

**“Women’s Exploitation in Contemporary South Asia: Field Experiences of
Child Marriage in Bathinda District”**

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By

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CERTIFICATE

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ABSTRACT

Women's Exploitation in Contemporary South Asia: Field Experiences of Child Marriage in Bathinda district

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Abstract

Women are exploited at every step of her life. Child Marriage and marital violence happens to be the first phase and is one of the ways in which women are exploited. The present research is an attempt to bring to the surface various underlying causes and effects of Child marriage in their life. It is also a humble attempt to recommend some measures to stop child marriages and sexual abuse of the child bride/ marital rape cases. For this purpose, case studies from Bathinda District of Punjab have been selected for the field study. The study tries to evaluate the extent to which women have utilised the legislative measures against these two activities, experiences of the victims and the socio-economic causes behind the problem. Thus, this study is of immense importance for women empowerment as it attempts to create awareness among the people on the issue.

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LIST OF ABBREVIATIONS

Sr. No	Abbreviations	Full Form
1.	AIDS	Acquired Immune Deficiency Syndrome
2.	CCPA	Child Care and Protection Act
3.	CEDAW	Convention to Eliminate all Forms of Discrimination against Women
4.	CRC	Convention on the Rights of the Child
5.	CSO	Central Statistical Organisation
6.	DHS	Demographic and Health Survey
7.	DLHS	District Level Household and Facility Survey
8.	DPT	Doctor of Physical Therapy
9.	GBV	Gender Based Violence
10.	HIV	Human Immunodeficiency Syndrome
11.	ICRW	International Centre for Research on Women
12.	IPC	Indian Penal Code
13.	IPV	Intimate Partner Violence
14.	MCH	Maternal and Child Health
15.	MMR	Maternal Mortality Rate
16.	NCRB	National Crime Record Bureau
17.	NFHS	National Family Health Survey
18.	NGO	Non-Governmental Organization
19.	OBC	Other Backward Class

20.	PCMA	Prohibition of Child Marriage Act
21.	PG	Post Graduation
22.	SC	Schedule Caste
23.	ST	Schedule Tribe
24.	STD	Sexually Transmitted Disease
25.	STI	Sexually Transmitted Infections
26.	UNDP	United Nation Development Programme
27.	UNESCO	United Nations Educational, Scientific and Cultural Organization
28.	UNFPA	United Nation Population Fund
29.	UNICEF	United Nations International Emergency Children's Fund
30.	USAID	United States Agency for International Development
31.	WCD	Department of Women and Child Development
32.	WHO	World Health Organisation

CHAPTER- 1

INTRODUCTION

Women are the wealth of India and they have contributed in almost every field and made country feel proud at every occasion. They are in front, leading the country, making mile stones and source of inspiration for many. However, another reality of Indian society is that there is systematic discrimination and neglect of women in India that starts at the stage of pregnancy, and continues till life-long in various phases and manners, inadequate nutrition, denial or limited access to education, health and property rights, child labour and domestic violence etc. are some of the ways where girl child and later a woman is being discriminated against (Chibber et al., 2012). As per their social position is concerned, women have been the subject of great many changes over the past few millennia. The position of women in modern India is a sort of a paradox. On one hand she is at the peak of ladder of success while on the other hand she is mutely suffering the violence afflicted on her by her own family members, be it physical or mental. As compared to women in the past, women in modern times have achieved a lot but in reality they have to still travel a long way. The first basic indicator of the status of women itself speak of their miserable situation. The sex ratio of India shows that the Indian society is still biased against female. According to the census of 2001, the sex ratio in India is 927 females to 1,000 males, as compared to 917 females per thousand males in India according to the census of 2011, which is much below the world average of 990 females also. Women comprise almost 50% of the world population, perform nearly two-thirds of its work hours, receive one-tenth of the world's income and own less than one-hundredth of the world's property (Raj & Boehmer, 2013).

According to National Crime Record Bureau (NCRB)¹ statistics (2010), there was a 4.8% increase in crime against women as compared to 2009. In 2010, 22172 cases of rape were recorded. 8.9% of the total victims of rape were girls under 14 years of age, while 16.1% were teenage girls (14-18 years) and 57.4% were women in the age-group 18-30 years.² These conditions show the critical aspect of women exploitation and besides this increasing rate of crimes also an indicator of

¹ The **National Crime Records Bureau**, abbreviated to **NCRB**, is an Indian government agency responsible for collecting and analysing crime data as defined by the Indian Penal Code (IPC).

