

DISCRIMINATION AND VIOLENCE – CHILD MARRIAGE

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ABSTRACT

The subject field of Sociology helps an individual to focus more objectively towards the set up of society along with making us aware of consequences of the social changes in society. The present topic undertaken for the research i.e., “Discrimination and Violence- Child Marriage” is an important talk to begin with a tremendous change in the society in terms of protection of children especially girls. Child marriage is an issue of social concern and violation of rights of children. Child marriage signifies an early, forced, formal wedding/marriage or unofficial union/connection between a children under 18 years of age [i.e. legal age of marriage under law] and an adult or another child. This paper aims at analysing the situation of child marriage and its consequence in the form of violence like domestic violence, sexual offences and so on. The paper also analyse the views of society along with interpretation of the researcher towards the perception and practice of this social issue. This paper will help the readers to have a complete understanding of the topic along with the measures that can be undertaken to curb this harmful practice and save the childhood of children and future of the nation.

INTRODUCTION

Over the years, there is always a requirement for understanding the law more closely to protect the human rights as well as analyse the laws established. Child marriage is an issue of social concern and violation of rights of children. Child marriage signifies an early, forced, formal wedding/marriage or unofficial union/connection between a children under 18 years of age [i.e. legal age of marriage under law] and an adult or another child¹.

The current topic “Discrimination and Violence – Child Marriage would help to analyse and form a perspective on the practice as well as examine the factors contributing or leading the

¹ UNICEF, <https://www.unicef.org/protection/child-marriage> (Nov.30, 2020).

society to run this practice and also tell us that how legal provisions, acts and education should be used to eliminate the practice of child marriage.

The practice takes away the childhood & unfairly affects the women & girls universally, prohibiting them from sustaining their lives unbound from all forms of cruelty. Hence, it makes the research paper much needed for the society as well as the readers to protect girls by understanding laws related to child marriage to curb the practice completely.

By examining the laws, provisions and cases relevant to child marriage it is analysed that while the prevalence of child marriage has reduced to an extent globally (from one in four girls wedded a decade ago to approximately one in five at present) the crime remains widespread. We through the paper know would be able to know about the acts such as prohibition of child marriage act, 2006 and its application under law.

To protect girls from the mental trauma at an early age & protect them from the threat faced under child marriage which also restricts their future prospects, this paper is much needed to have a clear view regarding laws of punishing someone conducting this practice. Some of the conclusions of the research are based on present facts accessed by the researcher with adequate analysis through this paper. Therefore, through the present paper the researcher aims to analyse and interpret the laws established for children as well as human rights welfare.

LITERATURE REVIEW

The Researcher, with his preliminary research on the current topic conclude that there are various existing sources for the topic “**Discrimination and Violence – Child Marriage**” and its analysis separately but there no existing literature works accessible to the researcher concluding and analysing both Discrimination and Violence under child marriage in the society. There are many sources of Information and Facts regarding the concerned topic on which the researcher relied upon. Thus, the research is proposed.

The primary source of data is the **Hindu Marriage Law & Family Law** which deals with the concept of marriage and child marriage as well as laws, acts and provisions established under it. Several other books referred for better understanding of the topic are “**Hindu Marriage**

Act, 1955²” by EBC, “Supreme Court on Family and Personal Laws³” by Surendra Malik and Sudeep Malik. The case law undertaken in the research to form a clear view and better perspective regarding child marriage and laws is “Indra Sharma vs. V. K. V. Sarma⁴” is a wide case which deals with most of the provisions and actions for child marriage and discrimination, its concepts, rights for children and conclusion depending on them.

There are various sources available like Journals, Articles and Case Laws on the current topic. Some articles specified in this paper make an effort to define the Concept of Child Marriage, analysis of factors leading to the practice and also try to explain the impacts of it on children. Similarly, other facts are mentioned in the current topic analysis in reference with the topic. Such resemblance would intensify the quality of the present topic analysis.

RESEARCH METHODOLOGY

The present research paper is first and foremost based on method of doctrinal research and deals with judgements and acts established to curb the practice of child marriage in India and under Law. The motive of mentioning and analysing the existing information such as laws, judgements and stats signify the method of doctrinal research. The researcher conclude that the present research is entirely and absolutely depended on existing laws, judgements, case laws, acts and how they have an impact on the various cases and legal rights. To execute on such topic a productive and functional research, it is best propounded to prefer a doctrinal research, the research also focus on interpreting several applicable or admissible laws in place.

