



**FACULTY OF SOCIAL SCIENCES AND HUMANITIES**

**CHILD MARRIAGE IN INDIA: A STUDY ON THE FACTORS THAT  
LEAD TO CHILD MARRIAGE AND THE IMPACTS TOWARD THE  
VIOLATION OF 'CONVENTION ON THE RIGHTS OF THE CHILD'**

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**70680**

**Bachelor of Social Science and Humanities with Honors**

**(International studies)**

**2022**

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This project is submitted in partial fulfillment of the requirements for the degree of Bachelor  
of Social Sciences with Honors  
(International Studies)

FACULTY OF SOCIAL SCIENCE AND HUMANITIES

UNIVERSITI MALAYSIA SARAWAK

2022

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## **ACKNOWLEDGEMENT**

I would like to thank my previous supervisor, Dr Abdallah Mpawenimana for guiding me through the beginning journey of this research and assisting the process in conducting this study in assent with the precise academic ethics. It is unfortunate that we missed the opportunities of completing our research with Dr Abdallah due to his working conditions. Nevertheless, I believe things that were taken away will be replaced by something better. Thus, I would like to express my gratitude toward Madam Shafina Tantiana Binti Zulkipli for her willingness to supervise and support the last journey of completing my Final Year Project. Most importantly, thank you to Madam Shafina who provided insight and her expertise in supervising my Final Year Project until the end. I am beyond grateful for the moral support that was coming from my family and friends as well as lecturers in the Faculty of Social Science. Much obliged to the past researchers that contributed in the same field of my research and their provided data to complete this study.

## ABSTRACT

Child marriage has been the most concerning global issue and viewed as a practice that violated the human rights, specifically the rights of the child. This social issue has existed as a social evil within the community for centuries. This traditional practice has been deeply-rooted in India and fueled by gender inequality, poverty, social norms, culture and insecurity. The condition of this practice have become worse when the world was struck Covid-19 pandemic in 2020, causing all the efforts that were put into action to end child marriage collapsed and destroyed within the split-seconds. Even before Covid-19 pandemic occurs, most experts estimated that the continuation of child marriage will take place for many more decades and the declaration of the pandemic has cause the number of this practice vastly increase. The purpose of this study is to identify factors that lead to child marriage and also the impacts of this practice towards the violation of 'Convention on the Rights of the Child'. Other than exploring the plain-sight factors such as poverty and gender inequality in India, Covid-19 pandemic emerge as one of the main factor that lead to child marriage. A sense of social insecurity is also one of the factors that lead to child marriage as children in India tend to expose with violence, assaults and human trafficking. It will also discuss children's rights to education, their rights to receive protection from physical and mental violence as well as the rights to leisure and engage in activities appropriate to their age.

Keywords: child marriage, factors, impacts, convention on the rights of child marriage, education

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**CHAPTER 1:**  
**INTRODUCTION**

## 1.0 INTRODUCTION

Child marriage also known as underage marriage can be defined as a customary union that involves either one party is a child or both parties are children under the age of 18 years old (Girls Not Bride, 2020). The United Nations (UN) and other international agencies including United Nations International Children's Emergency Fund (UNICEF) have declared that child marriage violates human rights and children rights. Girls are particularly impacted by child marriage because it frequently result from pervasive gender inequality. This social problem might affect the child bride from various aspects such as their health, safety and their education that will provide opportunities for them in the future. (Educating Girls, Ending Child Marriage, 2017). According to UNICEF, the data taken from a study which involved 82 countries exposed that child marriage among boys is also prevalent across range of countries worldwide (2019). Children are supposed to experience their childhood among peers and not be forced into marriage at a very early age. This practice affects both boys and girls, yet this tradition continues to steal millions of girls under the age of 18 of their youth all over the world even though it is illegal under international law. One of the executive directors of UNICEF, Henrietta Fore stated that marriage “steals childhood” and children are forced to carry out adult obligations for which they may not be prepared (2019). Early marriage resulted in premature fatherhood, which adds pressure to provide for families while girls have to go through early motherhood and bear responsibilities as a wife. These girls’ opportunities to continue their study and work are being taken away from them as their situation forces them into adult roles such as raising a family and looking after her husband instead of studying and enjoying their childhood (Skarma, 2018). In 1989, children were defined as persons under the age of 18 years old during the Convention on the Rights of the Child. Many states under the United Nations (UN) decided to adopt this convention of human rights in their countries and amended their law to change the legal age of marriage to 18 years old for

both girls and boys. However, there are few countries that set different ages for legal marriage below the age of a defined child and allow them to marry before the age of 18.

