

# Violation Of Child Rights: A Focus On The Prevalence Of Child Marriage In Assam

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**Abstract** - Children are the supreme asset of a nation. They are the greatest gift to humanity. The children are to be nurtured, loved and protected. They have an inborn right to justice, freedom and opportunity for development irrespective of their nationality, caste, creed and sex. Investment in terms of providing protection and opportunities for the growth of the children is sine qua non to ensure their development to full potential. But it is seen that there are many child rights violations taking place in society. Child marriage is a social problem, which has socio-economic, cultural and regional factors responsible for its existence and continuity. It not only affects the persons involved in it, but also affects the society and nation as a whole. In simple words, marriage is a system under which union of a man and a woman has been given social sanction as husband and wife. But it creates various social problems, if it has taken place before the person reaches an appropriate age. Child marriage affects both girls and boys, and deprives children from their childhood. Although the law to restrict the practice of child marriage in India was enacted before independence, the incidences of child marriage have still existed at this modern era. This paper is an attempt to study Therefore, the present study is chosen to explore the causes and consequences of child marriage in the state of Assam and has tried to give some suggestions with the view to eliminate this injustice to the children.

**keywords** - Child, child right, Child marriage, cause, consequences, Assam

## I. INTRODUCTION

Children are the supreme asset of a nation. They are the greatest gift to humanity. The children are to be nurtured, loved and protected. They have an inborn right to justice, freedom and opportunity for development irrespective of their nationality, caste, creed and sex. Investment in terms of providing protection and opportunities for the growth of the children is sine qua non to ensure their development to full potential. Positive action towards realisation of child rights is evidenced by way of various United Nations Conventions, domestic legislations, and judicial interpretations and pronouncements. Child jurisprudence has given a new dimension to the role of law in social engineering. The Declaration of the Rights of the Child, 1959 and the Convention on the Rights of the Child, 1989 of United Nations, ratified by our country as well in 1992, contain legal standards necessary for realising social, economic and cultural rights of children. The Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights, 1966 are the other instruments that reinforce the rights of the child. At the domestic level, the country has been making efforts to place the child in a better position. In this regard, reference can be made to 86th Constitutional Amendment that has made education a fundamental right for children in the age group of 6 to 14 years. Policies, legislations, schemes as well as programmes are also in place so that the rights of the children are respected and children really enjoy them. Children are the potential and useful human resource for the progress of the country. Children should not be treated as cattle or saleable commodities or playthings. If we neglect and do not provide for even basic needs such as good food, health, and education of children, heavy price will have to be paid in future. Their holistic development should be of great concern in their interest and in the interest of the country as well. The Constitution of India reflects the concern for the children as is evident from Articles 15, 24, 39(e), 39(f), 47 and 51(A). Children are to be looked after and groomed well not merely on the basis of the constitutional or statutory provisions, but also with great human concern. It should be remembered that we have both obligation and duty towards their wellbeing.

Child marriage is one of the major challenges in many developing countries including India. It has been practiced in India since long as a result of deep rooted social and cultural norms. It is a phenomenon in which girls or boys are married before they attain the minimum legal age at marriage enforced by the law. Girls who marry early are not only denied their childhood, they are often socially isolated and cut off from family and friends and other sources of support, with limited opportunities for education and employment (UNICEF, 2014). A girl marrying before attaining proper adulthood age, poses significant adverse impact not only on her health but it is also surrounded by very low levels of her agency and empowerment. Early marriages are also associated with early childbearing which has higher risks of delivery complications and maternal and child morbidity and mortality (UNFPA, 2013). Thus, the consequences of child marriage is far reaching and it affects the current health, social and economic status of girl as well as of her children.

As far as legal provisions against child marriage in India is concerned, the British Government passed the Child Marriage Restraint Act 1929, also called the Sarda Act to restrict the practice of child marriage. It became a law on April 1, 1930 extended across the whole nation, except Jammu and Kashmir and applied to every Indian Citizen and prescribed 14 years for girls and 18 years for boys as the minimum age for marriage. Later, the Child Marriage Restraint Act has been amended in 1949 and in 1978. According to the amendment of 1978, the minimum age for girls has been enhanced to 18 for girls and 21 years for boys. Further, the Child Marriage Restraint Act was replaced by The Prohibition of Child Marriage Act, 2006. The new Act made

several new provisions to prohibit child marriages, but the minimum age of marriage remained unchanged (Srinivasan, 2017; Bhagat 2016).

