



The Impact Of Child Marriage On Right To Education Of Girls In India: A Critical Analysis

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ABSTRACT

Child marriage remains a deeply ingrained tradition in India, which has significant consequences for the rights and welfare of girls. This article explores the various aspects of child marriage, including its historical origins, widespread social customs, and the negative effects it has on girls' right to education in India. By utilizing a wide array of scholarly viewpoints and concrete data, the article emphasizes the pressing necessity for collaborative endeavours to eliminate this detrimental behavior. The study utilizes an empirical methodology for the current investigation. The data was collected from many prior studies and information accessible on official websites. The Child Marriage Prohibition Act of 2006, together with additional laws like the "Protection of Children from Sexual Offences Act" and the "Juvenile Justice Act", have been implemented to establish a structure for the prevention, protection, and prosecution of child marriage and sexual offenses against children. The discussion emphasizes the significance of holistic approaches that tackle the underlying factors of child marriage, such as poverty, limited access to education, and gender bias. It highlights the importance of continuous endeavours to question established social standards and advance gender parity, while also allocating resources to enhance girls' access to education, healthcare, and economic prospects.

Keywords: Child marriage, right to education, POSCO act, deprivation.

INTRODUCTION

Child marriage has been commonplace in India for a very long time. For generations, it has been a part of the country's culture and has had a significant impact on people's daily lives. It is common practice to marry off females while they are under the age of 18, and guys when they are under the age of 21. More females than boys have been negatively impacted by this practice. The girls must abandon their dreams and ambitions. Even the idea of going to school and getting a degree is frowned upon by them. However, they do receive instruction on how to carry out their domestic duties and meet the demands of their families. Child marriage is harmful because it limits the opportunities available to girls and prevents them from developing their full potential. Hence, we need to figure out a way to stop this practice. (Kapur, 2020)

Marriage of minors violates fundamental human rights. Girls who are coerced into child marriage face a heightened susceptibility to complications during pregnancy and childbirth, and are more prone to early teenage pregnancies. Among older adolescent girls, these problems account for the majority of deaths. The economic, social, and cultural costs of child marriage are high, and they negatively impact children's health, education, development, and overall well-being. (You and the Rights of Children et al., 2021)

The "Child Marriage Restraint Act of 1929"¹, enacted by the British government, was the first legislation to be drafted in the twentieth century. The first of its type, this law helped highlight how child marriage impedes efforts to empower women and girls by making it easier to prohibit such marriages. Marriage at a young age for girls is seen as a serious breach of their human rights. By establishing the "Convention on the Rights of the Child"² (CRC) and the Convention on the "Elimination of All Forms of Discrimination Against Women

¹ The Child Marriage Restraint Act, 1929 (19 of 1929)

² Convention on the Rights of the Child , 20 November 1989

and Girls”³ in the twentieth century, the international community began to address the concerns of children, who were not previously recognized as having rights. The practice of child marriage has been reduced through education and the “Child Marriage Restraint Act⁴ of 1929. We must cease this practice if we want women and girls to be well and advance in society. (Kapur, 2020)