² Available at: <http://ncrb.nic.in/CIIR2010/Statistics2010.pdf> accessed on 23 Aug 2013.

the women's discriminated conditions. Problem of unemployment, poverty, economic inequality, gender discrimination, lack of proper education, etc. which are part and parcel of society, prevail mostly in women. In addition, society has not been very favorable to the financial independence of women. Although gender discrimination has been banned by the constitution and women have been guaranteed political equality with men yet there are differences between constitutional rights, and rights enjoyed in reality by women (Bhuyan & Panigrahy, 2006).

Table 1.1

Forms of exploitation by women throughout their Life Span³ (Birth to Death):

Phases	Forms of Exploitation
Pre-birth	Sex-selective Abortion; Battering during Pregnancy; Coerced Pregnancy.
Infancy	Female Infanticide; Emotional and Physical Abuse; differential access to Food and Medical care.
Girlhood	Child marriage ; Genital Mutilation; Sexual Abuse by family members (Husband) and strangers; differential access to food, medical care and education.
Adolescence	Violence during courtship; economically coerced sex (e.g. for school fees); sexual abuse in the workplace; rape; sexual harassment; arranged marriage; trafficking.
Reproductive Age	Physical, psychological and sexual abuse by intimate male partner ; forced pregnancies by partner.
Elderly	Abuse of widows; including property grabbing; differential access to food and medical care.

³ Available at: <http://www.isrj.net/UploadedData/954.pdf> accessed on 25 Nov 2013.

The above table (1.1) explains the exploitation of women in various phases of her life; it shows that the exploitation of women starts from the early period of their life. As evident from the above, a female child grows up with a continuous sense of being weak and in need to protection, whether physical, social or economic. The helplessness has led to her exploitation at almost every stage of life. The family socialises its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, in the form of sex- determination tests leading to foeticide and female infanticide. After advancements in science and technology, the practice of female foeticide on a large scale also started. This eventually led to a fall in the female sex ratio. Dowry has become widespread and the birth of a girl child became unfavourable. In several parts of India, women are seen as an economic responsibility, even with the contribution of women in numerous ways to our economy and society. The home which is supposed to be the most secure place, is where women are most exposed to exploitation in the form of child marriages, marital rape, molestation, sexual harassment, forced prostitution, etc., and these issues are become common today.

The crime rate against women is increasing at a surprising rate. In India, every day 480 cases of crime against women are reported and 45 women raped. According to United Nations Children's Fund (UNICEF)⁴ and International Centre for Research on Women (ICRW), India stands in the list of 'Child Marriage Hot Spots' at number 12 with a whopping 47% of women marrying before the legal age of 18⁵. As per the National Crime Record Bureau (NCRB) data which is available for the period ending 2011 the number of cases registered under Prohibition of Child Marriage Act (PCMA) 2006 in the year 2009, 2010 and 2011 are 3, 60 and 113 respectively.⁶

⁴ UNICEF is a United Nations Program that provides long-term humanitarian and developmental assistance to children and mothers in developing countries.

⁵ Available at: <http://www.breakthrough.tv/earlymarriage/2013/08/impact-early-marriage-domestic-violence-sexuality/> accessed on 13 Nov 2003.

⁶ Available at: <http://wcd.nic.in/childwelfare/draftmarrige.pdf>

Women face common challenges around the world. However the challenges are many due to the circumstances in which they live. Some of these are owing to early marriage, low literacy rates, overwork, low social status, food allocation, limited choices in decision-making and violence against women. Age at marriage is one such factor which, directly or indirectly, affects all aspects of her life (Rajeshwari, 2012).

1.1 Child marriage

Child Marriage has been defined as a marriage before age 18; a girl child is twice vulnerable for being a child and a girl. Exploitation against them begins even before their birth and continues as they grow. Their psychological, physical and economic dependences on the family makes vulnerable to exploitation and child abuse within and outside the family. Birth, marriage and death are standard trio of key events in most people's lives. Yet many girls and a smaller number of boys enter marriage without any chance of exercising their right to choose. Some are forced into marriage at a very early age. Others are simply too young to make an informed decision about their marriage partner or about the implication of marriage itself. For both girls and boys, child marriage has profound physical, intellectual, psychological and emotional impacts, cutting of educational opportunity and chances of personal growth. In addition for girls, it will certainly mean premature pregnancy and child bearing.