Most of the child marriage practices happened due to various factors such as economic issues faced by the girls' family that encourage this practice. As a result, parents often make a sudden decision to marry their daughter because of the traditional perception where girls are seen as financial burdens rather than potential wage-earners (Das, 2018). According to Human Rights Watch, worldwide data shows that girls from the poorest 20% of households are twice as likely to marry before the age of 18 as girls from the richest 20% of families (Selby & Singer, 2019). For this reason, child marriage also seen as economic opportunities by certain families. Marriage is often to be said as a way to unite families and be recognized as necessary to secure a girl's safety and future. However, marrying as a child, whether by choice or force, can result in health problems and discourage them from receiving an education (UNFPA & UNICEF, 2019). Plan International Organization (2021) stressed that child marriage as a harmful practice that denies girls their rights in making important decision about their sexual health and well-being. These girls being forced out from their education and entering a life of poor prospects, increase the risk of domestic violence, abuse within the household and ill health or worse early death.

## **1.1 BACKGROUND OF THE STUDY**

This study is mainly to explore the factors that lead to child marriage in India and evaluate the impacts towards the violation of objectives stated within the Convention on the Rights of the Child. This type of research should be further expanded to emphasize more on the way that this practice of child marriage is clearly violating the objectives in the United Nations Convention on the Rights of the Child (UNCRC). This study is relevant nowadays in

accordance with the effort coming from both governmental and non-governmental organizations or agencies that protect children's rights.

South Asia has the highest rate of child marriage, with one third of girls are married or in union before the age of 18 (30%) and 8% before the age of 15 (UNICEF, 2019). The Southern Asia region consists of 8 countries which are India, Bangladesh, Nepal, Bhutan, Afghanistan, Pakistan, Sri Lanka and the Maldives. Three countries in Southern Asia Region has the highest rate of child marriage in 2017 which are India, Bangladesh and Nepal (Feser, 2017). Other than putting an end to the girl's childhood, child marriage also has a harmful impact on children's rights to education, health, and safety (Wodon, 2017). These ramifications affect not just the girl, but also her family and community. India has the world's highest number of child brides. As of 2020, India had 15.6 million women aged 20 to 24 who had married or been in a relationship before the age of 18 (Varella, 2021). Bangladesh and Nigeria came in second and third, with 4.4 million and 3.7 million young women married before the age of 18.

According to Plan International Organization, India is home to more than 40% of all child marriages worldwide. In this contemporary world, women in the range of 20 to 24 years old were married before they turn 18 during their time; while over half of the 40% are married before they turn 18. The number of child marriage cases start to decrease by 7% between 1992 until 1993 and 2005 - 2006 as a result from the determination of organizations in bringing an end to this practice. The unexpected struck of COVID-19 pandemic are having an adverse effect on the number of child marriage cases. Therefore, this study will explore new factor that lead to child marriage in India as well as describing other contributing factors in this practice.

Based on UNICEF (India), the child brides are more likely subjected to domestic abuse and this shows that this practice is violating their rights, wherein children deserve protection from both physical and mental violence. These girls are exposed to violence either from their husbands or in-laws. Apart from being exposed to diseases such as HIV, these girls have a high possibility of getting pregnant while they were still a child themselves (Pandya & Bhanderi, 2015). As a result, the possibility that she may die as a result of problems during pregnancy and childbirth will increase. This situation is one of the health issues faced by child brides in their marriage.

## **1.2 PROBLEM STATEMENT**

India was chosen in this study because based on UNICEF, India has fulfilled the one-third of global total that makes it one of the countries with the highest number of child brides in the world. Based on Global Citizen Organization, India has the highest child marriage in 2017 by the number of 26,610,000. Childhood is ended by early marriage and this practice has numerous impacts that are harmful on children's rights to protection, health as well as education. Aside from affecting the girls directly, child marriage in India also has a detrimental impact on Indian economy and can create a cycle of poverty that extends across generations within the community.

Despite the laws amended in India that advocate 18 as the legal minimum age for females in marriage, there are a huge number of marriages where one third of adolescent girls in India with the age group of 15-19 year is married and every second married adolescent girl has given birth to a child (Lal, 2015). This situation raises concerns about India's legal system's effectiveness in protecting the children's' rights. The research gap that needs to be filled in this study is factors that lead to child marriage practice despite the implementation of

the law regarding child marriage in India. In addition, according to The Straits Time, the Covid-19 pandemic has resulted in an increase in child weddings across India. This situation happened because most of the low income have lost their jobs and fallen further into poverty. As a result, families decided to marry off their daughters in order to reduce their financial burden in India (Dasgupta, 2020). Economic growth in India is only acknowledged as a tool for reducing poverty; it is unable to address all of the poverty issues within the nation. In addition, there were many child marriage attempts has been observed in several regions, with many more cases thought to have gone unreported. This practice clearly affects the girls severely compared to men based on other research done within this study area. The practice of child marriage is clearly violating the objectives mentioned within the United Nations Convention on the Rights of the Child (UNCRC) and taking away the children rights, especially the child brides that have higher number of involvement in early marriage.

