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“Knot now”: It’s Her Right

Introduction:

The Constitution of India offers all citizens, including children, certain basic fundamental rights. The Directive Principles of State Policy emphasizes that the state needs to ensure that all children are provided with services and opportunities to grow and develop in a safe and secure environment. However, in the Indian context, the adverse social attitude towards daughters has left girl children vulnerable and at a disadvantage. Despite national laws and international agreements forbidding early marriage, the marriage institution in many of the states perpetuate the practice of early marriages among the girls, as a consequences, girls are deprived of basic rights and subjected to discrimination and health risks. Instead of being viewed as children or teenagers with potential and opportunities in their lives, girls are often seen as “burden” and further defined by social customs solely as wives and mothers. Their survival, education, health care, development, security and well being are a matter of national concern.

When it is talked about the early marriage, it refers to girls’ point of view. It is, better known as child marriage, is defined as marriage carried below the age of 18 years, “before the girl is physiologically and psychologically ready to shoulder the responsibilities of marriage and child bearing” (Newsletter, 2003). UNICEF defines, “child marriage as a formal marriage or union before 18 years of age”. UN Women defines child marriage as a forced marriage before 18 years of age because they believe children under age 18 are incapable of giving their consent.

History of Early child marriage can be traced back to medieval ages of India. Child marriage then, also knew as BAL Vivaha. At that time, the political atmosphere was turbulent and ruled by Delhi Sultans in an absolute monarchy government. The sultans had an extreme

commitment to their religion and forced many to convert, causing socio-cultural unrest, and Hindu women suffered the most. These days of the Delhi Sultans produced practices such as child marriage and lowered the status of women even further. Child marriage became a widespread cultural practice with various reasons to justify it, and many marriages were performed while the girl was still an infant.

Global context

Worldwide, there are more than 51 million adolescent girls aged 15–19 who are married and bearing the burden of domestic responsibility and the risks associated with early sexual activity, including pregnancy and functioning of marriage life. In South Asia it was estimated that in 2005, 48% (nearly 10 million) of young women got married before the age of 18 (UNICEF, 2005).

India Context:

India has one of the fastest growing youth populations in the world, with an estimated 190 million adolescents. Girls below 19 years of age comprises one quarter of India's rapidly growing population. Web-based scan conducted by International Center for Research on Women (ICRW) (2006) found that India ranks 11th in top 20th "HOT SPOT" countries of the world where 50% of the girls get married at younger than the age of 18.

NFHS (2006) on The Reproductive and Child Health District Level Household Survey also revealed that, 28% girls overall, with 34.5% in rural and 13% in urban areas, are being married before they turned 18. The survey further concluded that 58.9% women in Bihar were married before the age of 18, 55.8% in Rajasthan, 54.9% in West Bengal, 53.8 % in Utter Pradesh, and 53.2% in Madhya Pradesh. National Family Health Survey (NFHS,2006) data suggests that the median age for marriage in India is 16.4 years. This survey also found that 65% of the girls are married by the time they are 18. These proportions are higher in rural areas.

Gujarat Context:

Findings of the NFHS (2006) reveals that there is a reduction in child marriage in the state of Gujarat, the percentages of girls those who got married before the age of 15 reduced from 21.00% in 1998-1999 to 13.4% in 2005-2006 and the girls those who got married before the age of 18 reduced from 54.1% in 1998-1999 to 38.7% in 2005-2006. National Crime Research Bureau (NCRB) (2006) also indicates the reduction in child marriage in state of Gujarat. Many cases of early marriages of girls are observed while working in the field and also found that they are not reported and registered which is a matter of social concern. It

indicates that child marriages still continue despite the fact that the Child Marriage Restraint Act was enacted as far way back as in 1929 to 2006 prohibition act of child marriages.

Early marriage – violation of human rights: A social problem

National laws, international and regional conventions state, to varying degrees, that girls and women have rights in relation to the age at which they marry and the consent which they must give. Early marriages contravene international and regional conventions; it deprives young girls by not only shortening their childhood but also their right to develop their potential fully through education, health and freedom. Early marriage is a profound violation of the human rights of girls. It also means that an early devastating starts to a cascade of related human rights violations – threats to sexual, reproductive, and maternal health; domestic violence; denial of education, mobility, self-determination, and more that last a lifetime and cost girls, families, communities, and nations inestimable human capital.