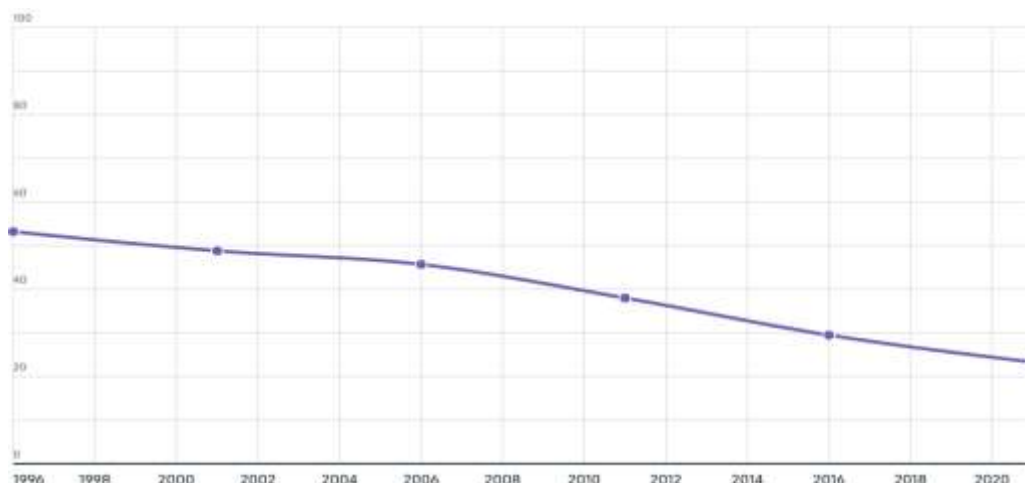


Figure 1: Prevalence of child marriage (under age of 18) in India⁵

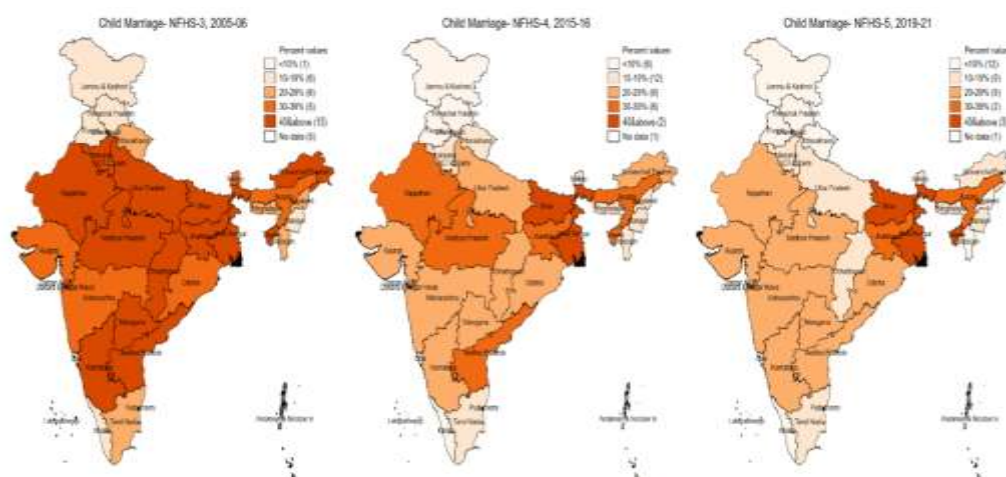


Figure 2: State wise Trends in Child Marriage in India, NFHS-3, 4 & 5 [Source: NFHS, 2022]

REVIEW

Forced into adult roles at a young age, child marriage is a cruel phenomenon. Forced pregnancies and motherhood have clear emotional and psychological effects, and this is related to the reproductive rights of the girls and women involved. Indeed, maternal death is frequently the outcome of reproductive rights breaches. (Lowe et al., 2021)

Up until now, research on child marriage has mainly focused on how it negatively affects women and how it leads to gender-based violence. (Arab and Sagbakken, 2019) Juvenile marriage, according to this article, has put an enormous strain on women. Loss of possibilities to experience life at their age is just one of the many sources of distress for youngsters. The practice of child marriage not only denies children their rights but also alters their psychological behavior. Disregarding their rights makes it harder to adjust to the new circumstances, leading to a lack of understanding. (Husaimah et al., 2012)

Global Scenario

Worldwide, the rate of child marriage to girls is probably six times greater than the rate to boys (UNICEF Press Release 2019). Data shows that females are hit worse than boys when they are married off at a young age. Among the SAARC nations, India, Nepal, and Bangladesh have the greatest rates of child marriage among adults aged 20 to 24 (UNICEF 2020). The new statistics on girls' education released by UNESCO

³ Convention on the Elimination of All Forms of Discrimination Against Women and Girls , 3 September 1981.

