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CSB IAS ACADEMY

The Road Map to Mussoorie...



MAINS iMPACT- 2025 – 21/10/2024

CHILD MARRIAGE

SYLLABUS:

GS 1 > Indian Society

REFERENCE NEWS:

Stating that marriages fixed in the minority of a child have the effect of violating their “free choice” and “childhood”, the Supreme Court asked Parliament to consider banning child betrothals by amending the Prohibition of Child Marriage Act (PCMA), 2006.

A three-judge bench presided by Chief Justice of India D Y Chandrachud said “international law such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** stipulates against betrothals of minors”.

“Marriages fixed in the minority of a child also have the effect of violating their **rights to free choice, autonomy, agency and childhood**. It takes away from them their choice of partner and life paths before they mature and form the ability to assert their agency,” said the bench, also comprising Justices J B Pardiwala and Manoj Misra.

CHILD MARRIAGES IN INDIA:

Child marriage, according to UNICEF, is defined as a marriage of a girl or boy before the age of 18 and refers to both formal marriages and informal unions in which children under the age of 18 live with a partner as if married.

- Child marriage ends childhood.
- It negatively influences children’s **rights to education, health and protection**.
- Child marriage violates children’s rights and places them at high risk of violence, exploitation, and abuse. Child marriage affects both girls and boys, but it affects girls disproportionately.
- According to the **National Family Health Survey (NFHS-5)**, **23.3%** of women aged 20-24 years were married before the legal age of 18, a decline from **26.8%** in NFHS-4.

- Rural areas report a **higher rate** of child marriages than urban ones, reflecting deeper socio-economic and educational disparities.
- **West Bengal** and **Bihar** have the highest prevalence of child marriages, with **40-42%** of women married before 18.
- **Kerala** and **Punjab** report lower figures, around **7-10%**.
- According to data from UNICEF, the total number of girls married in childhood stands at 12 million per year.
- The 2030 UN Sustainable Development Goals aim to eliminate all harmful practices, such as child, early and forced marriage and female genital mutilations, under goal 5.
- **The Prohibition of Child Marriage Act, 2006** criminalizes child marriage, setting the minimum marriageable age at **18 years for girls** and **21 years for boys**.
- In **2021**, the Union government proposed to raise the legal age of marriage for women from **18 to 21**, but the law has yet to be passed.
- **Seema vs. Ashwani Kumar (2022)**: A landmark case from Haryana, where the Punjab & Haryana High Court ruled that child marriages are legally voidable (not automatically void) unless annulled by one of the parties within two years of attaining majority.

CAUSES OF PREVALENCE OF CHILD MARRIAGES IN INDIA:

- **Poverty and Economic Constraints:** NFHS-5 (2019-21) shows child marriage is more prevalent in economically weaker sections, with poverty being a key driver in **rural India**. Poor families marry off daughters young to reduce dowry, as older girls often require a larger dowry. Early marriage is seen as a way to reduce the financial burden of raising a girl.
- In **Bihar** and **Rajasthan**, parents marry daughters early to avoid spending on long-term education and future dowries.
- **Patriarchy and Social Norms:** Girls are married early to protect family "honour" and prevent pre-marital relationships or sexual activity which is a control over female sexuality. In many communities, child marriage is a deeply ingrained cultural practice, passed across generations, thus have a wider acceptance.
- **The Devadasi System in Tamil Nadu:** In southern districts, girls were married off under outdated customs like the **Devadasi** system, contributing to both child marriage and human trafficking.
- **Lack of Access to Education:** NFHS-5 reports that girls with **no education** are **6 times more likely to marry before 18** compared to those with secondary or higher education.

It also reports an increased school dropout ratio among girl children. Poor infrastructure, early puberty, and lack of secondary education force many girls out of school, increasing the likelihood of marriage.

