
AN ANALYSIS OF CHILD MARRIAGE IN ASSAM

**Mr. Kshirananda Phukan, Assistant Teacher,
Ghilamara Town High School, Lakhimpur, Assam, Pin – 787053, Email Id –
kphukan90@gmail.com,**

Abstract -

Children are the greatest gift to humanity. They are the supreme asset of a nation. For that children are to be nurtured, loved and protected. They have an inborn right to justice, freedom and opportunities irrespective of their nationality, caste, creed and sex. For that the nation should provide protection and opportunities to growth the children as well as development of their full potential. It is seen that there are many child right 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 woman has been given social sanction as a husband and wife. But it creates various social problems if it has taken place before the person reaches an appropriate age. Child marriage affects girls and boys and deprives children from their childhood. The law restricting the practice of child marriage in India was enacted before independence. The incident of child marriage still exists in the modern era. This attempt is to find the causes and consequences, Laws, suggestions to the child marriage to eliminate the injustice of children.

Keywords: Child, Child rights, Child marriage, Law provisions, Assam.

Introduction –

The issue of child marriage is one of the emerging concerns among the developing countries. There are many factors which contribute to the high prevalence of child marriage in India. Economic and social backwardness, social practices and traditions, religions is one of the main reasons for occurrence of child marriage in the country. Child marriage has both sociological and psychological effects on boys and girls. But the effect on girls is far larger and more intense because when a girl lives with a man and takes on the role of caregiver for him. Child marriage is still a major social challenge in the country – a complex, varied, multi-dimensional problem linked with patriarchy, traditional and religious practices. Child marriage constitutes a gross violation of human rights leaving physical and emotional scars for life. The role of women of bearing children and doing household chores at the cost of her freedom, education and health, but also limits their prospects of being a successful human being. It compromises her individuality and preference for marriage and having a family, procreation, avocation role in the family, community and society. Girls who marry as children are often more susceptible to health risks associated with early childbearing, including HIV, obstetric fistula, maternal as well as infant mortality. Low status and power these girls are often subjected to domestic violence, sexual abuse, social isolation, deprived education or meaningful work, which contributes to poverty. Child marriage hampers the state's growth.

Literature Reviews –

Child marriage i.e. marriage of girls below the age of eighteen (18) and boys below the age of twenty one (21) in India. Child marriage is one of the most serious crimes committed against children. It is prevalent in most of the state/ union territories despite a law (prohibition of child marriage Act, 2006) to root it out. Child marriage ends childhood and puts children at high risk of violence, exploitation and abuse. It also adversely impacts their rights to education health and protection. The definition of child according to different law – the child marriage restrain act, 1929 – “Child means a person who if a male has not completed twenty one years of age and if a female has not completed eighteen years of years”. The special marriage act 1954 “a child means a person who, if a male has completed the age of twenty one years and the female the age of eighteen years”, the Hindu marriage act 1955, “the bridegroom has completed the age of twenty one years and the bride the age of eighteen years of the time of marriage”. Muslim Law “one of the important elements of Muslim marriage is puberty. Puberty is a biological phenomenon”. The Indian Christian marriage act 1872, “The age of the man indenting to be married shall not be under twenty one years and the age of women intending to be married shall not under eighteen years”. Prohibition of child marriage act, 2006, “Child means a person who if a male has not completed twenty one years of age and if a female has not completed eighteen years of age”. Thus the legal age of marriage among girls is (18) eighteen and (21) twenty one years for boys. But here we can see the gender disparity in deciding the median age for marriage. In a male dominating society like India the median marriageable age is 21 years for men and 18 years for female. The marriage also age deprived from age of old tradition of where women are married off to men who are five years elder to her. There is wide range of debate on the marriageable age. Government has made 18 years age of attiring majority and given voting rights but we cannot see equality in the marriage age of girls. There is also debate bellowing Muslim community. According to the Muslim laws, the marriageable age of girls child depends on her puberty. But in judgment of Gujarat high court in Sept. 2015 the Gujarat high court has ruled that in case of minor Muslim girls, the prohibition of child marriage act, 2006 will prevail over the provisions of Muslim personal laws. The court while quashing an FIR of rape and abduction of a minor girl by the petitioner who married her ordered the police to probe the case under the provision of child marriage act the single bench of justice J.B. Pardiwala held the child marriage act was a special act and it will override the provision of Muslim personal laws Hindu Marriage act or any personal law.