Child marriage impacts girls in greater number and constitute a grave threat to their lives and future prospects. It is a human rights violation that denies a girl of her childhood, disrupts her education, limits her opportunities, increases her risk violence & abuse, and, jeopardizes her health (Loaiza, 2012). Further, it also compromises efforts to reduce gender based violence, advance education, overcome poverty and improve health indicators for girls and women. When a girl is denied her basic primary education and forced to marry young, her personal development is stunted. She is left with few – if any – negotiation skills and therefore has limited decision-making power in her new household. Child marriage also deprives a girl of the valuable and necessary skills required to enter the labour market, therefore denying her the opportunity to help lift herself – and her family – out of poverty. In short, pulling girls out of school and forcing them into

early marriage ensures that poverty will be handed down from a mother to her daughter, and family to family, for generations to come.

1.2 Child Marriage: A Global Problem

Child Marriage is found in all regions of the world, but most married girls, in both proportions and numbers, live in South Asia and Sub-Saharan Africa. In South Asia, nearly half (46%) of young women aged 20-24 were married before their 18th birthday in 2010. Approximately 130 million girls in South Asia will be married as children by 2030, if present trends continue⁷. In sub-Saharan Africa, nearly two out of five (37%) of young women aged 20-24 were married by their 18th birthday. Over a quarter (29%) of young women aged 20-24 in Latin America and the Caribbean were child brides. Approximately 45.5 million girls in this region will be married by 2030.⁸ Between 2000 and 2010, Indian state of Andhra Pradesh, Jharkhand and Rajasthan, one in five young women, who are now ages 20 to 24 said they have been married by 15th birthday, higher than the National average for India of one in seven.⁹

1.3 Child marriage in South Asia

Child marriage is a human rights crisis occurring on an alarming scale in South Asia. In South Asia, 46% of women between ages 20-24 report having been married before age 18 in 2010, this translated to 24.4 million women in the region. Estimate project that 130 million more girls in South Asia will be married as children between 2010- 2030 (Loaiza, 2012).

The prevalence of child marriage varies substantially between and within countries in South Asia. Four countries (Bangladesh, Afghanistan, India and Nepal) are considered the region's 'hot-spot' due to their high child marriage prevalence. Girls living in rural areas are hardest hit by child marriage and the problem is worst in rural Bangladesh with 70% of girls married early, followed by India with 56% (Loaiza, 2012). National Family Health Survey (NFHS) data suggests that the

⁷ Available at:

http://unfpa.org/files/live/sites/unfpa/files/youngtowed/WhatIsChildMarriageFactSheet2_1.pdf

⁸ Available at: Data, facts and figures from UNFPA (2012), *Marrying Too Young: End Child Marriage*, UNFPA, New York.

⁹ Available at: <http://www.prb.org/pdf11/ending-child-marriage.pdf> accessed on 23 Sep 2013.