AREA OF STUDY

The subject field for the present research paper has been bounded or restricted to India, inclusive of its regional places, various states and union territories.

² EBC, HINDU MARRIAGE ACT, 1955 (Eastern Book Company 2020).

³ 4 SURENDRA MALIK & SUDEEP MALIK, SUPREME COURT ON FAMILY AND PERSONAL LAWS (Eastern Book Company 2018).

⁴ Indra Sharma vs. V. K. V. Sarma, AIR 2012 SC 309/ MANU 2013 SC 1230.

RESEARCH DESIGN

The present paper is designed by taking into consideration a pictorial, explanatory and analytical approach. The paper attempts to generate details from articles of journals, books, case laws and other sources accessed in the due course of research to create a clearer vision on the issue taken by the researcher and analyse the conditions, reasons impacting the children and how unhealthy and detrimental it can be to the childhood of children surviving in such situations. For the research, the researcher also conducting a survey to analyse the position of child marriages and children. The researcher also trusts in not limiting the research methodology to analytical and repressive tools but also consolidates secondary and tertiary verifiable or practical information accessible through internet which helps in further critical analysis of the research topic. Hence, in researcher's point of view, these tools adopted for the current research are relevant and suitable for the topic considered.

METHOD OF SAMPLING

The researcher conducted online survey and then confined the sampling size to 47 members which includes college going students, some married ladies and some experienced and literate old people.

DATA COLLECTION PROCEDURE

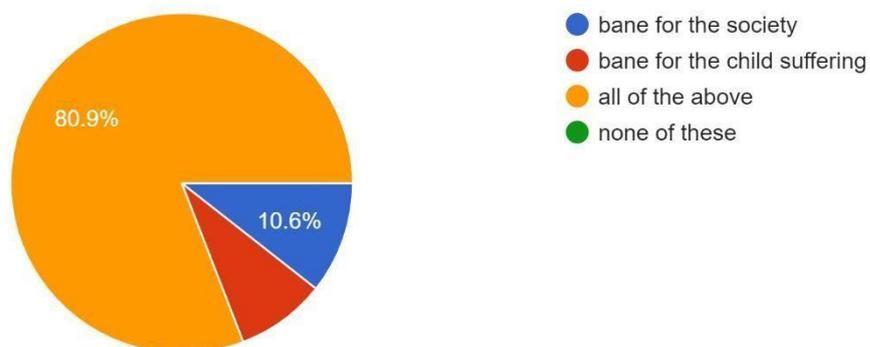
Considering the quality of paper and to complete it with a clearer analysis, the researcher relied on both primary as well as secondary source of gathering the information required and also taken into examination the questionnaire. Information has been gathered from articles of renowned journals, books and judgements of supreme court. Some of the relevant information has also been taken from genuine websites like UN.

RESULTS, ANALYSIS AND INTERPRETATION

After gathering all the required information, facts and details on the issue, the data is examined and analysed by using analytical and numerical methods. The elucidation of data is done manually and through google forms created on laptop.

Child marriage is?

child marriage is
47 responses



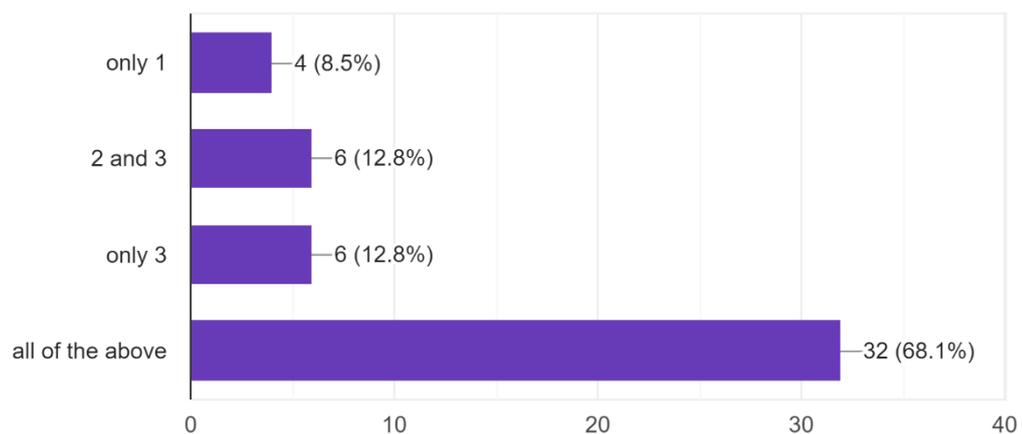
Serial No.	Total Respondents	Response	Percentage {%}
1.	5	Bane for the society	10.6%
2.	4	Bane for child suffering	8.5%
3.	38	Bane for both society and child suffering	80.9%
4.	0	None of these	0%

Total	47		100%
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By referring the table, we can infer that 80.9% of the respondents thinks that child marriage is a bane for not only the child who is suffering but also for the society whether it is practised by a small area or large.