Research Design, Research Intention and Source of Data –

Children are the supreme asset of a nation. They are the greatest gift of humanity find out the rights, freedom, justice, develop as well as given full potentiality to growth their personality to known the real causes of child marriage in Assam, impact of marriage women in society. Understand prevalence of child marriage in Assam. Creation of a justainable community based resource to advocate eradicating child marriage, strengthen social accountability, effectively avail to promote protection and education of their children. Hence its need to study. The research design and methodology is used analytical and descriptive. The data is collected and based on secondary sources like article, journals, books, newspaper, internet, website etc.

Finding and Discussion –

Census 2001 data shows that among all the district of Assam the percentage of married person in the age group of 15 to 19 is more than the age group of 0 to 19 years. It may be due to fact that in 15 to 19 age group of children and especially girl child leave the school because of attaining puberty and getting married. The data also shows that the Dhuburi district has the highest percentage of child marriage followed by Goalpara, Bongaigaon and Barpeta District in lower Assam, Tinsukia in upper Assam, Morigaon and Kamrup in central Assam. The percentage of child marriage is lowest in North Cachar followed by Cachar, Hailakandi, Karimganj District in South Assam. The data also show that Bongaigaon District has second largest married person at the age group of 0 to 19 next only Dhuburi. It also revealed that Nagaon district has the highest number of married person in the age group 10 to 19 years. While in the age group below 18 years highest number of marriage was in Dhuburi District.

The causes of child marriage in Assam is to be guided by variety of socio-cultural, religious and economic factors. There are several reason of child marriage among them poverty and gender inequality seems to be most dominant reason in Assam. Specific reason of child marriage include lack of education, job opportunity, force of custom and traditions. Poor family marry their daughter at an early age because of unable to provide basic needs i.e. food, cloth shelter as well as education. The factor of dowry increase in day by day which should be burden to poor family. Gender inequality to provide education has also responsible, lack of access nearby school and safety and security concerns of daughter and women in general, therefore parents like to marry their daughter at an early age due to protecting their girl sexuality. Most often due to traditional and religious beliefs, girls are married off at an early age to prevent her becoming sexually active before marriage. Lower level of education and illiteracy give birth to child marriage. Uneducated people do not give importance to the education poverty increase risk for child marriage. Child marriage is concentrated in the poorest families. A girl from the poorest household is more than to marry before the age of 18 years. Many family says girls are economic burden that can be relieved through marriage. In the tea-garden area of Assam the women are the earner of their families. For that they give importance to work as labour and the girls also given preference to work and followed their customers and traditions they marry in an early age. The joint family culture or the big family size, the poor and uneducated people has face the population explosion, give birth many children without planning, not knowledge about contraceptive, they think child are god gifted not be aborted. Basically illiterate, unaware about age of marriage and punishment, given by law due to child marriage of Assam. The teenage pregnancy, sexual violation, child trafficking, missing children causes increase day by day. The legal contest to the issue of child marriage is found in India are the Child marriage Restrain Act, 1929, Prohibition of child marriage act 2006, the constitution of India protection of life (article 21), Protection of personal liberty (article 21) Prohibition of traffic human beings and forced labour (article 23), equality before law (article 14) and prohibition of discrimination on grounds of Sex (article 15) right to education (article 21 a), Directive principle of state policy (article 39), human rights law, conventional rights of the child, CEDAW, The Assam State laws to prevent child marriage etc. the consequence of child marriage is not only human rights violation but also barrier to development early child birth problems suffer serious health

condition, increase mortality rate suffer malnourishment lack of education, poor economic status, limited mobility, household responsibility, as well as social restriction etc. For the fact of child marriage promoting legal standards and jurisprudence, take accountability few recommendation are increase of awareness about the child marriage in the state centre for reproductive rights suggestion to initiate campaigns in high risk communities like tea garden area of Assam and other tribal area to raise awareness among parents and young girls about the legal status of child marriage and the continuum of harms resulting from the practices regular monitoring school drop out by teacher, providing financial assistance to child marriage victims as compensation relief. Implementation compulsory registration of all marriage, centre for reproductive rights suggested to conduct nationwide public awareness campaigns about the registration of all marriage. Acknowledgement of child marriage as severe form of discrimination and violence against children and advocate with government in the regions to strengthen legal protection for girls in line with establishment international standards, necessary legal action on the complaints filed by girls who are risk at child marriage or have been married underage, provide girls with access to sexuality education program to ensure that they have accurate information about the health risks of child marriage and early pregnancy, official recognition of child marriage as a form of violence against women and children and ensure that women and girls who seek to leave child marriage can benefit from existing policies and programs. Providing remedies for survivors of violence including housing in shelter home, fee legal support and counseling. As well as the government of Assam must educate the public about the negative effect of child marriage.

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