It is important for society to acknowledge the factors that lead to child marriage in India. This study will affect the child brides, families and community in India along with the authorities. This study will contribute to raising awareness in society that child marriage is morally wrong and taking away the children rights. The aim of this study is to identify the factors that caused child marriage happened in India and explore the impacts of child marriage violating the objectives of Convention on the Rights of the Child.

### **1.3 RESEARCH QUESTION**

1. What are the factors that lead to the practice of child marriage in India?
2. What are the impacts of child marriage toward the violation of ‘Convention on the Rights of the Child’?

## **1.4 RESEARCH OBJECTIVES**

1. To identify the factors that lead to child marriage practice in India.
2. To explore the impacts of child marriage toward the violation of ‘Convention on the Rights of the Child’.

## **1.5 SIGNIFICANCE OF STUDY**

Based on University of Southern California, significance of study explains how your research will contribute to a larger body of knowledge or a set of broad educational issues after it is completed. The focus of this study is to determine the factors that lead to child marriage in India and to explore the impacts of child marriage in violating the objectives within one of the treaties under United Nations, which is the Convention on the Rights of the Child. This practice violates the child rights in various terms that might influence their development and future. Furthermore, the impact of child marriage on child brides in term of their health has become a major public health concern for adolescent girls and their communities (Mourtada et al., 2017). Safety issue and education is also part of the impacts caused by child marriage towards the child brides. This study will be contributing to explore the factors that cause child marriage to occur in India and discover the objectives that have been violated by this practice as mentioned in the United Nations Convention on the Rights of the Child (UNCRC).

This study will be discovering both longing and new factors as well as some other components that contribute to the continuation of child marriage practice in India. As we all know, the world has been struck by COVID-19 pandemic at the beginning of 2020 and this circumstances has cause the number of child marriage to escalate especially in India. This

particular situation has affected other sectors, creating new norms in society and bringing changes to national politics, economic as well as social. This research will help the society to acknowledge more on the violation done by this practice toward the children's rights. Both society and children will benefit from this study as it explains that the decision of early marriage has more consequences rather than positive outcomes towards the child brides and grooms itself.

## **1.6 SUMMARY**

In conclusion, this research will be able to identify the factors that lead to the continuous of child marriage practice in India. The laws prohibiting child marriage implemented by India's government should be strongly enforced in order to put an end to this issue and protect the children rights. Responsible organizations that protect women and children's rights also should play their roles and work together with the authorities in solving these matters. This research also aims to explore the impacts of child marriage towards the violation of objectives stated within the United Nations Convention on the Rights of the Child (UNCRC) to create a broad-minded society regarding the drawback of this problem to children and community. This study is expected to be able in raising awareness to the society regarding child marriage issue thus the children will have opportunities to create their own future and enhance their abilities and talents.



**CHAPTER 2:**

**LITERATURE REVIEW**

## **2.0 INTRODUCTION**

According to the University of Edinburgh (2021), literature review is a piece of academic writing that demonstrates knowledge and mastery of academic literature on a certain topic. A literature review differs from a literature report in that it includes a critical evaluation of the content. All these articles within the area of study for the chosen topic consist of different opinions and assessments based on their research. This section will include a comprehensive summary on previous research or literature on child marriage or any particular areas that is relevant to the research.

In this literature review, there will be six themes which are child marriage is a global issue poverty in India,, the difference between forced and arranged marriage, Convention on the Rights of the Child, gender inequality in India and law enforcement regarding child marriage worldwide. Some of the law and regulations that were amended regarding to child marriage in other nations will also be mentioned in this literature review. Most of the information in this literature review consist of different authors' opinion on this topic from various sources such as journal articles, newspaper, organization or government website as well as the argument on child marriage issue and all the evidence that this practice still happened nowadays.