Perception of marriage age by girls: South Gujarat

Girls from rural and urban community developed a perception about marriage age through the process of socialization. Internalization of concepts by girls also has very significant contribution in perpetuation of early marriage practice in our society. The researcher had conducted Focused Group Discussions (FGD) on the theme of ‘right age for marriage’ with tribal and rural girls. Primary inferences of FGD with girls from rural community and analysis of the collected opinion from urban college girls has revealed existing reality about marriage age in South Gujarat.

Rural community:

There are number of factors inter play their role in persisting the practices of early marriages among the rural. The sessions of FGDs were held with an aim to understand perception about marriage age among the girls who availed opportunity to complete study up to secondary level. FGDs were conducted at Nongovernmental residential school imparting higher education - std. 8th, 9th, 10th - with vocational training for the tribal girls at Dharampure, near Valsad, South Gujarat.

The school organizes various awareness programs related to health, hygiene, reproductive system etc. by inviting experts from the field. In one such program after the presentation on health issue, the discussion was directed to marriage and expectations out of it. The girls revealed the belief prevailed in their community that fertility of women gets over after the age of 24; therefore, the parents make their daughters married as soon as they complete primary or secondary education. The girls also firmly believe and perceive the same. This

exemplifies the role of socialization process and its agents – specifically parents in internalization of beliefs and customs by the present generations.

Urban community:

The study has been conducted among 240 students of the final year of under graduate girls studying in various disciplines from colleges situated in urban area, city of Surat, southern part of Gujarat.

The respondents were asked their opinion about what should be the age for marriage for girls? The data analysis revealed that 40.06% opted for the age between 21-23 years where as 49.06% said that age between 24-26 years should be the age for marriage for the girls.

Implications of the results:

The revealed belief by the tribal girls about ‘women fertility’ is also a perception of girls which is highly influenced by socio- cultural factors which is carried forward by the girls which consequently set up girls for having low motivation for further education or no formation of career goals and high stimulation for early marriage.

It can be noted from the findings of the urban study that the girls those who are in the stream of education, they themselves and their family may be having either higher career goals or motivation for getting good life partners or something else. Another interesting thing is also revealed that no respondent opted for “no marriage” option. An inference can be drawn that marriage has the lower priority for girls those who are in higher education. Researcher thinks that this is also the perception of parents and society which girls are shipping forward.

Causes and Consequences

The causes and consequences of child marriages budge in a vicious cycle. Many reasons are given by parents and guardians to justify child marriage. A combination of cultural, traditional and religious arguments justifies child marriages to reinforce family, caste, and tribal linkages.

Poverty

Child marriage is the most common in the world’s poorest countries and among the poorest households. Girls living in poor households are almost twice as likely as girls from wealthier homes to marry before 18. Although families have different motivations for marrying their daughters early, girls are either seen as an economic burden or valued as capital for their exchange value in terms of goods, money or livestock.

Early marriage sharply reduces girls’ access to education, while anticipation of early marriage often precludes education (Huq and Amin 2001). Furthermore, since in most

cultures girls leave their parental home upon marriage, parents are often less interested in investing in the education of daughters (as opposed to sons)

The enrollment figures in schools, for girls are comparatively lower than those for that of boys indicating that many girls do not get enrolled in schools. Thirty four percent of girls drop out before they complete Class 5. Daughters are often kept at home to help the family because the social and economic value of educating girls is not recognized. Without access to education, girls are denied the knowledge and skills needed to advance their status. Poverty ultimately fuels child marriage, which in turn perpetuates the feminization of poverty. Early marriage almost always deprives girls of their education or meaningful work, which contributes to persistent poverty. Early marriage perpetuates an unrelenting cycle of gender inequality, sickness and poverty.

Health risk factors

Early marriage means early sexual activity, and therefore early childbearing. Despite the widespread recognition in societies by the medical community that childbearing during the adolescent years is harmful to both mother and child, it is a common phenomenon in large parts of the developing world. Girls who marry as children are often more susceptible to the health risks associated with early sexual initiation and childbearing, including HIV and obstetric fistula.

High maternal mortality and morbidity

Underdeveloped physiology, combined with a lack of power, information, and access to services, means that young married girls experience much higher levels of maternal mortality and morbidity.

Young girls enter marriage without adequate information about critical sexual and reproductive health issues, such as sexual intercourse, contraception, sexually transmitted diseases, pregnancy, and childbirth. The negative consequences of a lack of information and knowledge are further compounded by a lack of access to services for pregnancy and disease prevention and proper antenatal and postnatal care.