- **Gender Inequality:** In male-dominated societies, girls are often treated as liabilities, and early marriage removes the "burden" from the family.
- **Customs and Traditions:** Mass weddings or rituals during specific festivals normalize early marriages.
- The **Akha Teej festival** in Rajasthan is often associated with mass child weddings. Even though authorities have tried to crack down on it, clandestine ceremonies persist.
- **Impact of Natural Disasters and Pandemics: Economic Insecurity** during crises pushes families to arrange early marriages to reduce household expenses. A report by **ChildLine India** found a 17% increase in child marriage cases reported during the pandemic.
- During the **COVID-19 pandemic**, school closures and loss of family income led to a sharp rise in child marriages. **UNICEF** and local NGOs reported that many girls in **Odisha** and **West Bengal** were married off due to parents' financial insecurity.
- **Weak Law Enforcement:** Families are often unaware of the **Prohibition of Child Marriage Act (2006)**, or local authorities turn a blind eye to the practice.
- In **West Bengal**, despite laws, child marriages are common due to poor enforcement, with only a fraction of cases being reported to authorities.

CHALLENGES OF PERSISTING CHILD MARRIAGES IN INDIA:

- **Health Issues for Young Mothers: Early Pregnancies** increases the risks of **maternal mortality, malnutrition, and infant mortality**. UNICEF reports that **India contributes 15%** to the global maternal deaths, and child brides are twice as likely to die during childbirth.
- According to the **NFHS-5 (2019-21)**, **7.9%** of girls aged 15-19 years were already mothers or pregnant during the survey period. Recently, 10 infants died at Murshidabad Medical College and Hospital in a span of 24 hours. The hospital authorities said the majority of the children were born with extremely low birth weight.
- **Educational Setbacks:** Girls married early are usually forced to discontinue education, limiting their chances of employment and financial independence.
- The **UNESCO 2021 report** notes that 40% of Indian girls who marry drop out of school before completing secondary education.

- **Economic Disadvantages and Gender Inequality:** Early marriages hinder young women from acquiring skills or education, reducing their employability and keeping them economically dependent. India's overall female labour participation rate is only **23.3%** (World Bank, 2021), partly because of early marriages curtailing career opportunities.
- In **Bihar** and **Rajasthan**, where child marriages are rampant, female labor force participation rates are among the **lowest in India**.
- **Domestic Violence and Marital Abuse:** Child brides are more likely to face **domestic violence** and have little agency to leave abusive marriages.
- NFHS-5 found that **31% of married women aged 18-29** who were married before 18 reported experiencing **physical, sexual, or emotional violence** by their spouses.
- **Legal and Governance Issues:** Although the **Prohibition of Child Marriage Act (2006)** criminalizes child marriage, enforcement is weak, especially in rural areas. The **National Commission for Protection of Child Rights (NCPCR)** reported that **only 23% of child marriage cases** registered in 2020-21 resulted in action or conviction.
- In **West Bengal**, despite having the **Kanyashree scheme** to prevent child marriage, the state records a **40.7% prevalence rate** for child brides, indicating the challenges of implementation.
- **Social Norms and Resistance to Change:** In many communities, child marriage is linked to tradition, honour, and religious beliefs, making it difficult to eradicate.
- In **Rajasthan's Bhil tribe**, girls are often married off at infancy in a group wedding called **Aata Sata**.
- **Impact on Future Generations: Inter-generational Poverty Cycle** implies early marriage traps families in poverty, as uneducated mothers are less likely to prioritize education for their children.
- Studies by **UNICEF** in rural Uttar Pradesh and Bihar reveal that children of child brides are more likely to be malnourished and receive less education, perpetuating the cycle of poverty.

WAY FORWARD TO THE PERSISTING ISSUE OF CHILD MARRIAGE IN INDIA:

- **Strengthening Law Enforcement and Awareness Campaigns:** Increase awareness about the legal age of marriage, the consequences of child marriage, and available legal protections. Establish **community-based child protection committees** to monitor and report child marriages. Ensure mandatory registration of marriages to prevent underage unions.

