

A CRITICAL ANALYSIS ON OFFENCES AGAINST CHILD MARRIAGE

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Abstract:

The child marriage is the informal union of two individuals before reaching the age of eighteen. Several Global organisations like UNICEF consider people below the age of eighteen as minor. Child marriage is a traditional practice that happens simply because it has happened for generations. Most of the child marriages are illegal under the Indian law and those marriages are considered to be invalid. The child marriages involve women who are underage because they are much poor in sociology economic conditions. Child marriage was in practice due to the poverty, lack of education and cultural practices that were practiced for so many years. Child marriage is the violation of the legal right of the particular child and it has negative impact on health, physical and mental illness of the child. The prohibition of child marriages Act and child marriage restraint Act helps in eradicating the child marriages. The South Asia stands first in large number of child marriages in the world. The main aim of this research is to analyse about the offences that are against the child marriage. This paper attempts to make research on statistics relating to the child marriages in India.

Keywords: child marriages , violence, sexual abuse, child brides, poverty, sexual issue.

Introduction:

Child marriage is a major social issue in India. It is a formal marriage of children who are below 18 years. Though it is an ancient custom it is still followed in some part of india mainly in rural areas. There are many effects prevailing due to child marriage. In order to prohibit the child marriage, there several laws in india. The legal age for the marriage in

india is 18 for girls and 21 for boys. The government of india enacted a legislation of child marriage restraint act 1929 and later replaced by prevention of child marriage act 2006. In India, there are many regulations preventing the child marriage. The practice of child marriage is an offence in India according to the legislation. Though the government enacted the preventive act , the rate of child marriage has not come to an end.

There are many articles and researches done in the topic of child marriage all over the world .Majority of girls who are married before 18 years are from poor and below poverty line families. Nearly 80% girls are facing the domestic violence health problem,etc(Suresh Lal,2013). Child marriage is physically and emotionally harmful. It violates their rights to personal freedom and growth(Suresh 2016). Child marriage in India continued to thrive by and large in rural areas more than elsewhere in the country. The factors that encourage its subsistence are usually a combination of poverty, the lack of education , continued perpetration of patriarchal relations that encourage and facilitate gender inequalities and cultural perspectives that encourage the phenomenon to thrive(Manasa ram raj 2013). At house hold level the girl are most at risk of marrying at the young age where from the poorest groups and where living in rural location (Jennifer 2016) .

There are many researches under the eradication and the prevention of the child marriage. The laws and amendments in India made regarding the child marriage has been mentioned and discussed in many research papers. But most of the researches has some of the missing concepts in the papers. The cause , effect, the solutions to solve out the problem and the statistics relating the child marriage has been decided . The new laws and the amendments in the Indian legislation has not been completely analysed in most of the researches. This paper attempts to study about the child marriages in India. The main aim of the study is to discuss and analyse about the offences relating to child marriages in India.

Child marriage in India:

The marriage of the children below the legally allowed age limit is considered as child marriage. Countries like India has many years of practice of child marriage though there are many laws and legislation regarding the prevention of the child marriage. According to the UNICEF,

Child marriage is a violation of child rights, and has a negative impact on physical growth, health, mental and emotional development, and education opportunities. While regional disparities exist, child marriage has significantly decreased from 47 per cent (2006) to 27 per cent (2016).

Evidence shows that women United Nations agency marry early usually abandon formal education and become pregnant. Maternal deaths associated with physiological condition and giving birth are a very important element of mortality for women aged 15–19 worldwide, accounting for seventy thousand deaths every year (UNICEF, State of the World's youngsters, 2009). If a mother is below the age of eighteen, her babe's risk of dying in its initial year of life is sixty per cent bigger than that of associate infant born to a mother older than nineteen (UNICEF, State of the World's youngsters, 2009). even though the child survives, he or she is more probably to suffer from low birth weight, below nutrition and late physical and psychological feature development (UNICEF, State of the World's youngsters, 2009). kid brides are at risk-of violence, abuse and exploitation (UNICEF, State of the World's youngsters, 2009). Finally, child marriage typically leads to separation from family and friends and lack of freedom to participate in community activities, which might all have major consequences on girls' mental and physical well-being.