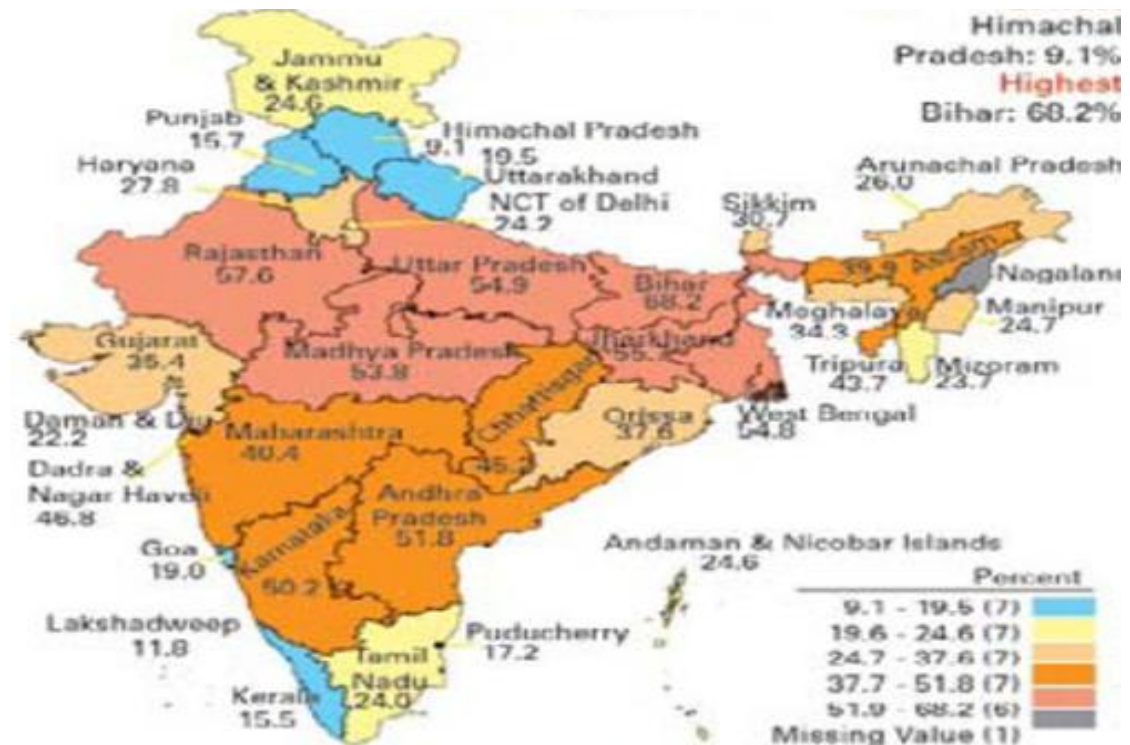
median age for marriage in India is 16.4 years. This survey also found that 65% of the girls are married by the time they are 18.

1.4 Child marriage in India

Child marriage has been prevalent in India and continues to these days. Historically, young girls would live with their parents till they reached puberty. In the past, the child widows were condemned to a life of great agony, shaving heads, living in isolation, and shunned by the society. Although child marriage was outlawed in 1860, it is still a common practice. According to UNICEF’s state of the “World’s Childern-2009” report, 47% of India’s women aged 20-24 were married before the legal age of 18, with 56% in rural areas. The report also showed that 40% of the world’s child marriages occur in India (Santhya, et al., 2010). But it is very difficult to get accurate data on the true extent of child marriages in India. This is because most marriages are not officially registered, and many parents resort to falsifying girl’s ages.

Figure 1.1

Female marriages below 18 years in states of India (DLHS) 2007-2008



Source: *UNICEF- Child Marriage in India: An Analysis of Available Data (2012)*

Above map indicates the percentage of child marriages in states of India. It shows that only 15.7 % child marriages held in Punjab that is less as compare to other state of India. “The practice of child marriage in rural as well as urban India is deeply rooted in cultural values and grounded in social structures. And despite laws that prohibit child marriage, the practice is still extremely prevalent in many regions. Though the statistics are contentious, it is estimated that in some parts of India, like the state of Rajasthan, nearly 80% of the marriages are among the girls under the age of fifteen” (Gupta & Gupta, 2013). In India overall, roughly 47.6% of girls are married by the age of eighteen (J. & Clark, 2004).

1.5 Child marriage in Punjab

Child marriages are also held in Punjab. There are various reasons behind the early marriage of girl children in Punjab. Illiteracy and backwardness of rural Punjab make the parents of girls worried about the marriage plans of their respective daughters. Some social evils like dowry, low economic resources, and lack of fertile land made the parents worried. They don't want to spend too much on girl's education rather than this they preferred to marry them earlier. So the phenomenon of child marriage is linked to poverty, illiteracy, dowry, landlessness and other such social evils.

Figure 1.2

Percentage of women currently aged 20-24 married before age 18 years, District map, 2007-08, DLHS-3



Source: UNICEF- *Child Marriage in India: An Analysis of Available Data (2012)*

The present study deals with district Bathinda (Malwa region) of Punjab. Child marriage still persists in this region. Above figure (Fig. 1.2) shows the percentage of under aged marriage in districts of Punjab according to District Level Household Survey (DLHS-3). According to police record or authorities there is not any case of child marriage registered in this region, so through this study child marriage cases have been found in Bathinda district of Punjab.