## **2.1 CHILD MARRIAGE IS A GLOBAL ISSUE**

Child marriage is a societal issue that occurred around the world where adolescents are married while they are under the age of 18. Child marriage basically puts an end to a girl's childhood. Early marriage takes away the girls' opportunities to have a proper education and gives them the chance to shape their own future. Classroom learning shifted with adult

obligations, including forced and unplanned pregnancy at a very early age where they were physically immature (Selby & Singer, 2019). This practice not only violates the girl's rights, but also puts her life, her children's lives, and the future of her community in jeopardy. Child marriage is a global issue that is intensified by poverty (Child Marriage: The Devastating End of Childhood, 2021). Child marriage is a global issue that affects people of many cultures, faiths, and nationalities. Child brides can be found in any part of the globe. Poverty, particularly in rural regions, as well as poor regulations and enforcement, the belief that marriage will give "protection," traditions or religious rules, and uneven gender standards, are all major factors that put a girl at danger of marriage. According to Gigon (2011), poor families in poverty-stricken regions regard child marriage as a method to enhance their situation. For instance, a dowry will assist to support the family and protect their child from financial difficulties. Such marriages serve a significant role in the preservation of culture and the strengthening of relationships between influential families in emerging nations.

United Nations Population Fund (UNFPA) stated that child marriage practice is one of violation to human rights, specifically children rights (UNFPA, 2020). Despite legislation prohibiting it, the practice persists especially in the least developed countries where the number is more than doubled, with 40% of females marrying before the age of 18, and 12% marrying before the age of 15. In addition, one out of every five girls in the world is married before the age of 18. Child marriage reduce the girls' potential opportunities in the future as well as putting their health and lives in uncertainty. According to UNICEF, a girl's development is frequently affected and putting them at greater risk by allowing child marriage (2022). This practice can lead to loads of consequences that might affect the girl in terms of her physical health as well as mental well-being, which is early pregnancies and exposure to the danger of domestic violence. The child's education might be disrupted, indirectly reducing her possibilities for professional and vocational progression that will

influence their social skills. Even though the impact of child marriage on child grooms has not been thoroughly examined, it can be seen that early marriage is forcing boys to perform the roles of an adult as well as putting financial pressure on them to support their families.

Numerous international conventions and accords address the problem of child marriage within the essence of these treaties. For instance, the Convention on the Elimination of All Forms of Discrimination Against women covered the right to protection from child marriage in Article 16, which stated that “marriage or union of a child should not have legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage”. This article is to protect girls and women from any type of discrimination including being forced into early marriage. This issue is also supported by another convention which is the Universal Declaration of Human Rights, wherein this declaration recognizes the right to “free and full” consent to marriage. It stated that consent in marriage is incapable of being declared as “free and full” if one of the parties is not sufficiently mature and reaches legal age to make an informed choice regarding a life partner. Child marriage also can be linked to other form of rights such as the right to protection from all forms of abuse and the rights to freedom of expression, wherein children deserve to express themselves and their decision regarding early marriage that clearly taking away their childhood.

## **2.2 POVERTY IN INDIA**

According to the Statista Research Department (2021), **poverty** is described as a lack of adequate money or material assets to meet a person's fundamental requirements, such as food, clothes, and shelter. Despite India's increasing economy, poverty remains one of the country's most serious social and economic problems. Poverty is quantified in India using the Tendulkar approach, which was developed by the Planning Commission. This focuses on

calculating poverty in terms of consumption or expenditure over a set period of time. Furthermore, each Indian state has its own poverty level, which defines the number of people living in poverty. One of the world's largest charities known as SOS Children's Village stated in their website that India has a two-thirds poverty rate, with 68.8% of the population barely surviving on less than \$2 daily. These people are regarded as being extremely poor if they earn less than \$1.25 daily, which is approximately 30% of the population in India. As a result, the Indian subcontinent is among the world's poorest regions, with women and children, who are Indian society's most vulnerable groups have to suffer the most in this situation.

When a household is underprivileged, many ladies and female children are denied access to common resources even today in rural areas. Female family members, particularly female youngsters, suffer as a result of the family's poverty. Female children are generally put in jeopardy when the family has an underprivileged background. Every opportunity is used to escape the burden of a female child (A girl's right to say no to marriage: Working to end child marriage and keep girls in school, 2013). As a result, poverty is one of the reasons why families naturally resort to child marriages in order to avoid all of the responsibilities that come with having a female kid (Mahajan, 2020). Even though it was outlawed in 2006, child marriages are still common in many parts of India due to the poor socioeconomic status faced by many households. Some parents are putting their daughter into early marriage in order to give them a better life because of the poverty in the family, expecting and hoping that their child's basic needs will be secured as well as provided by the spouse. However, child brides often become mothers at a young age even though their physical condition is not well-developed to bear another human being, which can be fatal during childbirth.