Why does child marriage happen?

- 1.poverty
- 2.traditions
- 3.illiteracy
- 4.social pressures



Serial No.	Total Respondents	Response	Percentage { % }
1.	4	only because of poverty	8.3%
2.	6	because of traditions and illiteracy	12.5%
3.	6	only because of illiteracy	12.5%
4.	32	because of poverty, traditions, illiteracy and	66.7%

		social pressures	
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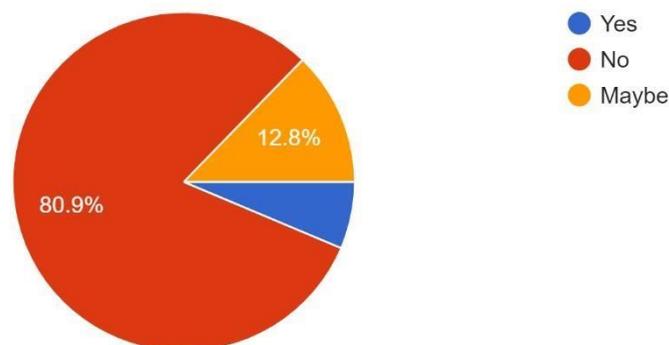
Total	48		100%
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By referring the table, we can infer that 66.7% of the respondents thinks that child marriage occurs or happens because of the conditions like poverty, traditions and social pressures arising in the society.

Is below 18 should be considered as the age of marriage or not?

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47 responses



Serial No.	Total Respondents	Response	Percentage {%}
1.	3	Yes	6.3%
2.	38	No	80.9%
3.	6	Maybe	12.8%

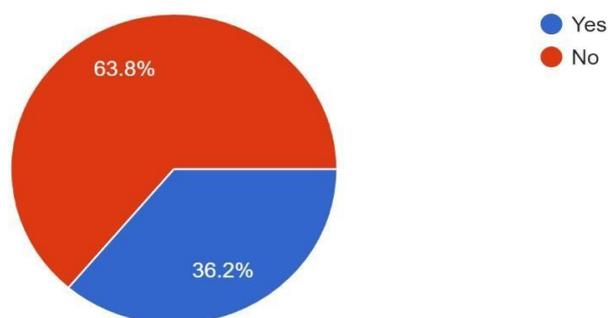
Total	47		100%
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By referring the table, we can infer that 80.9% of the respondents below 18 should not be considered as the age for marriage and the same is defined under law, that legal age to marry for a girl should be at least 18 years.

Had you come across any news or information where boys are made to marry before 18 years of a

had you come across any news, information where boys are made to marry before 18 years of age?

47 responses

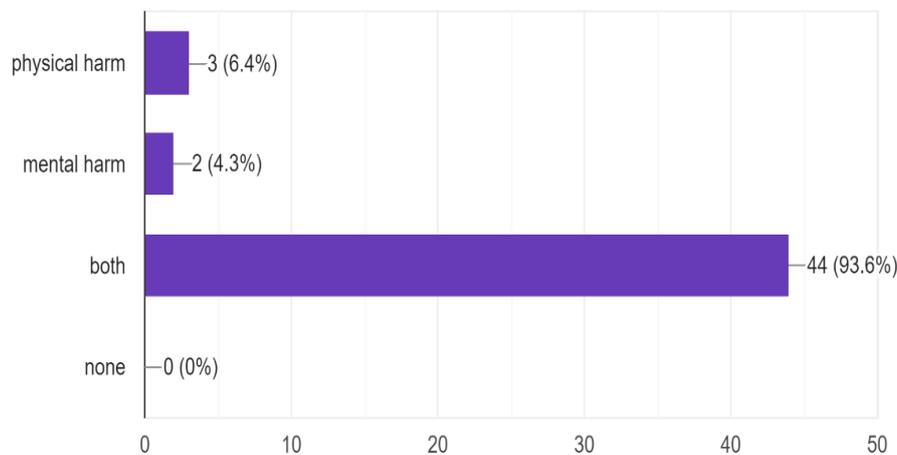


Serial No.	Total Respondents	Response	Percentage { % }
1.	17	Yes	36.2%
2.	30	No	63.8%