Lack of power and victim of domestic violence

A study conducted in India by the International Centre for Research on Women (ICRW, 2006) showed that girls married before 18 years of age are twice as likely to be beaten, slapped, or threatened by their husbands and three times more likely to experience sexual violence. Since early marriage limits skills, resources, knowledge, social support, mobility, and autonomy, young married girls often have little power in relation to their husbands or in-laws. They are also extremely vulnerable to domestic violence which includes physical,

sexual, psychological, and economic abuse. The numerous cases of bigamy and polygamy are also found. In such cases the first wife, who was married as a minor, is often thrown out of the house or mistreated. Thus the practice of early marriage is responsible for perpetuating different forms of violence against women.

Socio - Cultural factors:

Early marriage as a way to ensure the protection of girls a way to ensure that a wife is “protected” under male control; that she is submissive to her husband and works hard for her in-laws’ household; that the children she bears are ‘legitimate’ and that bonds of affection between couples do not undermine the family unit. It has been observed that in early marriages there is invariably a large gap between married women and their husbands- 7-9 years. The customary age difference helps to preserve the traditional cultural pattern of an older husband dominating a much younger wife. Social pressure appears to play a significant role in the girl getting married early.

The fear and stigma attached to premarital sex and bearing children outside marriage, and the associated family honor, are often seen as valid reasons for the actions that families take. Child marriage is deeply embedded in cultural traditions, which can be difficult to change. Many indigenous communities already are taking action to end child marriage.

Intervention strategies to change the perception of early marriage age:

To make society free of early marriage menace it requires understanding and addressing influencing factors to reduce and mitigate its unwanted consequences. It requires cumulative efforts at all the three levels namely, Macro level, Mezzo level, and Micro level with multiple stakeholders.(Fig. 1.1)

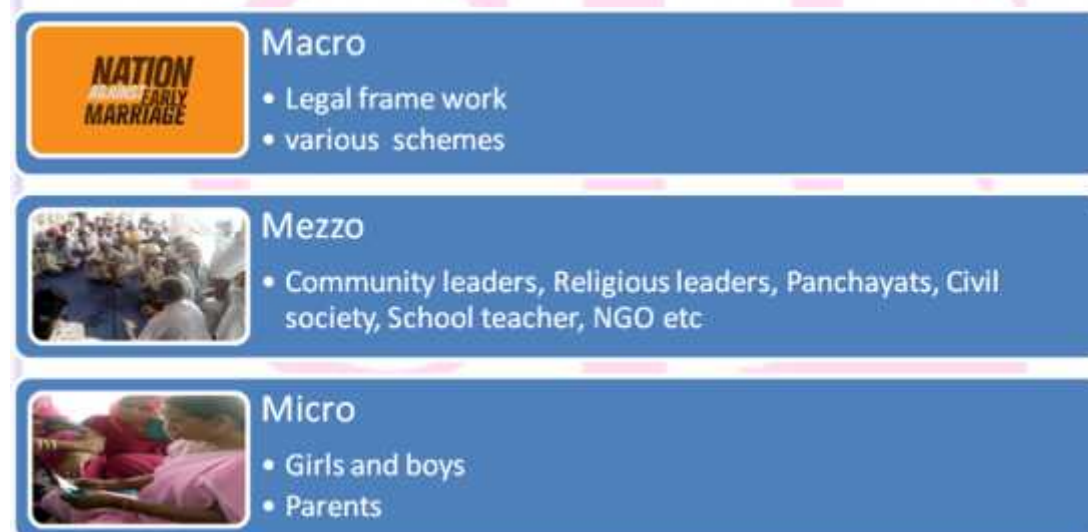


Fig: 1.1: Model for Invention with various stakeholders.

Addressing Multi Dimensional Factors

Education

First and foremost thing is to work on empowerment of girls through engaging them in post primary – higher secondary education. Many studies show that aggregate levels of education and literacy, as well as community development, are positively associated with age at marriage. Thus the schooling helps girls to develop aspirations and gives them skills to negotiate who and when they will marry. All levels of education must be made more accessible to girls. Parents and community leaders also need to be sensitized to support girls in school. Initiating program like sustainable employment training opportunities for girls, skills training, microcredit group also called Self Help Group (SHG), and job placement services by Non Governmental Organization (NGO) will motivate girls, women and also help in breaking vicious circle of poverty.

Educating the girls along with their parents is a need of time. Awareness of rights among girls facilitates the implementation of the same. We have role model of the group of brave girls from Maharashtra's remotest, vulnerable and economically backward areas, which faced tremendous challenges in stopping their own early marriages but were resolute in their determination to say an emphatic "NO" to child marriage. These girls didn't just resist their own early marriages but helped and motivated those of other children around them. These nine girls were felicitated with the Navjyoti award by UNICEF (2014) and Doordarshan – public broadcaster- for exhibiting exemplary courage in overcome adversities. Navjyoti is a platform to showcase the achievements of these young women, who go on to play a greater role by turning into role models for their peers and catalysts of change in their communities. It can be deduced that education on girls' rights motivated the girls for the action.

