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Editor In chief – Assistant Professor Mr. Janmejay Singh

Publisher & Founder – Vaibhav Sangam Mishra

Frequency – Quarterly (4 Issue Per year)

ISSN : 2583-6323 (Online)

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CHILD MARRIAGE – A VIOLATION OF RIGHTS AND IMPEDIMENT TO DEVELOPMENT

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ABSTRACT:

Child marriage has been rooted in our society for ages. It is considered to be an age-old tradition that is even carried out today in some parts of our country. It is disheartening to see these things taking place even today; child marriage adversely affects the physical as well as mental well-being of an individual and makes one’s life miserable as they are given responsibilities at a very young age, especially the women who are drowned in these responsibilities, cooking, taking care of the family and serving her in-laws for the rest of her life.

INTRODUCTION:

When the man or the woman is below the minimum age of marriage according to the law, it is considered child marriage. The minimum age of marriage for women is 18 and for men 21. Child marriage is legally prohibited in India. It is one of those social evils that have a deep negative impact on the mindset of these children. They are not provided with proper education, in most cases the girl child when getting married has to suffer the most adjusting herself to the new environment and adapting to relationships with her in-laws and other members of the husband’s family. She is expected to take up most of the responsibilities at a very young age including cooking, cleaning the house, serving her in-laws, etc. wherein she should have been going to school and should have got educated. She is expected to fulfill all the demands and requirements of her husband and in-laws when she is still in the process of adapting herself to the new environment away from her parent’s home at a young age. The free will and independence of the individuals who get married at a young age are curbed thereby getting denied opportunities in the future.

Child marriage- Violation of human rights:

Child marriage forces two individuals to get married to each other, and the family members and relatives are the ones who arrange these things in most cases. As children get married at a very young age they don’t get the opportunity to study thereby making them live in poor conditions, problems like malnutrition, and reproductive issues due to lack of education, and

many such problems are encountered by them.¹ They don't get the choice to choose what they want to do in life, or the way they want to live especially the women who are expected to stay inside the home and serve their family. She is not given the opportunity to study and hence she has to become financially dependent on her husband and family.² In most cases, she is not treated properly and is harassed by her husband and in-laws making her live a miserable life.

Legal Framework:

Article 14 talks about the right to equality. When child marriage takes place, the right to equality gets violated in numerous situations. It states that equality should not be denied to anyone on the grounds of caste, class, religion, gender, etc³. But in the case of children getting married, a lot of their rights get violated. They are denied education; especially the women and they are expected to take up responsibilities at a very young age. They are not given the freedom to choose what they want. Most of the decisions are taken by the family members and relatives most of the time against their will.

Prohibition of Child Marriage Act, 2006:⁴

According to the Act, if the female is below 18 years of age and the male is below the age of 21 years the marriage is considered void. Child marriage is strictly prohibited in India. 'Child' means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age; 'Child marriage' means a marriage to which either of the contracting parties is a child. It is high time now that these age-old traditions rooted in our society need to be uprooted for the betterment and development of society.

Section 3 of the Prohibition of Child Marriage Act, 2006:

Section 3 of the child marriage prohibition act states that if at the time of marrying the individuals were minor they have the right to go to court and nullify their marriage once they become adults if they are not happy in continuing that marriage according to the law.⁵ It should be filed by the child before completing two years of majority.⁶ This section included under the Prohibition of child marriage act is very important and beneficial for the children who get

¹ unicef, <https://www.unicef.org/rosa/what-we-do/child-protection/child-marriage>, (last visited July. 26, 2023).

² *Id.* at 04.

³ INDIA CONST. art. 14.

⁴ The Prohibition of Child Marriage Act, 2006, No. 6, Acts of Parliament, 2006 (India).

⁵ The Prohibition of Child Marriage Act, 2006, Sec. 03, No. 6, Acts of Parliament, 2006 (India).

⁶ *Id.* at 04.

married forcefully or without their wish of getting married. Once they become adults they become more aware of their rights and understand the difference between what is right and what is wrong. This gives them an opportunity to make the major life decision of whether they want to continue that marriage or nullify it by bringing this situation to a court of law. Everyone has the right to make decisions for themselves and choose what they want in life.⁷

Section 6 of the Prohibition of Child Marriage Act, 2006:

Section 6 of the Prohibition of child marriage act states that if a child is born during the time of the child marriage whether they are born before or after the commencement of the act are considered to be legitimate. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.⁸

Problems Caused due to child marriage:

There are various problems caused due to child marriage both mental and physical which are most of the times borne by the women in high intensity

Physical and mental health issues:

Children are young, they can't even differentiate between what is right and wrong at a young age, they are not in a situation to take up responsibilities, and when they get married, it becomes difficult for them to adapt to the new environment where they are burdened with responsibilities and are expected to know everything.⁹ They face a lot of mental health issues like anxiety and constant depression leading to physical health issues and illness. Women are expected to stay at home and serve the family. It becomes difficult for her to get familiar with that environment; she also has to face constant harassment and assault from her husband and in-laws, if not given a proper dowry she is even beaten to death. This leads to constant depression and fear of the unknown.

Lack of education and poverty:

⁷ *Id.* at 04.

⁸ The Prohibition of Child Marriage Act, 2006, Sec. 06, No. 6, Acts of Parliament, 2006 (India).