⁴ ibid

⁵ <https://childmarriagedata.org/country-profiles/india/>

show that eleven million girls might never go back to school because of the ongoing pandemic (UNESCO 2021). A further consequence of the pandemic and the resulting economic crisis would be the ongoing rise in the number of cases of child marriage. Child marriage may increase by 13 million in the next decade as a result of the epidemic, according to predictions. (Child Rights and You et al., 2021)

Child marriage (%) - By region			
Region	Female		Male
	Married by 15	Married by 18	Married by 18
East Asia and Pacific	1	8	DNA
Middle East and North Africa	3	17	DNA
South Asia	8	29	4
Sub-Saharan Africa	11	35	4
Eastern and Southern Africa	9	31	5
West and Central Africa	13	39	4
Least developed countries	12	38	6
World	5	20	DNA

Figure 3: Prevalence of child marriage across the world (Source: UNICEF global databases, 2020)

Approximately 650 million women under 18 are married worldwide. Child brides are most common in South Asia (285 million or 44%) and sub-Saharan Africa (115 million or 18%). Globally, female child marriage is falling. Over the past decade, 25 million child marriages (25–21%) have been averted. To reach Sustainable Development Goal 5 (SDG 5)'s 2030 aim of ending child marriage, progress must be 12 times quicker than over the preceding decade (UNICEF, 2018). Child marriages are widespread among rural, uneducated, and impoverished women, especially in developing nations (Paul, 2019).

Consequences of Child Marriage

One of the negative outcomes of early marriage is the restriction of independence and educational chances. Teenage moms are more likely to give birth early or with a low birth weight because they have their pregnancies at a young age and have them very close together, before their bodies are built to cope with the stress of pregnancy. Sadly, many of these moms and children do not make it through the ordeal unscathed. Girls are more likely to be victims of domestic violence, sexual abuse, and not be able to finish elementary school when they are married off at a young age. In states where child marriage is common, infant mortality rates are also higher than the national norm.

The future benefits of investing in a daughter's education are just too far off for many low-income households to justify the cost. Many traditional families believe that a girl's education is selfish because it will solely help her husband's family. Education, in the view of some parents, teaches females to reject tradition, undermines cultural norms, and is unnecessary for them to fulfill their duties as brides and mothers. Nevertheless, children who are married off at a young age forfeit their right to an education, which is crucial for their future success in life, as well as their families' and communities'. The legal and practical barriers that prevent married ladies from continuing their education are real. The fundamental nature of the right to health care and education is that they make it possible and guarantee that other human rights can be effectively exercised. (Sangwan & Yadav, 2019)

Legal Interventions

Girls who are coerced into child marriage face a heightened susceptibility to complications during pregnancy and childbirth, and are more prone to early teenage pregnancies⁶, sometimes referred to as the Sarda Act, was created to forbid girls under the age of 14 from being married. Amendment to the Child Marriage Restriction Act⁷ emerged in 1976 when efforts were made by the government to raise the age at which females might get married from 14 to 18. Nonetheless, the rate of child marriage persisted throughout the 1980s and 1990s, and in 2005–2006, 47% of the women were married before turning 18. Additionally, the Child Marriage Prohibition Act of 2006 took the role of the Child Marriage Restraint Act.⁸, which accepted the voidability of child marriage. This Act forbids state governments from designating officers to prohibit child marriage in order to stop marriages from being solemnized before they are made lawful. In addition, a number of state governments have launched initiatives aimed at keeping girls in school and giving financial aid to low-income households, which may considerably postpone the age at which girls marry. Over the past ten years, India has made impressive strides toward ending the practice of child marriage. According to

⁶ “The Child Marriage Restraint Act, 1929 (19 of 1929)

⁷ Marriage Laws (Amendment) Act, 1976

⁸ The Prohibition of Child Marriage Act, 2005, Act No. 6 of 2007.”

recent estimates from the National Family Health Survey 4 (NFHS-4), in 2015–2016, over 27% of women aged 20–24 were married to someone under the age of 18 (IIPS & ICF, 2017).

