

Policy Briefing Paper

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PO 220: Poverty & Inequality in the Global South

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Every year child marriage strips away the childhoods of over 12 million girls, and India is home to the largest number of child brides in the world (McDougal 2020, 2). When assessing this problem, there are several causal factors and ameliorative components that must be considered before implementing new policies. This paper will explore the following research question: What are the socio-economic, psychological, and health consequences of child marriages on women in India, and what policy measures can be implemented to eliminate this practice while considering cultural sensitivities?

This paper is addressed to Priyank Kanoongo, the chairman of the National Commission for Protection of Child Rights (NCPCR 2023, 1). This is the apex body for protecting the rights of children in India as it performs many direct functions to eliminate this practice (NCPCR 2023, 1).

Child marriage is encouraged in many parts of India due to cultural traditions rooted in patriarchal ideologies which dictate gender-discriminatory norms. Historically, religious beliefs and interpretations have been used in certain communities to justify child marriage (V.S 2022, 5). This goes hand in hand with the chaste system, which is over 3000 years old and also played a part in perpetuating child marriage. Though it was banned in India's constitution in the 1950s, the chaste system divided Hindus into firm hierarchical groups based on their work (karma) and their religion or duty (dharma) (BBC, 2019, 2). Often marriages were used to preserve or even elevate the social status of families, leading to pressure to arrange marriages—including child marriages—within one's own chaste (Sen 2021, 1). In addition, two of India's most prominent ancient texts, the Mahabharata and the Ramayana, focus on the social and political purposes of marriage, further enforcing the transactional perspective within the chaste system (Sen 2021, 1).

Child marriage is considered the most severe form of child abuse as it has extensive socio-economic, psychological, and health consequences (V.S 2022, 2). Early marriage reinforces pre-existing gender inequality because it forces women to miss out on education and career opportunities. This perpetuates cycles of poverty as it often results in child brides being economically dependent on their husbands or families. Child marriage is also associated with numerous psychological conditions such as depression, anxiety, and suicidal ideation (V.S 2022, 2). In addition, maternal mortality is much higher among women who marry and conceive early. These are just some of the negative outcomes caused by child marriages (V.S 2022, 2).

A significant portion of child marriages occur in India, where approximately 47% of all unions involve a child bride (V.S 2022, 2). As a result, many policies have been developed over time in an attempt to reduce this number. India is a signatory to numerous UN human rights conventions, including the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages in 1962 (Rasmussen 2021, 1). Later on in 1929, the Legislative Assembly of India passed the Child Marriage Restraint or “Sarda” Act, which was the first legislation to impose a minimum age on marriage (Mukherjee 2016, 1). The Act emerged as a result of heated discussions in 1920s India involving both British and Indian social reformers (Mukherjee 2016, 1). This law made it illegal for girls under the age of 14 to get married, causing controversy as many Hindus justified the practice as a religious necessity (Mukherjee 2016, 1).

There are many overlapping factors which contribute to the current continuation of child marriage practices. The first is cultural and social norms including the practice of dowry, which is payment of money or property from either the bride or groom to their future spouse upon

marriage (Britannica 2023, 1). This economic incentive also emphasizes the impact of poverty, with the practice of child marriage being far more prevalent in poorer Indian states (Rasmussen 2021, 1). Education levels are another important factor, as the likelihood of girl child marriage declines significantly with secondary and higher levels of education (Paul 2019, 2).

Progress has been made in reducing this issue, as the rate of child marriage has declined by 30% in the past 25 years (Paul 2019, 1). This advancement is closely associated with transitions of households to an improved standard of living, a decrease in average household size, and an improvement in girls' education (Rasmussen 2021, 1). Interventions and government programs may have also contributed to this advancement, though few have been properly evaluated (Rasmussen 2021, 1). There are also numerous policies that have emerged in the past few decades which have had a positive impact. The Prohibition of Child Marriage Act, 2006 made child marriage a punishable offence and closed loopholes allowing it (Rasmussen 2021, 1). Based on this policy, it is illegal for girls under 18 and boys under 21 years of age to get married. The act calls for the implementation of a Child Marriage Prohibition Officer, who must ensure no child marriage takes place in their given jurisdiction (Rasmussen 2021, 1). The punishment for an adult enabling a child marriage is imprisonment for up to two years, a fine of up to one thousand rupees, or both (Rasmussen 2021, 1). More recently, ending child marriage has been included in the Sustainable Development Goals put forth by the United Nations in 2012, highlighting it as an issue of significant importance (Judiasih 2020, 2).

Though improvement has been made, the negative economic impact of the COVID-19 pandemic could reverse some of this progress. Therefore, it is essential for further policies to be introduced to prevent this reversal (Rasmussen 2021, 8).

When implementing or modifying policies, there are some key considerations to be taken into account. One is that the number of child marriages in recent reports are likely not actually as low as they seem (Sachdev 2018, 1). The data on these reports is not directly collected by UNICEF, a key actor in measuring and reducing child marriage. Rather, it is collected by local governments as part of the census data that India compiles every decade (Sachdev 2018, 1). Evidently, not many people would openly confess to the crime of child marriage. This poses a challenge in gauging the true impact of specific factors on addressing this issue (Sachdev 2018, 1).