Child marriage still remains a common phenomenon in India and other parts of the world, despite endeavours on the part of the Governments and civil society. It is a violation of child rights because marriage at an inappropriate age, before children are physically, mentally and emotionally developed for it, robs the children of their normal childhood and deprives them of their basic human rights, which they rightfully deserve and are entitled to. It also compels them to take on the responsibilities meant to be taken by adults, may be even leading a child to bear a child and take care of it and the family.

## II. OBJECTIVES:

The present study has been done with the following two main objectives-

1. To find out the causes of child marriage in Assam.
2. To examine the impact of child marriage on women in Assam.
3. To understand prevalence of the of child marriage in Assam.

## III. METHODOLOGY:

This study is descriptive in nature and the paper is entirely based on secondary sources of data which include articles, books, newspapers and internet websites.

## IV. CHILD MARRIAGE IN ASSAM:

Census 2001 data shows that among all the districts of Assam the percentage of married person in the age group of 15-19 is more than the age group of 0-19 years. It may be due to the fact that in 15-19 age group most of the children and especially girl child leave the school because of attaining puberty and or getting married. The data also shows that Dhubri District has the highest percentage of child marriage followed by Goalpara, Bongaigaon and Barpeta districts in lower Assam, Tinsukia in upper Assam, and Morigaon and Kamrup districts in central Assam. The Percentage of child marriage is lowest in NC Hills district, followed by Cachar, Hailakandi and Karimganj districts in southern Assam. The data also shows that the Bongaigaon district has the second largest married person at the age group of 0-19, next only to Dhubri. It also revealed that Nagaon district has the highest number of married persons in the age groups 10-19 years and 0-19 years; while in the age group below 10 years highest number of marriages was in Dhubri District.<sup>1</sup>

### • Causes of child marriages in Assam:

The practice of child marriage seems to be guided by variety of socio-cultural, religious and economic factors. There are several reasons for child marriage. Persistent poverty and gender inequality seems to be the most dominant and overarching reason in Assam. Specific reasons of child marriage include poverty, lack of education and job opportunities and the force of custom and tradition. Poor families marry their daughter at an early age which means less person to feed, clothe and educate. Coupled with prevalence of dowry remains an underlying cause of child marriage and it is seem that the burden of dowry increases with increase in the age of the daughter. Gender inequality in attainment of education for daughters as compared to son is another important factor which are enforced by many other reasons including lack of access to nearby schools and safety and security concerns of daughters and women in general, therefore parents like to marry their daughters at an early age due to protecting the girls sexuality. Most often due to traditional and religious believes, girls are married off at an early ages to prevent her from becoming sexually active before marriage (Anju, 2010; ICRW, 2011)

Lower level of education and illiteracy gives birth to child marriage. Uneducated people do not give importance to the education of child basically girl child. The illiterate people think that marriage of a girl is of utmost importance in life.

Poverty increases risk for child marriage. Child marriage is concentrated in the poorest families. A girl from the poorest household is more than one times as likely to marry before age 18 year of age. Poverty leads to a higher prevalence of child marriage because poor families feel they have fewer resources and incentives to invest in alternative options for girls. Many families say they marry their daughters early because girls are an economic burden that can be relieved through marriage.

Poverty and a lack of access to quality education are major causes of child marriage. For girls working in tea gardens, employment at the tea garden is more accessible than a quality education. Education and the accompanying fees for supplies can be costly for poor families. Therefore, families pressure girls to drop out and work at the tea garden so that they can contribute to household earnings. Girls that drop out of school often elope once they begin working. Girls from minority-dominated districts, in which families traditionally arrange their marriage, may face additional social pressure to marry early. Poorer families from tea gardens report regarding dowry and child marriage, that the dowry price of an older girl is higher than that of a younger girl because a younger girl has more strength and life left to work for the husband's family after she is married. Thus, some families fear that they will not be able to afford the dowry price for their daughters if she is too old. Furthermore, families note that it is expensive to continue to feed their daughters and cheaper to marry them off younger. Moreover it is the general cultural practice to marry girls off around 14 to 15 years old and if a family waits too long to marry a girl off, no one may want to marry her.