Still, India leads the globe in the quantity of child brides. The Indian government has enacted several laws designed to make child marriage illegal at different points in time. The Child Marriage Restriction Act, 1929 (also known as the Sarda Act) was passed by the British government to forbid the marriage of girls under the age of fourteen. The Child Marriage Restriction Amendment Act was introduced in 1976, concurrently with legal initiatives to raise the age of marriage for females from 14 to 18. In 2005 and 2006, half of the women got married before turning 18, and child marriage was common in the 1980s and 1990s. Furthermore, the Child Marriage Restraint Act was superseded by the Child Marriage Prohibition Act, 2006, which recognized child marriage as voidable. This Act permits state governments to select officials whose responsibility it is to forbid marriages between children in order to stop the solemnization of marriages that occur before marriage is legalized. In addition, a lot of state governments have started programs to make sure that girls finish their education and provide financial aid to low-income families, which may delay the age at which girls marry. In India, child marriage has significantly decreased during the past ten years. The latest NFHS-4 data from 2015–2016 show that approximately 27% of women in the 20–24 age group were married before turning 18 (IIPS & ICF, 2017). However, India has the largest concentration of child brides worldwide. Paul (2020)

POCSO Act⁹

Penetrative sexual assault is punishable by imprisonment of either type for at least 10 years but up to life under POCSO Act66, as well as a fine. POCSO requirements prevented child sexual abuse, hence this Act helps prevent child bride sexual assault. The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) protects children against sexual assault, sexual harassment, and pornography and provides a child-friendly trial system. In contrast to the Indian Penal Code, the POCSO Act makes no provisions for marriage. Any sexual activity with a minor, whether in marriage or a shared household, is illegal. (Child Rights and You et al., 2021)

Juvenile Justice Act (Care and Protection), 2015¹⁰

This legislation guarantees that all juvenile offenders under the age of 18 who are involved in criminal activities are provided with appropriate care, including their basic needs, to ensure their safety, protection, development, and successful reintegration into society. This is achieved by adopting a child-centered approach in the handling and resolution of legal matters, prioritizing the best interests of the child and their rehabilitation through established processes, institutions, and bodies. The PCMA holds the adult responsible for a child marriage, imposing imprisonment and a fine if they fail to prevent the marriage or its solemnization, unless it can be demonstrated that the child willingly entered into the marriage.

The Dowry Prohibition Act, 1961¹¹

The Dowry Prohibition Act punishes any parties that provide or receive dowry during marriage. Preventing dowry prevents specific forms of violence against women. Younger brides would typically have a lower dowry or greater bride fees due to the prevailing societal norms and values associated with dowry. Enforcing laws against dowry helps to put an end to such practices.

DISCUSSION

The discourse on child marriage in India has been complex, recognizing its inherent origins in society norms and cultural traditions. Early marriage has been acknowledged by scholars and policymakers as having negative consequences, especially for young girls. These consequences include poor health, reduced access to education, and greater vulnerability to violence. The issue has been addressed by the implementation of legal measures, such as the Child Marriage Prohibition Act of 2006, along with other related legislations including the POCSO Act and the Juvenile Justice Act. These laws have established comprehensive frameworks to prevent, protect, and prosecute cases related to child marriage. The implementation of these regulations, along with educational programs and economic incentives, has played a significant role in the advancement of lowering the occurrence of child marriage.

Nevertheless, despite these endeavors, obstacles endure, as seen by the ongoing frequency of child marriage in specific regions and communities. The persistence of this destructive behavior is fueled by socioeconomic disparities, deep-rooted gender inequities, and cultural norms. Therefore, it is crucial to implement comprehensive interventions that target the root causes of this issue. The seriousness of the issue is further

⁹ “Protection of Children from Sexual Offences Act (POCSO), 2012.

¹⁰ Juvenile Justice (Care and Protection of Children) Act, 2015.”

¹¹ “The dowry prohibition act, 1961 act no. 28 of 1961 - India Code”

emphasized by the global backdrop, which includes the impact of the COVID-19 epidemic. Disruptions to education and economic stability worsen vulnerabilities among vulnerable communities.

CONCLUSION

To effectively address the issue of child marriage in India, it is necessary to implement comprehensive strategies that involve legal, social, and economic measures on a continuous basis. The efficacy of legal initiatives depends on broader societal reforms that challenge old conventions and enable girls to exercise their rights. Investing in education, healthcare, and economic possibilities for girls is crucial for ending the cycle of poverty and gender discrimination that leads to child marriage. India can progress towards achieving a future where every child, irrespective of their gender, can flourish without being restricted by early marriage, by creating a supportive atmosphere that promotes gender equality and prioritizes the welfare of children.

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