Causes of child marriage :

Customs and Traditions:

Customs associate degreed traditions are an integral element of the many societies together with Indian society. child marriages represent a vital a part of our customs and cultural mores. even though there are many disadvantages to early wedding, the follow continues owing to the problem in convincing individuals inside a community of its negative effects.

Gender roles in a very patriarchal society:

In a patriarchal society like India's, specific roles are assigned to women traditionally and such societies tend to facilitate these through practices like early marriage that reinforce prescribed gender roles. Society, therefore, exerts pressure on its members not to abandon early marriage practices.

Control over sexuality:

One of the leading causes of early marriage is that the over-emphasis on condition and chastity women|of women|of ladies} and also the ensuant management of the sex of women and girls. The sex of girl children is joined to the honour and name not only of a the family however also of kindred, caste, race and ethnic groups. A continued tradition of child marriage tends to make sure this control over the girl's sex persists across generations because it is handed over from one patriarchal family to a different.

Developing associate degree alliance between two families:

Child marriages are planned associate degreed conducted to make an alliance between two families for social, political and economic reasons. The suitability of the two partners might also be ignored which may adversely have an effect on the lifetime of girl children.

Minimising the risk of dishonour:

Early marriage is believed to reduce the risks related to the sexual abuse of girl children like molestation, rape and trafficking as well on avoid the instances of observance sex and unmarried family relationship.

Moulding the behaviour of the girl child:

There is a perception that exists that women World Health Organization are married off early are easier to mould as per the will of the marital household. These women are believed to be more possible to submit simply and settle for the normal gender norms without questions.

Economics:

Marrying a girl off whereas she continues to be young is believed to be less costly than waiting until she and the groom reach adulthood. Economic things will compel several families to resort to early marriage.

Anxiety about appropriate matches:

Caste, class, sub-castes etc. are still of significance in Indian society and a few families may concern they will be unable to find an appropriate partner for the girl/s in their household. Any delay might raise apprehensions of not having the ability to find associate degree 'appropriate' match.

Lack of awareness of the law related to child marriage:

While the Prohibition of child marriage Act, 2006 has made child marriage a significant and punishable offences, awareness of the law, its clauses and implications continues to be severely restricted.

Lack of political commitment:

The involvement of the local political community in the organisation associated implementation of child marriages at the local level makes ending the practice an uphill task as these politicians are additional likely to be assured the vote of the communities they govern over.

Pressure of society and relatives:

Neighbours, relatives, grandparents, all can influence parents into getting their children married. parents will notice it difficult to resist such pressures.

Cycle of subordination and dependency:

The girls subjected to the present practice are caught in a continuous cycle of subordination and dependency as, attributable to their position, they lack the capacity to require independent decisions, pursue their education and earn a living. The girl is never consulted regarding her own marriage.

Recent survey by UNICEF :

India saw a sharp decline in child marriages over the last 10 years with twenty seven per cent of girls obtained marriage before their eighteenth birthday as against forty seven per cent a decade past, the global organization children's agency UNICEF. This

decline in India has contributed considerably to a world decline in child marriages. Overall, the proportion of women's World Health Organization were married as youngsters decreased by fifteen per cent within the last decade, from one-in four to about one in five.

According to a press release issued by the UNICEF, twenty five million kid marriages were prevented globally within the last ten years (2005-06 and 2015-16) with the biggest reduction seen in South Asia with India being at the forefront. "South Asia has witnessed the biggest decline in kid marriages worldwide within the last ten years, as a girl's risk of marrying before her eighteenth birthday has dropped by over a 3rd, from nearly fifty per cent to thirty per cent, in massive half as a result of progress in India," the UNICEF stated. The United Nations children's agency attributed increasing rates of girls' education, proactive government investments in adolescent women, and robust public awareness regarding the unlawfulness of child marriage and therefore the damage it causes are among the reasons for the decline. "When a girl is forced to marry as a baby, she faces immediate and long consequences. Her odds of school decrease whereas her odds of being abused by her husband and suffering complications throughout pregnancy increase. There are large social consequences, and higher risk of intergenerational cycles of poorness," aforesaid Anju Malhotra, UNICEF's Principal Gender consultant. "Given the life-altering impact kid wedding has on a young girl's life, any reduction is welcome news, however we've got a protracted thanks to go," she said. every and each child wedding prevented provides another woman the prospect to meet her potential," said Malhotra. "But given the globe has pledged to finish child marriage by 2030, we're aiming to need to put together redouble efforts to stop numerous girls from having their childhoods stolen through this devastating follow," she stressed.