<sup>1</sup>Khanam, Kashmira. & Laskar. Baharul Islam. Causes and Consequences of Child Marriage – A Study of Milannagar Shantipur Village in Goalpara District. *International Journal of Interdisciplinary Research in Science Society and Culture(IJIRSSC)*, 1(2), 2455-2909

Another cause is big family size. The poor and uneducated people are not concerned about the problem of population explosion and they do not bother having many children (more than two children) and so give birth to many children without any family planning. Moreover they do not have much knowledge about contraceptives also and the uneducated ones think that children are the gift of God and so should not be aborted. Hence, for having many children ultimately they cannot take economic load of many children and cannot afford for their education and so get their daughters married at an early age basically after puberty. Many people, basically poor and illiterate, are unaware about the age of marriage when they got married and are also unaware about the punishment.

- **Consequences of Child Marriage –**

Child marriage is not only a human rights violation but also is a barrier to development. Consequences of child marriage are discussed below:

There is a strong association between child marriage and early childbirth. More than 50 percent of women give birth before 20. Women who bear children at a young suffer serious health consequences. Young mothers experience higher rates of maternal mortality and higher risk of obstructed labor and pregnancy-induced hypertension because their bodies are unprepared for childbirth. “Child marriage leads to early sexual activity and this leads to early child bearing. Girls younger than 15 are five times more likely to die in childbirth than women in their 20s, and pregnancy is the leading cause of death worldwide for women ages 15 to 19. Adolescent childbirth is dangerous for the infant as well as the mother. The underdeveloped bodies of girls can lead to complications during childbirth and the death of the child. Infants born to adolescent mothers are much more likely to die than those born to women in their 20s. Malnourishment, anaemia and underweight are common among the tea tribe community in Assam.

**Infant Health -** The children of teen mothers experience serious health consequences as well. Most of infants of young mothers die during delivery time. There are many infants have low birth weight, premature birth and infant mortality than those born to older mothers.

**Education -** Child marriage is associated with lower education and economic status of girls. Child brides are less able than older or unmarried girls to access schooling and income generating opportunities or to benefit from education or economic development programs. Girls already in school are often forced to terminate their education when they marry early. Limited mobility, household responsibilities, pregnancy and raising children, and other social restrictions for married girls prevent them from taking advantage of education or work opportunities.

## V. SUGGESTION & CONCLUSION:

In order to effectively combat child marriage, the Government of Assam must tackle dropout rates by girls in school, provide better access to education, more vocational training, sensitize communities about the perils of child marriage, mandate accurate and standardized reporting of child marriage, and ensure enforcement of the 2006 PCMA (Prohibition of Child Marriage Act). Unfortunately, many of these government and civil society schemes are still in their nascent stage and much remains to be done to combat child marriage at the local level.

Child marriage is both a human rights violation and a barrier to development. It robs girls of their ability to reach their full potential and makes it harder for families, communities and countries to escape poverty. To thrive in sinking poverty and achieving other development goals—especially improving the lives of women and children—ending child marriage must become a policy priority, both for governments and international donors. Ending child marriage not only will protect girls and ensure a better future for them and their families; it also will ensure stronger and healthier families and communities. For girls to refuse marriage, they have to understand and own their rights, and be able to support their own life plans. A wide range of programmes should invest in girls, their participation and their well-being. Raising awareness in the media about general rights and laws and the impact of child marriage is very important.

As there are some socio-cultural restrictions to contribute the continuation of child marriage, parents and community leaders of such societies are to be educated about negative impacts of child marriage. They should be educated enough to understand that the social belief to keep girls safe, secure and economically protected by early marriage is actually endangers girls’ physical and mental health. The problem of child marriage can be restricted by keeping girls in school and educating them to speak up for themselves. Education as a powerful weapon to bring any kind of change in society is the keys to empowerment of girls. An educated girl is more able to stand up and say “No” to child marriage than uneducated one. Moreover, education provides the knowledge and skills to engage in better employment sector which can break the cycle of poverty of the family. It can also prevent child marriages which occur due to the poor economic condition of families.

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