Total	47		100%
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By referring the table, we can infer that 63.8% of the respondents believe that most of the cases relating to child marriage consist girls to marry at a yage i.e., before 18. Thus, it clearly states here is the involvement of discrimination as girls are mostly forced to marry before 18.

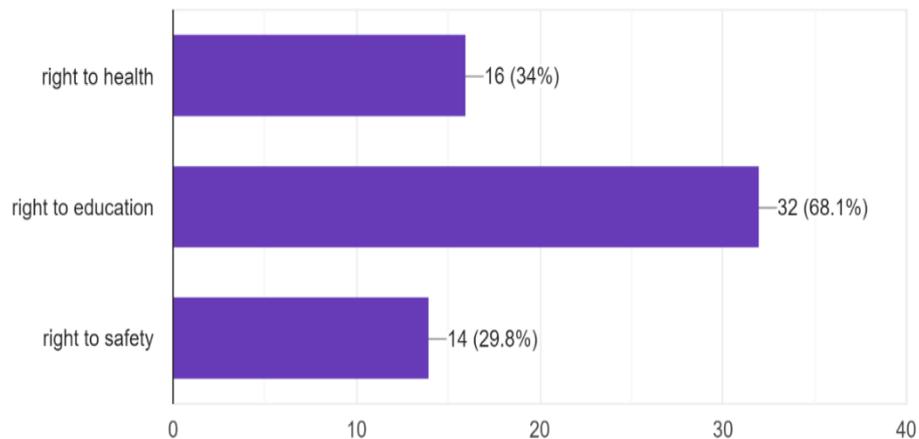
What “violence means to you” in reference to child marriage?



Serial No.	Total Respondents	Response	Percentage { % }
1.	3	Physical Harm	6.1%
2.	2	Mental Harm	4.1%
3.	44	Both Physical Harm and Mental Harm	89.8%
Total	49		100%

By referring the table, we can infer that 89.8% of the respondents believes that mostly in the cases of child marriage, there is the involvement of both physical and mental harm but the main thing is that there is harm included in the child marriage whether its physically or mentally.

Which right is most affected due to child marriage?



Serial No.	Total Respondents	Response	Percentage {%
1.	16	Right to Health	25.8%
2.	32	Right to Education	51.6%
3.	14	Right to Safety	22.6%
Total	62		100%

By referring the table, we can infer that 51.6% of the respondents agree that most harm due to child marriage is on the right to education i.e., fundamental right of every citizen. Without education of the child, how can one believe that there is development of nation in terms of literacy, knowledge.

What are your views regarding availability of discrimination in Child Marriage?

Serial No.	Responses given
1.	Yaa discrimination is available in child marriage. They have been discriminated on the basis of caste, gender... And most commonly they are deprived of their fundamental rights. They are forced to follow society customs and rules
2.	Yes, it is present as in most cases only girls are forced to marry at young age.
3.	Female children are forced to marry older men and seen as slaves they are discriminated on the basis of life and liberty and right to speech in certain circumstances
4.	Poverty, Education and lack of social awareness
5.	Less education and traditions
6.	Marriage before the 18 years of age is a fundamental violation of human rights. Many factors interact to place a child at risk of marriage, including poverty, the perception that marriage will provide 'protection', family honour, social norms, customary or religious laws that condone the practice, an inadequate legislative framework and the state of a country's civil registration system. While the practice is more common among girls than boys, it is a violation of rights regardless of sex.
7.	It should be stopped as soon as possible as it is illegal

8.	It destroys the lives of children
9.	It should be banned in India and if anyone do child marriage, he/she must be punished by the government and government itself had to take strict steps in order to remove child marriage from India.

By referring the table, we can infer that respondents believe that there is presence of discrimination in child marriage whether on the basis of caste, gender & most commonly they are deprived of their fundamental rights as well as forced to follow society customs and rules. They are forced to marry older man and this practice should be curbed as it is illegal per law and destroys children's life.

What are your views regarding availability of violence in child marriage?