Based on an article entitled 'India has highest number of people living below poverty line: World Bank' (2016), India has more than 800 million individuals that are categorized as

impoverished because they lived on less than \$1.90 daily in 2013. Most people, especially rural residents, are making their ends meet by working odd jobs in a day while some are moving to the metropolitan areas due to the lack of employment opportunities in the countryside. Children in this nation are unable to attend school because of poverty and have higher risk of getting exposed to diseases such as dysentery, cholera and typhus that can lead to death. Families and individuals are also affected by the poverty situation in India through various ways such as high infant mortality, malnutrition, child labor, HIV or AIDS and the practice of child marriage itself.

### **2.3 ARRANGED MARRIAGE AND FORCED MARRIAGE**

Arranged marriage can be defined as a marriage that has been planned by families, specifically the parents. It is a decision made by someone other than the future couple themselves, usually a broker or spouses' parents (Zapf-Helbling, 2005). This brokerage might take place at the desire of either or both prospective spouses, or at the request of the family, or at the request of the parents. It is usual in several cultures and countries for the parents to plan the wedding. However, it is up to each of the future spouses to decide whether or not to accept the arrangement. The issue is determining how far they are able to choose and make well-informed decisions (Zapf-Helbling, 2005). Upbringing or adherence to habit may easily be so dominant in the family context that choice is induced by it.

Meanwhile, according to the United Nation Office of The High Commissioner (OHCHR) (2021), forced marriage is one in which one or both partners have not given their full and unrestricted permission to the union. When one or both parties have not provided their complete, free, and informed permission, a child marriage is regarded to be a sort of forced marriage (Zapf-Helbling, 2005). This situation usually occurs when family members

or other individuals use threats and deceit to coerce someone into marrying without their permission. Force marriage that involve individuals under the age of 18 will constitute a form of child abuse as the underage bride or groom are being force to marry without their consent. In addition, forced marriage is distinguished primarily by the absence of consent, because marriage requires the partners to provide free and informed consent, which is not obtained under pressure. When either prospective spouse's consent is absent or tainted by external forces, there is no longer any question of free and informed decision. In comparison to arranged marriage, an element of restraint enters into the decision to marry, and so it is appropriate to speak of forced marriage once there is an element of constraint. In other terms, one or both prospective spouses are unable to opt out because the family resorts to coercive techniques such as various forms of pressure, emotional blackmail, physical stress, assault, abduction, incarceration, and confiscation of official documents. In practice, the future spouses do not have the option of choosing whether or not to marry.

Child marriage is considered as forced marriage because a child, who is 18 years old and below is incapable of giving consent freely to marriage. The physicality of a child has not fully developed to force into marriage at a very early age and their mentality is still developing and they deserve to enjoy as well as experience the childhood just like other children. Sexual intercourse are not supposed to happen for a child below the age of 18 years old. The Supreme Court of India upheld that a girl child under the age of 18 cannot be viewed as a property with no control over her body or as someone who has no right to refuse sexual intercourse with her husband (Rajagopal, 2017). The Bench of Justices consisting of Madan B. Lokur and Deepak Gupta added that "Whether a girl child is married or not, her human rights are very much alive and kicking and require respect and acceptance," in their observation.

## **2.4 CONVENTION ON THE RIGHTS OF THE CHILD**

According to UNICEF, The United Nations Convention on the Rights of the Child, also known as UNCRC, is an international agreement on childhood rights; was adopted in 1989 as a sign of the world's leaders' historic commitment to the world's children. UNICEF's works and efforts are based on the United Nations Convention on the Rights of the Child (UNCRC) because this convention is the most comprehensive declaration of children's rights that have been created. The only-child focused organization that has been recognized by the Convention is UNICEF. This convention has changed children's lives all around the world and has become the international human rights pact that has been approved by the greatest number of countries which are also member states of the United Nations (UN). However, not every child is able to experience a typical childhood because some of their childhoods are interrupted and forced due to certain factors such as malnutrition, teen-pregnancy and early marriage, exposure to violence as well as entering the workforce prematurely which is also known as child labor.

Based on UNICEF (United Kingdom) website, there are a total of 54 articles in the Convention on the Rights of the Child that outline a few aspects such as political, economic, social, civil and cultural rights that are entitled to all children around the world. The convention also highlights and describes the way that governments as well as adults must cooperate to ensure that all children may exercise their rights within the nation. Regardless of their religion, gender, race, skills, language or any other status will not be able to be used against the fact that every child has rights. The Convention must be viewed as a whole because all of the rights are interconnected and have equal value. Equal significance is given to the rights to recreation and play in Article 31, freedom of expression stated in Article 31 that allows children to express their thoughts, feelings as well as opinions, and protection from violence as mentioned in Article 19, along with the right to education which has been