India is committed to eradicating child marriage under its obligation to the Universal Declaration of Human Rights (UDHR), 1948 that recognize the Right to Free and Full Consent to a Marriage. This is a reason for the formulation and enactment of various laws in this regard.

The UDHR, 1948 recognizes in particular the basis of protecting children from being forced into marriage, especially in case of girls and women. India is also accountable under Article 34 of the UN Convention on the Rights of the Child (CRC), which mandates that the Government has to protect children from all forms of sexual exploitation and abuse. Though laws give legal sanctity to existing rights and create state’s obligations for enforcement of such rights,¹ child marriage in India still continues to be an issue of national concern, prohibiting the empowerment of girls and women in the country.

In India, marriage has been a strong social institution, promoting family and social cohesion. Bound by religion and influenced by patriarchy, child and forced marriage fulfilling the economic, social or political interests of the family emerged in and around the medieval ages. It was in modern India that child marriage started to be condemned as a social evil particularly by early 19th century social reformers. The reformist movements of the 19th and 20th centuries, such as the Brahmo Samaj and Arya Samaj played a critical role towards educating the masses to challenge the antediluvian practice.² However within the realms of strong patriarchy and religion, social movements failed to address and subdue the prevalence of child marriage. In the 1920s, the women’s movement campaigned and petitioned for raising of the age for marriage and consent before the Joshi Committee, setup to review the Hindu Child Marriage Bill.³ As a result, the Child Marriage Restraint Act (CMRA) 1929, popularly known as the Sharda Act, was brought into force with the objective of eliminating child marriage. The Act was first amended in 1940 to increase the marriageable age from 14 to 15 years and in 1978, it was further amended to raise the minimum age of marriage by three years i.e. from 15 to 18 years in case of girls and from 18 to 21 years in case of boys. The Child Marriage Restraint Act 1929 was the first attempt and subsequently the Act was amended and processed for stronger reinforcement through the Prohibition of Child Marriage Act 2006. Yet in spite of conscious efforts at legislating, social advocacy, awareness and strong public opinion about 40 percent of all child marriages in the world take place in India.⁴

Evidence suggests children of young mothers are less healthy. For instance, for young children under the age of 5 years, the risk of malnutrition (stunting and underweight) is higher in children born to young mothers (married when they were still children themselves – i.e. below the age of 18) than in those born to women married after the legal age.

⁴ UNICEF Statistics and Monitoring Section, Division of Policy and Strategy (2013)
Child Marriage - The Indian Scenario

India ranks 13th in the world in terms of number of girls reported married before the age of 18 years. In India, nearly half (43%) of women aged 20 to 24 are married before the age of 18 years. There has been a steady decline in the incidence of child marriage nationally and in nearly all states (from 54% in 1992-93 to 43% in 2007-08; Source: District Level Household and Facility Survey (DLHS3), 2007-2008), but the pace of change remains slow. The 200th Law Commission Report cites significant statistics on the scale of child marriages in India. According to the Report, in a study carried out on women aged 15-19 years in 1998-99, it was found that 33.8% were currently married or in a union. In 2000, the UN Population Division recorded that 9.5% of boys and 35.7% of girls aged between 15-19 years in India, were married before they reached adulthood. The National Family Health Survey of 2005-2006 (NFHS-3) carried out studies in twenty-nine states and confirmed that 45% of women currently aged 20-24 years were married before the age of eighteen years, with 58.1% in rural areas and 27.9% in urban areas (27.9%) and exceeded 50% in eight states. Only five states of Himachal Pradesh, Manipur, Kerala, Goa and Jammu and Kashmir report less than 20% of women married before 18. "A UNICEF Report prepared for a state consultation on Child Marriage in West Bengal in November 2009 presented that over 39.5% of Indian girls are married before they are 18 years and 25.4% of girls are married by the age of 15". According to the Sample Registration System (SRS) findings the mean age for marriage of girls in the country has improved from 19.3 years in 1990 to 21.0 years in 2010.

