in 1998, it rose to 43823 in 1999. On analysis of the report of the National Crimes Records Bureau, it appears that a woman becomes the victim of domestic violence in every twenty minutes, of molestation in every twenty-two minutes, of kidnapping and abduction in every forty minutes, of rape in every forty-

---

three minutes, of sexual harassment in every fifty minutes, of an offence connected with prostitution in every seventy minutes and of dowry death in every 106 minutes in India. It includes physical, sexual, verbal, mental and economic abuse. Coercive sex is also a type of violence. The incidence of domestic violence is higher in early marriages. A study in Jordan published in 2000 found that 26 percent of repeated cases of domestic violence were committed against wives under 18 years.

The increased rate of domestic violence in early marriage may be due to the inefficiency and incapacity of the child wives to deal with the problems that crop up in marital life. Many of them stick on to their marital life, because they have no other choice, probably due to economic incapacity, lack of family support or other social reasons. They suffer all the miseries in silence and are even forced to commit suicide. Child marriage is considered to be one of the major causes of the high rate of suicide in Gujarat. Entangled within the vicious circle of the domestic violence, and cruel treatment, they find solace in suicide as the last resort. Desperate with

---

harassment and cruelty, some of them run away from their husband’s house ignoring the fatal consequences of their act. Society looks upon these girls with contempt.

**Marital Rape**

Marital rape is one of the extreme forms of institutionalized violence against married women. In child marriages, the incidence of marital rape is very high and it is a silent form of oppression and a violation of her reproductive rights, the assumption of law being that a man has an absolute right to impose himself upon his wife whenever he wants to irrespective of her wishes. In law, the wife does not have the right to refuse it unless she is legally separated under any custom or usage. Legally prescribed age at marriage and the age of marital consent are different. If the age of a wife is fifteen or above there is no rape even if she does not consent and even if the husband uses force. At the same time, if the girl is below sixteen years, even if she consents to the act of sexual intercourse, the man is guilty of the

---

offence of rape. Thus in the case of a married girl, the husband is exempted from criminal liability for rape if she is fifteen or above fifteen years old. This specific exemption from criminal liability in marital rape cases is definitely against the principle of equality enshrined in our Constitution. It is not in consonance with the latest social thinking of gender equality. While sex is the natural concomitant of marriage, use of violence or force in sexual intercourse is an affront to the dignity of a woman’s body and emotions, whether it be in marriage or outside marriage. A marriage should not be considered as a license for a husband to forcibly rape his wife, with immunity.

Extramarital relations may be another consequence of early marriage. Being immature the child wives are not in a position to understand the responsibilities involved in marriage, especially in matters connected with sex. Sometimes she is afraid of having sexual relationships with her husband.

---

69 See section 375 of the Indian Penal Code, which says “A man is said to commit “rape” who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:
Firstly: ..., Secondly: ..., Thirdly: ..., Fourthly: ..., Fifthly: ..., Sixthly: With or without her consent, when she is under sixteen years of age.

70 There may be arguments supporting exemption in marital rapes such as implication of woman’s consent for sexual relationship and also that in marriage there is merger of human entities. It is further objected on the ground that prosecution of the husband is against the matrimonial harmony and it would impede reconciliation efforts. But these arguments are totally against the principle of gender equality. See Kusum, “Minor Bride and Marital Rape”, in Kusum (Ed.), Women March Towards Dignity - Socio Legal Perspectives (1993), pp. 130-139.
Dissatisfied with her non-cooperation he may like to have extramarital relations which affect the morality of the society. The girl wives, after reaching maturity, dissatisfied with their husband’s treatment also turn to extra marital relations. Hundreds of women in Rajasthan had taken a radical decision to desert such husbands.\textsuperscript{71}

Physical, sexual and mental harassment of these child brides may result in a disastrous marital life which often ends in divorce or abandonment of wives. The divorce rate are rather high in early marriages when compared to adult marriages.\textsuperscript{72} A high degree of incidence of divorce is noted in

\textsuperscript{71} The story of Mukri, tells us the new development in Rajasthan. Mukri was married to Prehlad Meena, at the age of four years. At the age of ten, she became a widow. On the 13\textsuperscript{th} day of the ritual she was remarried to his younger brother who was only three years old. When she was eighteen she fell in love with her husband’s cousin Ram Karan who was twenty years old. Ultimately she eloped with him leaving her 11 years old husband. See Rohit Parihar, “Runaway Brides”, India Today 11 February 2002, pp. 58-60.

\textsuperscript{72} Studies have repeatedly confirmed the existence of a clear, inverse relationship between the age at marriage and marital failure. The divorce rate for couples who married very young was found to be four times greater than those who married in their late twenties. Among women, the highest rate of divorce was for those who married between the age of fourteen and seventeen and rate of divorce among women who married at the age of eighteen or nineteen was second only to the rate of divorce of the above categories. See for details, Lynn D. Wardle “Rethinking Marital Age Restrictions”, Journal of Family Law Vol.23 (1983-84) pp. 26-29.
communities where child marriages are prevalent.\textsuperscript{73} Moreover, there are known cases of male partners, in child marriages, on reaching adolescence, when equipped with advanced education, neglecting their child partners, selected by their parents and this often results in runaway wives, divorced wives and abandoned wives.