- Karnataka declared child marriage a cognizable offense in 2017, empowering police to take immediate action. This resulted in a significant reduction in child marriages in the state. Tamil Nadu successfully uses village child marriage prohibition officers to prevent underage marriages at the grassroots level.
- **Promoting Girls' Education:** Ensure girls stay in school by providing scholarships, transport, and free school supplies. Introduce **gender-sensitive school curricula** to address social norms that contribute to early marriage. Create bridge programs to bring back dropouts into formal education systems.
- Kanyashree Scheme (West Bengal) offers conditional cash transfers to girls who stay unmarried and complete their education until 18 years. The scheme has helped reduce child marriage rates in the state. Madhya Pradesh's Ladli Laxmi Yojana provides incentives for families to invest in their daughters' education.
- Bangladesh launched stipend programs for secondary education to reduce dropouts and delay marriages. The program has shown promising results in rural regions.
- **Economic Empowerment of Girls and Families:** Provide livelihood training and job opportunities for adolescent girls to make them financially independent. Introduce family income-support schemes to ease financial pressures that drive early marriages. Promote self-help groups (SHGs) and microfinance programs to empower women economically.
- Andhra Pradesh and Telangana's self-help group model (DWCRA) has helped women earn livelihoods, reducing the need for early marriage as a survival strategy. Odisha's Mission Shakti promotes women's entrepreneurship and economic independence, influencing the perception of girls as assets rather than burdens.
- Ethiopia's Berhane Hewan Program provides financial incentives to families who delay their daughters' marriage and keep them in school. It also trains young girls in life skills and financial literacy.
- **Engaging with Communities and Changing Social Norms:** Work with community leaders, religious heads, and parents to challenge norms around early marriage. Promote awareness campaigns about the benefits of delaying marriage and fostering gender equality. Encourage role models and success stories of women who married late and achieved economic independence.
- In Rajasthan, the government collaborates with community organizations during the Akha Teej festival to raise awareness and prevent child marriages. Bihar's cycle program for girls provides bicycles to promote secondary education and shift community attitudes toward educating daughters.

- Zambia's “Let Girls Lead” program involves youth advocacy groups and community leaders to promote behaviour change, significantly reducing child marriage rates.
- **Using Technology for Monitoring and Reporting:** Use mobile apps and helplines to report child marriage cases in real time. Track at-risk children through data-driven dashboards for proactive intervention by local authorities.
- ChildLine 1098 helpline in India offers immediate support and intervention for children at risk of early marriage. Rajasthan's RajSangam App allows officials to monitor and report suspected child marriages before they happen.
- **Policy Interventions and Incentivization:** Integrate child marriage prevention into national education, health, and family welfare policies. Provide conditional cash transfers or pensions to families who delay their daughter's marriage until 21 years of age. Ensure legal reforms, such as making child marriages void ab initio (automatically invalid) instead of voidable.
- Indonesia reformed its marriage laws by raising the legal age of marriage to 19 for both boys and girls, aligning with international standards. Kenya integrates child marriage prevention into its national gender policy, focusing on education and reproductive health.

PRACTICE QUESTION:

Q. “Child marriages continue to persist in India despite legal frameworks and social awareness programs. Discuss the causes and challenges associated with child marriage. Suggest a way forward.” (15 marks, 250 words)

APPROACH:

Introduction :

- Start by giving the status of child marriage in India. You can also mention SC statement on child marriages as an add-on

Body:

- Give the challenges associated with child marriages in India
- Give the causes of child marriage after giving the current measures to curb child marriages in short

Conclusion :

- Provide way forward and conclude

MODEL ANSWER:

Child marriage, as defined by **UNICEF**, refers to the union of a boy or girl below the age of 18. Despite efforts to eradicate this practice, **23.3% of Indian women aged 20-24 years were married before 18** (NFHS-5, 2019-21). Although the **Prohibition of Child Marriage Act, 2006** criminalizes such marriages, the practice remains widespread, particularly in rural India. This phenomenon deprives children of their rights, especially young girls, exposing them to health risks, educational setbacks, and domestic violence.