Implementations of Legislations:

There is no dearth of legislations in India. The Government has been implementing a large number of program and schemes for the benefit of children. To realize the spirit of the Constitution, the State should formulate a a plan to have adequate impact of programming of the new Prohibition of Child marriage Act 2006, for inculcating change in the mindset of the people to abolish the social custom.

Registration of marriages should be made compulsory in India as per the guideline provided by Supreme Court.

All the **District Collectors and Divisional Commissioners** should be vigilant about any child marriage in their area of jurisdiction.

Campaign on awareness about government programs can help filling gaps in understanding the complexities of child marriage.

Prevention programmes like, **Apni Beti, Apna Dhan** (ABAD), which translates to "Our Daughter, Our Wealth," needs to be embark on a massive nationwide sensitization and advocacy campaign with specific focus on the importance of the girl child to reinforce the view that she is an asset and not a burden .

An innovative scheme of '**Conditional Cash and Non Cash Transfer Scheme**' (Shekhar, 2010) wherein cash and non cash transfers will be provided to the family of the girl child (preferably the mother) on fulfilling certain conditionality, for the girl child - such as birth and registration of the girl child, immunization; enrollment to school; retention in school; and delaying the marriage age beyond 18 years.

The innovative community-based efforts appear to be providing viable alternatives to early marriage. A program scan conducted by the ICRW found community-based interventions are working to reduce early marriage with multifaceted programs that educate families and community members on the dangers of child marriage, changing harmful cultural norms provide girls with education and life skills, and offer legal services, providing young women with economic opportunities, addressing the unique needs of child brides and evaluating programs to determine what works. Cultural context need to be understood for formulation of policy, programs, addressing early girl marriages.

The Ministry should partner with **NGOs** to mobilize, develop and promote community initiatives to support delayed marriage through Community based organizations, maulvis/pandits/priests/religious leaders.

Awareness generation and training on various laws pertaining to women as well sensitization on gender rights should be important inputs in **Capacity building program for different functionaries** and stake holders like law enforcement agencies, judiciary, parliamentarians, etc.

Every Panchayat should put up a notice to the effect that child marriages are illegal and indicate the consequences that will result if such marriages take place.

Scheme for Empowerment of Adolescent Girls

Education related to health risk factors should be imparted to adolescent girls to avoid mothers' mortality rate. Adolescent girls (11-18) deserve special care and attention. The changes that adolescents undergo (physical, psychological, physiological, hormonal, cognitive and sexual) are not only stressful but confusing since these changes occur simultaneously and rapidly in the absence of any kind of support and expert guidance to cope with the transition.

Focus on gender equality and sexuality

An approach that includes and address gender equality and sexuality stand to challenge norms, break taboos, and pinpoint the deepest roots of this practice, creating an environment for sustainable change. Parent must position girls and young women as full human beings with intrinsic value and inalienable human rights.

Role of Civil society

The major advocacy and sensitization program should be organized for social dialogue, including local leadership , all sections of the society especially targeting both parents and youth, stressing on the negative impacts of child marriage in terms of early pregnancies, high rates of Mother Mortality Rates, Infant Mortality Rates, etc; It should also emphasize the many positive developments of marriage at the right age ; such as better health and well being of the girl, higher educational attainments, making the girl child economically productive through well designed skill development and vocational training courses. All these will provide an impetus and insight to her family that delaying the marriage age has many advantages.

Research and creation of database

Through continuous researches policy makers should be made to understand the needs of girls and their families, as well as the types of innovative, targeted strategies that can effectively counter the practice of early marriage.

Conclusion:

To eradicate roots of prolonged social evils demands the collective and interdisciplinary efforts at various levels is the need of hour. “KNOT NOW” in true sense will be a girls’ right only when we as a society, are able to ensure rights (written in Article 16, Marriage and Family Life, states that all women, as well as men, have the right to choose their spouse, to have the same responsibilities, and to decide on how many children and the spacing between them need) which will make potential to achieve holistic development of a women and nation and the Millennium Development Goals (MDGs).

List of Abbreviations:

- FGD: Focused Group Discussions
- ICRW; International Centre for Research on Women
- MDGs: Millennium Development Goals
- NCRB: National Crime Research bureau
- NFHS: National Family Health Survey

- NGOs: Non Governmental Organizations
- SHGs: Self Help Groups

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