
CHILD MARRIAGES DURING THE PANDEMIC IN INDIA

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ABSTRACT

Covid 19 pandemic was great havoc that disrupted the lives of all the people in the world. It had indirect consequences that affected the personal and social life of the people. In India, women and children were the worst affected. The poverty in India during the pandemic has led to an increase in child marriages. This paper tries to address the reasons for the increase in the number of child marriages in India during the pandemic.

INTRODUCTION

Covid 19 pandemic had direct and indirect consequences that were seen worldwide. Direct consequences are the increase in hospitalization and death of the people. Mostly, aged people were the victims of the direct consequences. Indirect consequences were the things that affected the young people primarily. There was a surge in the unemployment rates and poverty.

Moreover, women and children were the worst affected during the pandemic. There was an increase in the rate of domestic violence and child marriages. According to the Union Ministry of Women and Child Development, during the lockdown period there had been an increase of more than 33% in the number of child marriages as compared to 2019. The month of August alone witnessed an increase of more than 88%. According to the news minute report, telengana recorded around 204 child marriages during the covid 19 lockdown. This paper discusses reasons that led to the rise in the ratio of child marriages in India during the pandemic.

REASONS FOR THE INCREASE IN CHILD MARRIAGES IN INDIA DURING THE PANDEMIC

(i) POVERTY

Covid 19 lockdown has led to the loss of the livelihoods of many poor people. Mostly, low-income families in our country always depend upon children to run the day to day lives, so they end up sending children to work.

When it comes to a girl child, these families mostly opt-in for child marriage since they don't have enough resources to maintain the girl child. They treat the boy child as a source of income while they think of the girl child as a burden to the family. In both scenarios, the children are the worst affected.¹

(ii) CLOSURE OF SCHOOLS

1. During the lockdown, there was a strict closure of schools. Girls from low-income families were confined to home, not having sufficient resources to attend online classes. According to the UDISE report, nine states / UTs record over 25% dropout rate at secondary level. Low-income families prefer to get their girl child to marry rather than have her at home. According to the Ministry of Education, 35 lakh students have

¹ Dutta, Anup. 2020. "Pandemic, poverty spur child marriage in MP" The Hindu. 13 December 2020.

dropped out of school, including those who dropped out during the pandemic. According to UNICEF, school closures, economic stress, service disruptions Dutta, Anup. 2020. "Pandemic, poverty spur child marriage in MP" The Hindu. 13 December 2020.

Pregnancy and parental deaths due to the pandemic put the most vulnerable girls at increased risk of child marriage. As per the report from "The Times of India" on 30 April 2021 closure of schools during the pandemic led to rise in child marriages in Tamil Nadu's Nilgiris district.

(iii) PATERNAL DEATH

While little evidence is available, parental mortality from Covid-19 may hasten school dropout and early marriage among girls whose extended families are either impoverished or reluctant to care for them. Anecdotal evidence suggests that orphaned girls are being married off early in the second wave.²

(iv) SUSPENSION OF CHILD MARRIAGE RELATED BEHAVIOUR CHANGE PROGRAMMES

According to UNFPA estimates, the suspension in child marriage programmes mandated by Covid-19 is expected to substantially influence the increasing rate of child marriages (UNFPA, 2020). Because of the shift in frontline worker responsibilities to Covid-19-related care, the restricted connection between girls and teachers, and isolation from potentially helpful peers, victims seeking assistance to postpone or stop their weddings have been rejected. During the lockdown, adolescent-serving organisations may have restricted their reach.

(v) COST-EFFECTIVE MARRIAGES

When it comes to child marriage, fewer dowries are demanded for younger girls, and dowry of any amount may be welcome for boys. In a single ceremony, marriage expenses can be reduced by marrying off all the family's daughters together, irrespective of their age. The restrictions placed during the pandemic on the number of guests that may be invited to wedding functions makes child marriage all the more attractive as a cost-saving measure.

² Jejeebhoy, S., 2021, July. Child Marriages During the Pandemic. In The India Forum (Vol. 2)

(vi) **FAILURE OF THE IMPLEMENTATION OF PROHIBITION OF CHILD MARRIAGE LAWS**

Despite criminalising child marriage with the help of the Prohibition of Child Marriage (PCM) Act of 2006, the practice of child marriage has not been eradicated. The personal laws of our country have further complicated the procedure when it comes to child marriage. For example, under the Hindu Marriage Act, “repudiation of marriage” is a valid ground of divorce if the girl was below 15 when she was married. Recognising it as a ground for divorce gives it a status of marriage in the first place.

The Muslim Personal Law says that a girl can get married once she attains puberty. Mostly, girls reach puberty when they are below 18 years old. In *Shafin Jahan vs Ashokan KM*³, the supreme court held that a consensual marriage between individuals who professed Islam and had attained puberty was legal. This seems to be an issue where the laws indirectly support child marriage.

The legal legitimacy of such marriages is the central issue here. The PCM Act makes it illegal to marry a minor and, at the same time, makes it voidable. On reaching the majority, the child groom or child bride has the option to approach the court and get their marriage annulled. But given the scenario, most girls may end up having babies before they became major. What possibilities does a child bride have in India, given the societal conditioning of girls from a young age and a lack of financial independence?

CONCLUSION

Child marriages affect not only the career of the victims but also their physical and mental health. There should be compulsory online awareness programs conducted by government at times of pandemic. Government has to ensure that children continue their education amidst the closure of schools. The need to back up political vows with financial commitments is the most important. Budgets must be set out particularly for child marriage prevention programmes by the government. By attempting to enlist the help of UN agencies and other international organisations to assist child marriage programmes, the state cannot abandon its role. To cope with the problem, it needs its own set of programmes and plans. Frontline workers should personally enquire the students who dropout of their schools and guide them by counselling

³ AIR 2018 SC 357

sessions. The trend toward using child marriage as a coping mechanism for pandemic-related increases in household poverty must be reversed. Such reactions might be tempered by social protection and poverty reduction efforts. To reduce the number of child marriage in our country, women's socially valued roles must broaden beyond that of wife and mother. The expansion of options for women makes it more worthwhile for parents to invest in a girl's education. Plan Bangladesh hires young women from the community to teach in their child development centres and Plan-supported schools, providing new opportunities for women to grow and accomplish their goals. This is one of Plan's successful tactics for delaying child marriage and preventing early marriage of girls in Bangladesh, India, and Nepal.⁴ Though there are stringent laws to prohibit child marriages, the implementation of the laws are failure. The main reason for this is that children are not usually in a position to approach the CMPO, which is their initial point of contact. Many children endure opposition and physical restraint from their own families, as well as threats of retaliation from their husbands and in-laws if they disclose the crime. This is a critical problem that must be addressed. Gram panchayats should be given sufficient authority to remain attentive and identify minors and young women at risk of marriage. They should provide a secure area for these young ladies to express themselves. The PCMA Act establishes tougher punitive sanctions and accountability checks for authorities, which must be used to eradicate this societal scourge. To ensure that children are safeguarded and kept secure, legislators and law enforcement officers must address this critical problem.

⁴ Save the Children (Bal Raksha Bharat), *Child Marriage: Robbing Children of Innocence, Good Practices in Preventing Child Marriage, Bihar*, pp 10-11 and 18, 2010

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