**Child Widowhood**

The worst thing associated with early marriage is child widowhood. The child brides married to older men soon become widows. Sometimes they become widows even before the marriage is consummated. In orthodox Hindu society, it is difficult for the widows to get remarried. They become instruments of social discrimination and isolation. No means to earn, they easily become prone to social malpractices such as illicit relations and prostitution. They are often abandoned in remote pilgrim centres by families.\textsuperscript{74} Deporting them to a distant land was a convenient strategy to get rid of them. Deserted by their families, they quickly fall prey to the grossest forms of exploitation.\textsuperscript{75} Many of them are forced to adopt flesh trade for getting their livelihood. Paucity of economic independence, want

\textsuperscript{73} See B.S. Nagi, *op. cit.* at p.67. The empirical study reveals that 52 percent of the child wives were either divorced or separated or abandoned. 40 percent of them were wives of Arabs or persons in Gulf countries.

\textsuperscript{74} The Hindu Community in Bengal isolated widows as a social category and usually sent them to distant places of pilgrimage. Swathi Ghosh “Bengali Widows of Varanasi”, *The Economic and Political Weekly* 1 April 2000, pp. 151-52.

\textsuperscript{75} Mohini Giri “Restoring the Lost Dignity”, *The Hindu* 16 March 2003, p.4.
of family support and illiteracy are the major factors which prevent them from asserting their rights. Isolated, marginalized and cornered, these innocent poor widows present a miserable picture of animal existence and become living symbol of the failure of Indian Legal System.

In Rajasthan the widows are often given in ‘nata’. It involves the sale of married woman without her consent as a commodity by her father to a third person for a price which range from Rs.10,000 to 50,000, even though the original wedlock persists. The husband of the woman also gets a share in the name of ‘jhagna’- a price mutually agreed upon.\textsuperscript{76} The astonishing fact is that the matter is generally settled by the Panchayats. In these transactions every party including the woman’s father, husband and Panchayat authorities exploit the woman to get the maximum amount. It is indeed shocking that even after 50 years of independence the practice continues uninterrupted.

Divorce and widowhood often plunge a woman into poverty, as she usually take the sole responsibility of earning bread for the children. Lack of family support, forces her to search for and accept commercialized versions of domestic work like cleaning, cooking and child mending. In extreme cases she may commit suicide after killing the children, or abandoning

\textsuperscript{76} ‘Nata’ in its original form, was the marriage of a widow with the brother of the diseased husband. “Woman for Sale in South Rajasthan”, \textit{The Hindu} 10 December 1998, p. 7. See also Sangeetha Regi, “Towards Oblivion”, \textit{The Hindu} 18 June 2000, p. 4.
the children, in which case they are left to grow in the street amidst all the evils associated with it. Some of them may develop connections with the underworld or the drug mafia. Acute poverty and destitution force them to adopt begging as a means of their livelihood. Circumstances make them a social parasite clinging on to the mercy of the ‘haves’ section of the society. This evil is also considered as a precursor to other forms of criminality.

**Child Prostitution**

Due to poverty and related substandard social circumstances child wives are constrained to resort to prostitution. The induction of helpless women and children into prostitution is increasing at an alarming proportion. UNICEF found that every year at least one million children, most of them girls transforming into prostitutes and estimated that a number of three lakhs to five lakhs of children are indulging in prostitution in India.

---

77 A survey conducted in Kerala revealed that persons affected by separation or divorce of parents and wives and children of early and arabic marriages were compelled to resort to prostitution or sex trade. See the study conducted by Dr. Jacob Thomas from Darshn on Children in Prostitution, 1999. See also *The Report of the Committee on Prostitution, Child Prostitution and Children of Prostitutes* 1998, p.3.

78 Such a conclusion was drawn by Mr. Pravin Patkar in a paper entitled “Commercial Sexual Exploitation of Children in India: An Overview and Suggestions”, presented in a Workshop on Child Abuse organized by Darshn at Maradu, Kochi, Kerala on 1st and 2nd March 2000.

Child Prostitution is a denial of basic physical freedom to the child and an ultimate form of oppression. The effects of child prostitution are innumerable and the damage caused to society is irreparable. Human beings are turned into commodities and it threatens every human being with the possibility of being reduced to a commodity which can be bought, sold and destroyed.

Female foeticide and infanticide

Female foeticide and infanticide are on the increase. The crime statistics during 1997-1998 shows, an increase of 8.8 percent in female foeticide and 6.5 percent of infanticide.\(^8^0\) In some communities of Bihar and Rajasthan, birth ratio, naturally expected to be that of 100 males for every 103 females are dramatically lowered to 60 females for every 100 males.\(^8^1\) The declining number of females in sex ratio is the direct consequence of female foeticide and infanticide.

The imposition of marriage upon young children definitely cuts short their childhood and exposes the young bride to the grave risks associated with early pregnancy and child birth. The impact of child marriage on the individual, society and the human race will be dreadful. These consequences

\(^8^0\) NCRB, Crimes in India, 1998, p.171.

not only affect the victimized female children, but also are handed down to their offspring. The physically and mentally weak child mother is a hindrance to the useful development and proper moulding of future generations. Thus, the system of child marriage is a curse upon the entire society. Hence immediate programmes and projects are to be planned and launched to put an end to this age old menace, a perennial danger staring at young girls.