Several researches in India including the DLHS 3, have indicated that rural areas of the country report the highest incidences of child marriage in India. The states with the highest incidence of child marriage in the country are Bihar, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh and Karnataka. Madhya Pradesh has the highest number of teenage mothers who are suffering the ill effects of early marriage. Child marriage continues to be a fairly widespread social evil in Madhya Pradesh, despite a law banning it. The DLHS-3 (2007-08) recorded 53.8% women aged 20-24 years being married by the time they are 18 years old.

Impact of Child Marriage

The adverse effects of child marriage influence the entire life of the girl child and extend to her children, family and communities. Marriage is an institution that is expected to bind people into relationships that call upon responsible behavior towards the partner and family. However child marriage restricts freedom; instigates spousal violence; cuts of space for self-determination; restricts choices, aspirations and ambitions of the child and hastakes away the fullest development of children. Early marriage inevitably leads to restricts early pregnancies and childbirth and impacts on the health and security by exposing children and adolescents to early parenthood. One of the major reasons behind high incidence of maternal mortality, infant mortality, child mortality, poor nutritional status among children, and high dropout rate at the school level among adolescent girls, large family size and poverty at the family level in India is child marriage.

The WPC Baseline Research Study (2013) indicates that in Madhya Pradesh, Bihar and Jharkhand most rural families do not send girls out of the village for education that leads to lower levels of education among women and hence leaving them with no option but to get married early and be restricted in their homes.

The most significant and immediate impact of child marriage is observed on the country’s health and education scenario. As far as the under-ages and child brides are concerned, their education is either truncated by marriage or they are left at the mercy of the family that they are married into, who bear the cost of their education and livelihood. Studies have shown that married children are susceptible to multiple health risks. They have limited access to contraceptive, reproductive health services and information. The majority of the young brides are exposed to and frequent sexual relations leading either to sexually transmitted infections or to repeated pregnancies and childbirth, before they are physically mature and psychologically ready.

More than 60 million girls and women are affected by child marriage globally. India ranks 13th in the world among countries with highest prevalence of child marriage. \(^{6} \)\n
### PROHIBITION OF CHILD MARRIAGE ACT 2006

- The legal age for marriage is 18 years for females and 21 years for males;
- Child marriage is an offence punishable with rigorous imprisonment, which may extend to 2 years, or with fine up to Rs. 1 Lakh, or both;
- Child marriage is a cognizable and non-bailable offence;
- Child marriages are voidable and can be annulled;
- Persons who can be punished-those performing child marriages; male adults above 18 years marrying a child; and persons responsible for the child (i.e. parent, guardian promoting, permitting, participating or failing to prevent a child from getting married).

**Relevant Statistics**

The National Family Health Survey of 2005-2006 (NFHS-3) confirmed that 45% of women aged 20-24 years were married before the age of eighteen years. Of these 58.5% were in rural areas and 27.9% in urban areas. As per the District Level Household and Facility Survey (DLHS) 3, the states with the highest incidence of child marriage in the country are Bihar, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh and Karnataka (DLHS-3, 2007-08). Among currently married women of age 20-24 years who were married before the age of 18, Bihar reported the highest incidence at 68.2% while Himachal Pradesh has the lowest incidence at around 9%. The analysis also reveals an east-west corridor spanning six states—including Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand and West Bengal—that have the highest incidence of child marriage ranging from 51.9% to 68.2%. In each of these states, at least one in two currently married women in age group 20-24 years happens to be a child bride.

The National Crime Record Bureau (NCRB 2013) documented an increase of 52.5% in cases of crime against children in 2013 over 2012. The highest charge-sheet rate was reported in cases under rape (98.3%) closely followed by Prohibition of Child Marriage Act (95.1%). However, the conviction rate at the national level for these crimes stood at meagre30.9%.


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6. District Level Household and Facility Survey


8. District Level Household and Facility Survey