Another consideration in addressing this issue is regard for cultural sensitivities. Many local Indian populations do not understand why child marriage is a crime; to them, it is intrinsic to their religious and cultural values (Sachdev 2018, 2). For families, the fear of facing shame due to breaking cultural norms is greater than that of punishment, therefore enforcement must come with community engagement (Sachdev 2018, 2). Another aspect of this same challenge is that in some parts of India authorities are not always interested in enforcing child marriage laws; individuals in positions of power may embrace the practice as a cultural norm (Sachdev 2018, 3). This means that even when policies are implemented and meant to be enforced, there are deeper root causes that must be assessed in order to make them effective. Utilizing media platforms like radio and TV, along with educating government employees such as teachers and social workers, can significantly influence the views of the public including families of potential victims (Sachdev 2018, 2).

Overall, tackling the deeply rooted issue of child marriage is bound to pose complex challenges. However, assessing child marriage from the perspective of victims and their

communities can allow for the formation of policies that will create real progress while still keeping cultural sensitivities in mind.

References

BBC. "What Is India's Caste System?" BBC News, June 19, 2019.

<https://www.bbc.com/news/world-asia-india-35650616>.

Britannica. "Dowry." Encyclopædia Britannica, 2023. <https://www.britannica.com/topic/dowry>.

Castilla, Carolina. Political role models and child marriage in India, 2018.

<https://onlinelibrary-wiley-com.libproxy.wlu.ca/doi/full/10.1111/rode.12513>.

India grapples with its child marriage challenge. 2011. The Lancet 378, (9808) (Dec 10):

1987-1988,

<https://libproxy.wlu.ca/login?url=https://www.proquest.com/scholarly-journals/india-grapples-with-child-marriage-challenge/docview/2064770453/se-2> (accessed October 24, 2023).

Judiasih, Sonny Dewi, Betty Rubiati, Deviana Yuanitasari, Elycia Feronia Salim, and Levana Safira. "Efforts to Eradicate Child Marriage Practices in Indonesia: Towards Sustainable Development Goals." Sign in - Off-campus Library access, 2020.

<https://go-gale-com.libproxy.wlu.ca/ps/i.do?p=AONE&u=wate18005&id=GALE%7CA642913757&v=2.1&it=r&aty=ip>.

Kumar, Sanjay. "Trends, Differentials and Determinants of Child Marriage in India: Evidences from Large-Scale Surveys." Sign in - Off-campus Library access, 2020.

<https://go-gale-com.libproxy.wlu.ca/ps/i.do?p=AONE&u=wate18005&id=GALE%7CA613518165&v=2.1&it=r&aty=ip>.

Mcdougal, Lotus, Holly Shakya, Nabamallika Dehingia, Charlotte Lapsansky, David Conrad ,
Nandita Bhan Bhan, and Abhishek Singh. “Mapping the Patchwork: Exploring the
Subnational Heterogeneity of Child Marriage in India.” SSM - Population Health,
November 16, 2020.
<https://www.sciencedirect.com/science/article/pii/S2352827320303256?via%3Dihub>.

Mukherjee, S. “Using the Legislative Assembly for Social Reform: The Sarda Act of 1929.”
Sign in - Off-campus Library access, 2006.
<https://journals-sagepub-com.libproxy.wlu.ca/doi/abs/10.1177/0262728006071514>.

NCPCR. “About Commission - National Commission for Protection of Child Rights, India.”
ncpcr, 2023. <https://ncpcr.gov.in/about-commission>.

Paul, Pintu. “Effects of Education and Poverty on the Prevalence of Girl Child Marriage in India:
A District–Level Analysis.” Sign in - Off-campus Library access, 2019.
[https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0190740919300581?](https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0190740919300581?via%3Dihub)
[via%3Dihub](https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0190740919300581?via%3Dihub).

Rasmussen, Bruce, Neelam Maharaj, Anup Karan, John Symons, Sakthivel Selvaraj, Rajeev
Kumar, Margarita Kumnick, and Peter Sheehan. “Evaluating Interventions to Reduce
Child Marriage in India: Published in Journal of Global Health Reports.” Journal of
Global Health Reports, May 24, 2021.
[https://www.joghr.org/article/23619-evaluating-interventions-to-reduce-child-marriage-in](https://www.joghr.org/article/23619-evaluating-interventions-to-reduce-child-marriage-in-india)
[-india](https://www.joghr.org/article/23619-evaluating-interventions-to-reduce-child-marriage-in-india).

Sachdev, Chhavi. 2018. "UNICEF's good news about child marriage isn't quite as good as it sounds." Goats and Soda [BLOG] (Mar 14),
<https://libproxy.wlu.ca/login?url=https://www.proquest.com/blogs-podcasts-websites/unicefs-good-news-about-child-marriage-isnt-quite/docview/2013711711/se-2> (accessed October 24, 2023).

Sen, Samita, and Anindita Ghosh, eds. Love, Labour and Law: "Early and Child Marriage in India." First Edition, Mathura Road, New Delhi: SAGE Publications Pvt. Ltd, 2021.
<https://doi.org/10.4135/9789354792915>.

V.S., Binu, Vikram Sridhar , Subba S.H., Prathyusha P.V. , and Sabu K.M. . "Direct and Indirect Factors Associated with Child Marriage: Evidence from India Using NFHS-4 Data ." Sign in - Off-campus Library access, 2022.
[https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0145213422003192?](https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0145213422003192?via%3Dihub)
[via%3Dihub](https://www-sciencedirect-com.libproxy.wlu.ca/science/article/pii/S0145213422003192?via%3Dihub).