CAUSES OF CHILD MARRIAGE IN INDIA

1. **Poverty and Economic Constraints:** Poor families marry off daughters early to reduce **dowry burdens** or escape the cost of long-term education.
 - Bihar and Rajasthan witness high child marriage rates as families consider it an economic strategy.
2. **Patriarchy and Social Norms:** Control over female sexuality and societal pressure to protect family "honour" lead to early marriages.
 - In Rajasthan's **Bhil tribe**, the custom of **Aata Sata** normalizes child marriages.
3. **Lack of Access to Education:** Girls who drop out of school are more likely to marry early due to a lack of future prospects.
 - ★ In Odisha, the **absence of secondary schools** increases the likelihood of teenage marriages. NFHS-5 data shows girls with **no education are six times more likely** to marry before 18 than those with higher education.
4. **Weak Law Enforcement:** Although the **Prohibition of Child Marriage Act (PCMA), 2006** exists, local authorities often **fail to enforce it** effectively.
 - Despite schemes like **Kanyashree** in West Bengal, the state still reports a high prevalence of child marriages (40.7%).

CHALLENGES OF CHILD MARRIAGE

1. **Health Issues for Young Mothers:** **Early pregnancies** increase the risk of maternal mortality and malnutrition.
 - India accounts for **15% of global maternal deaths**, with child brides being twice as likely to die during childbirth.
2. **Educational Setbacks:** Child brides usually drop out of school, curtailing their chances of economic independence.
 - According to UNESCO (2021), **40% of child brides** in India drop out before completing secondary education.

3. **Economic and Social Disadvantages:** Early marriage keeps women dependent, limiting their participation in the labour market.
 - India's female labour force participation stands at **23.3%** (World Bank, 2021), with child marriage being a major obstacle.
4. **Domestic Violence and Lack of Agency:** Child brides are more vulnerable to **domestic violence** and abuse.
 - NFHS-5 reports that **31% of women married before 18** faced physical or emotional violence from their spouses.
5. **Intergenerational Cycle of Poverty:** Children born to uneducated and young mothers are more likely to face **malnutrition** and drop out of school, continuing the cycle of poverty.

WAY FORWARD:

1. **Strengthening Law Enforcement and Awareness:** Empower local authorities to **monitor and prevent child marriages** with community support.
 - **Karnataka** declared child marriage a **cognizable offense** in 2017, leading to stronger enforcement and fewer cases.
2. **Promoting Girls' Education:** **Conditional cash transfers** to families of unmarried girls and school scholarships can delay marriages.
 - **West Bengal's Kanyashree Scheme** offers cash incentives to girls who remain unmarried until 18.
3. **Economic Empowerment of Families and Girls:** Promote **livelihood training** and **microfinance** to make girls financially independent.
 - **Odisha's Mission Shakti** encourages women to become entrepreneurs, reducing the perception of girls as financial burdens.

Changing Social Norms through Community Engagement: Work with **religious leaders and parents** to shift community attitudes toward delaying marriage.

- In Rajasthan, the government collaborates with NGOs during the **Akha Teej festival** to prevent mass child marriage.
4. **Leveraging Technology for Prevention and Reporting:** Use **mobile apps and helplines** to monitor and report child marriage cases.
 - **ChildLine 1098** provides real-time support and intervention. Rajasthan's **RajSangam App** helps authorities track potential child marriages.

Child marriage remains a complex challenge rooted in **poverty, social norms, and weak law enforcement**. However, **comprehensive efforts** focusing on **education, economic empowerment, legal reforms, and community participation** have shown promising results. By scaling successful models from **Karnataka, West Bengal, and Odisha** and learning from **Bangladesh and Ethiopia**, India can take significant steps toward **eradicating child marriage**. Empowering girls through **education and livelihood opportunities** will not only eliminate this harmful practice but also foster **gender equality** and sustainable development.