More than half of the women in india are married before the legal minimum age of 18. by contrast, men in the same age group get married at a median age of 23.4 years. Sixteen percent of men aged 20-49 are married by age 18 and 28 percent by age 20.

Consequence of child marriage:

Child marriage is a blatant violation against all rights to care and protection, to develop and grow into a complaint full individual regardless of the social and economic situation . This problem also denies the basic right to good health, nutrition, education, and freedom from violence , abuse and exploitation. In the child marriage children's body and mind are put to grave and heinous danger. Domestic violence is more common in india and it has the highest rate of domestic violence among women married by 18 with a rate of 67%.

Child marriage and physical violence:

The women who marry before 18, facing more violence from their intimate partners . Almost more likely to have physical or sexual violence. Child brides begins to believe that a man is justified in beating is wife or partner.

Child marriage and sexual violence:

According to a report , child brides describes their first sexual experience as forced . They often struggle to asset their wishes to their husband.

Child marriage and psychological:

Child brides get a lot of pressure from their husband and families keeping them from making their own decision about their life and body .

Prohibition of child marriage Act 2006:

The prohibition of child marriage Act 2006 , under section11 provides punishment for those who permit and promote child marriages. Hence , it is necessary that every individual who is aware of any child marriage that is going to be conducted or is being conducted or has been conducted, to make sure that he / she does not permit or promote the child marriages by not reporting about it. He/she can be made liable under the present law and also the indian penal code for abetting the offence.

Protection:

This law gives choice to the children in the marriage to seek annulment of marriage. It also provide maintenance and residence for the female contracting party . It gives legal status to the children who born from child marriage and makes provisions for their custody . This law provide all support that includes medical aid , legal aid ,counselling and rehabilitation. The child marriage prohibition officer has been empowered to provide necessary victims of the child marriages and to provide children in need of care and protection before the child welfare committee or a first class judicial magistrate, where there is no child welfare committee.

Prosecution of offenders:

This law provides punishment for an adult male above 18 years of age marrying a child and lays down punishment for those performing or conducting a child marriage , including parents, guardians or any other person or association or organisation. Any women offender in these categories cannot be punished with imprisonment but penalised by the way of imposition of a fine.

Solution for the child marriages:

There are a bunch of laws against the child marriage in each country within the world. however unfortunately the rate of child marriage is growing quickly across the world because several of the cases are left ignored by the authorities. In remote rural areas of Southern Asian countries, there's nobody to look once whether or not this type of activities are talking place or not.

Awareness: it's necessary to spread awareness regarding the difficulty in grass root level of rural and remote rural areas to induce eliminate this child marriage.

Education: educate a lot of people regarding the facts and problems relating to post-marriage issues and complications. Let the women attend school for basic education to know things and take their own decision in life.

Strict Law: Laws are there however they need to be stricter and additional powerful in order that nobody will get away the law. The criminals should be punished in a correct way to stop child marriage from the society.

Proper Attention: authorities are requested to pay additional attention to the present reality. they should supervise this activity more properly and penalise the criminals then and there to stop the growing rate of child marriages worldwide.

Conclusion:

The practice of child marriage has historical roots in each India and African country and it remains prevailing nowadays, despite the actual fact that these countries are far more totally different than they're alike. The key similarities that have allowed this dangerous abuse of young women to continue are that each cultures struggle with economic condition and place too much stress on the purity of women whereas patriarchal views are heavily constituted into each societies. economic condition in each countries causes society to view the marriage of young women as an economic transition instead of a violation of human rights. financial needs often inspire marriage, in spite of the child's best interest.

Both cultures' large stress on women's purity results in young women being married off in an attempt to limit their gender and skill to reproduce. In each African country and India, this can be often motivated by a need to preserve category distinctions and uphold family member's masculinity.

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