⁹ nimh.nih.gov, <https://www.nimh.nih.gov/health/publications/children-and-mental-health>, (last visited July. 26, 2023)

As the children get married at a young age, they don't get the opportunity to go to school and study, they are denied opportunities which impacts them to a great extent in the future as they are not in a position to differentiate between what are rights and what is wrong and don't get adequate job opportunities in the future and have to struggle a lot when it comes to living a decent life. Lack of education has serious impacts, as they don't have proper knowledge and skill sets a large number of people remain unemployed creating a huge impact on the overall economy. This leads to immense poverty because they don't have a source of income; due to lack of education, they have many children and are unable to provide the basic necessities like food, clothing, and shelter. Poverty results in them leading a miserable life, most of the time the male goes out and spends most of his time drinking and gambling as he is idle all the time, and when he comes back home he vents his anger and physically abuses his wife. Education is very important in today's time not only to gain knowledge but to learn practical skills as well so that one can get job opportunities in the future and become financially stable so as to provide a good life for him as well as his family.

Reproduction issues and high mortality rate:

As children get married to each other, there are many instances where a child is born out of the child marriage. As the female is young and getting pregnant at such a young age affects not only the female but the child in her womb as well. Due to inadequate hospital and health care facilities and the poor conditions in which the female is taken care of it usually leads to a high mortality rate.¹⁰ As there is a lack of education and knowledge, the female has to go through a number of pregnancies and abortions that causes a lot of health issues to her. They usually live in poor conditions and cannot afford the expenses incurred and hence lead to many other problems.

Ways to stop child marriage:

➤ Spreading awareness- the strategic mechanism

In today's technology-driven world, almost everyone uses social media and it is the best platform to spread awareness regarding various social issues and social evil that even prevail in today's time. By sharing information and spreading awareness extensively people can become aware and actively take part in eradicating these social evils. A lot of productive links

¹⁰ girlsnotbrides, <https://www.girlsnotbrides.org/learning-resources/child-marriage-and-health/adolescent-pregnancy-and-child-marriage/>, (last visited July. 26, 2023)

and guidelines can be provided that can help them take a stand for themselves and make it easier to contact the respective authorities if they face such things. A lot of organizations and NGOs also work extensively to educate families and this is the best way through which people in the rural areas can get knowledge about it and stand for their rights. Coming together and fighting for this social cause will definitely help bring about a significant change in society. Various campaigns can be held in villages and other rural areas where people are educated about the effects of child marriage and the urgent need to eradicate it. With constant awareness and real-life examples, we can truly bring about a change in society.

➤ **Changing the method of the upbringing of children:**

In the past, children were brought up with a traditional mindset pertaining to what their parents were supposed to learn and had gone through. This created the same mentality in the minds of children like females were supposed to stay at home, serve their in-laws and take care of the children, and males used to go out work and earn money. The males were taught not to cook or take up any responsibilities of the home leading to a heavy burden on the female alone. The main reason why child marriage used to happen was that girls were looked upon as a burden and the parents thought that marrying her early will result in giving less dowry as compared to when she grows to fail to realize that giving and receiving is an offense.¹¹ In today's era, it is very important to educate children and make them independent, to treat both the son as well as daughter equally, and to make them understand that sharing responsibilities is not a shame. Boys should be taught to cook and respect girls so that they can equally help them with the household chores and girls should be taught to be independent so that they can stand on their own feet and do not need to depend on anyone for anything. Parents should make their daughters realize that their life is not just limited to the four walls of the house. The method of upbringing of children plays a crucial role in shaping the way children think and behave.

Efforts to stop child marriage:

➤ **Promoting gender equality:**

In many instances, we have seen parents considering the girl child as a burden and she is looked down upon by everyone. The parents arrange her marriage soon so that they can get rid of the burden. Their lives are just limited to the homes, where she gets married against her wish and is mentally and physically harassed by her husband and in-laws for dowry and made to work

¹¹ files.eric.ed.gov, <https://files.eric.ed.gov/fulltext/EJ1161470.pdf>, (last visited July. 26, 2023).

and serve the family and take care of children. She has to sacrifice her dreams, career, and aspirations. Our society has been patriarchal for ages and gender roles exist wherein a female is attributed with the qualities of being a caregiver, sensitive, gentle, and sacrificing her dreams whereas a male is attributed with traits of dominance who has the last say to everything. It is high time now that women need to stand up for themselves and realize their rights. People should get educated and respect both genders. Both equally contribute to the development of the society. They are like the two wheels of a bicycle, without one the bicycle will lose balance. Similarly giving the males the upper hand and best facilities to everything doesn't make sense. Even in the context of child marriage, the female is the one who suffers the most and at such a young age she goes through so much torture and pain. These things need to halt. Responsibilities should be equally shared and men and women should be treated equally not only at the workplace but also at home.

➤ **Educating girls:**

It is very important to educate girls. It's their fundamental right. They need to be educated so that they are aware of their rights and can stand up for themselves. It is necessary for them to study and get educated so that they can be financially independent. Education will also eradicate the social evils like child marriage that are prevalent in parts of our society even today. Educating them will broaden their horizon and will eventually also lead to the economic development of our country.

➤ **Groups and communities coming together:**

Together a difference can be made. They are different organizations and NGOs that work for women's rights and to eradicate different social evils. When people come together to find solutions for various problems and to educate people a difference can be made in society. These groups and organizations consistently work to bring about a change in the society. It can be started by you as well. The effort of a single individual to bring about a change will attract a collective group thereby working towards practically bringing a change in the society. Awareness should be spread to a great extent. Eye-opening activities like movies revolving around the social problem of child marriage, skits and dramas regarding child marriage, posters, and campaigns are great sources to start with. If we want to see development and changes in our society it is important to start with yourself with individual effort.

CONCLUSION:

There are many people who just speak and discuss the different social problems prevailing in our society. No one takes practical steps or efforts to eradicate these problems. Child marriage is a serious issue that can not only have an effect on the mindset and mentality of children but can also affect the country at large. We need to practically put efforts to stop the tradition of child marriage. Parents must come out of the traditional way of things. It is true that we should not drive away from our Indian traditions but if those traditions hinder the development and progress of our country then it needs to get eradicated.