Serial No.	Responses given
1.	Marriage before the age of 18 is a fundamental violation of human rights. Many factors interact to place a child at risk of marriage, including poverty, the perception that marriage will provide 'protection', family honour, social norms etc.
2.	Umm honestly child marriage is abuse
3.	Child marriage is more prevalent in jurisdictions that generally offer fewer protections for women and girls. Yemen currently has no minimum age for marriage and girls of any age can and are being married. After her husband raped her, 11-year-old Reem al-Numeri in Yemen attempted to seek a divorce only to be told by the judge "we don't divorce little girls." According to me violence is commonly practiced in child marriage. And it must be stopped as our future hands are engaged in household works, pressure and society norms. They must have given their own right to decide what they want to do. And to whom they want to marry. At least they have

	right on themselves to live their life freely and peacefully.
4.	It is there due to illiteracy.
5.	Entrenched gender equality, girl's health, educational rights, victims and loss their childhood
6.	Shouldn't be practiced
7.	Illiteracy and social mentality
8.	Awareness of reproductive health issues in developing nations is growing. Critical issues are the high prevalence of HIV/AIDS among young people; childbearing by young girls, which can lead to obstetric fistulas and death of the mother; and child marriage. Child marriage, defined as marriage of a child <18 years of age, is an ancient, worldwide custom. Other terms applied to child marriage include "early marriage" and "child brides."
9.	Violence is very common in child marriage
10.	It affects child mentally as well as physically
11.	Mental and physical violence
12.	It should be banned in India and if anyone do child marriage, he/she must be punished by the government and government itself had to take strict steps in order to remove child marriage from India.
13.	Child marriage is unacceptable. On top of that, violence makes it atrocious
14.	Highly possible
15.	Girls suffering from inferiority complex from their husbands, domestic violence, mental harm are included as violence of child marriage
16.	I think the violence part is just that the girl doesn't get brought educational or sexual freedom. And the guy too

By referring the table, we can infer that respondents agree manually that that honestly child marriage is abuse. According to me violence is commonly practiced in child marriage.

Children should be given right on themselves to live their life freely and peacefully. It can also be inferred that violence is very common in child marriage. This crime is something that is unacceptable.

CONCLUSION

With the analysis and interpretation of the responses provided in the questionnaire circulated among the students of the institution, married women and experienced person, the researcher established that there mostly there is popular and common opinion of child marriage being a criminal act and something which is not justified under law and ethics of society. The study also shows that the effect of violence due to child marriage on the children in the family is huge including sexual assault of a minor. Since the children have immature and naive minds, they find the act of violence on themselves in the relation of child marriage a justifiable act as in most cases it is set up by the family. The male also starts thinking at a certain age that they can treat a girl however they want. All of these tensions and stress adversely impacts the psychological health of the children, restricting their rights as guaranteed by law and thereby resulting into having a pressurised life and also their childhood gets curbed. They lose their feeling of childishness and right to live with dignity. As a whole, the society having the practise of child marriage prevailing in the society and is highly toxic for a child, as it affects them in extreme manners by hindering and slowing down their mental and social well-being along with wholesome development of mind and body. After analysing and interpreting all the facts, information and data accessed from the online sources & surveys, it has been understood that the impact of Child Marriage in the society, where it is practised, children face discrimination on the context that it is mostly girls who are part of it and they are married to a person much older than her and sometimes to an old man before the legal age i.e., set under Indian law. It also has harmful effects on the child's mental, social and emotional health along with the impact on their education. It was observed in the survey conducted that the effect of child marriage in the society on children is something extremely condemnable and non- accepted practice for the future and development of a healthy nation and society should never practise something like this. Child Marriage is a crime and is something which should not be allowed by every individual of the society. The children or

mostly girls who face violence after child marriage is another raffish situation arising on children after the practise of marrying at such an early age conducted in the society. One should deal with this issue legally by registering a complaint/ FIR as this crime is something which is violative of a child's safety in her own house and society. The constitution and Hindu Marriage Law and Family law has provisions which that deals with the crime of child marriage and violence either physically or mentally. With the enforcement of stricter laws for punishing the people who are guilty of practising child marriage, there could possibly be a depletion in the number of cases for the same. The apt suggestion for the curbing the rising number of cases of child marriage and a clear brief report of the present study will be submitted at the end of the research.

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DATABASE

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- www.manupatra.in

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