What is most urgent about child marriage in India, however, is the relationship between child marriage and marital rape (sexual exploitation). Child marriage and marital rape though not interlinked but closely associated with each other. Moreover, the definition of rape includes establishment of sexual relations with a minor even though it may involve her consent. However, the legal provisions do not have any clause on marital rape. If we examine these two aspects from a statistical angle, cruelty by husband and relatives coupled by rape constitutes a major portion of the total crimes against women.

1.6 Rape in child marriage

Marital Rape refers to unwanted intercourse by a man with his wife obtained by force, threat of force, or physical violence, or when she is unable to give consent (Bergen, 1999). Marital rape could be by the use of force only, a battering rape or a sadistic/obsessive rape. It is a non-consensual act of violent distortion by a husband against the wife where she is physically and sexually abused (Garg & Singla, 2013). Marital rape is particularly complicated because the complex, personal nature of marital relationships makes it hard for the victim to even see herself as a victim, let alone reporting the offending act to the authorities, which is why Marital Rape is one of the highly under-reported violent crimes. Even the women who do consider themselves victims are disinclined to approach the authorities because they are financially dependent upon their husbands, and reporting the matter could very well result in withdrawal of financial support leaving them and their children without food and shelter. Therefore the act of rape within marriage was not recognised as an offence as woman was considered the property of the husband, and a man could not be perceived to violate his own property (Gupta & Gupta, 2013).

In recent years the incidents of women violence have increased significantly in South Asia. There are different socio-economic, political, cultural and religious components, which have contributed to the increased vulnerability of women to male violence. The present study has made an attempt to highlight sexual abuse of child brides in the form of marital rape. As we know rape is an unlawful sexual intercourse with a female without her consent by force or threat of force. It is the most serious and frequently occurred form of violence against women. There are various forms of rape, but we mainly focus on the marital rape, because of its connectivity with early or child marriage.

Marital Rape reflects the perversity of an individual. It is not only the rape of a woman's body but a rape of her love and trust as well. Being subject to sexual violence by her own husband envelops her in a sense of insecurity and fear. Her human rights are sacrificed at the altar of marriage. Rape in marriage is extremely common form of sexual violence, particularly when we consider that women who are involved in physically abusive relationships may be especially vulnerable to rape by their partners. Studies using clinical samples of battered women reveal that between one third and one half of battered women are raped by their partners at least once (Hanson & Browne, 1989).

Marital rape is a significant but often overlooked aspect of sexual crimes against women. But in Indian society we don't recognise it as a crime because young girls are brought up with the notion of sole ownership right over his wife. Society does not recognise non-consensual sex in marriage to be a crime against the women. Mohan Kumawat Director at ANHAD Media said, "Marital Rape is a more dangerous form of sexual violence. A rape is normally a one-time occurrence, but marital rape allows the victim to be raped over and over again. And the perpetrator here is not stranger but the husband.¹⁰" Such cases go unreported as victims do not confide in either their family or friends due to the stigma that goes along with accusing your husband of raping you. Kumawat said, "The notion is that when a man comes home tired after a day's work then the wife must not refuse his

¹⁰ Available at: <http://www.thehindubusinessline.com/on-campus/its-time-we-recognise-marital-rape-for-the-crime-it-is/article4505339.ece> accessed on 27 Aug. 2013.

advances. The problem here is that women's labour at home and workplace is ignored. She becomes mere object of pleasure for the man" (Kadian, 2013). Women who are raped by their husbands are likely to be raped many times. They not only experience vaginal rape, but also oral and anal rape. Husbands often rape their wives when they are asleep, or use coercion, verbal threats, physical violence or weapon to force their wives to have sex. Marital rape is a serious problem and millions of women throughout the world suffer from such abuse.

1.7 A brief legal history of marital rape/sexual abuse of child brides

There have been plenty of legislations and enactments passed in India in regard to violence against women in her own house like the laws against dowry, cruelty, domestic violence and female infanticide. However the biggest and the most shameful wrong within a marriage, where a husband forces upon his wife thinking that it is his matrimonial right to have non-consensual sex with his wife i.e.-'marital rape' has failed to gain recognition as a crime in the eyes of policy makers.

Several studies indicate that child marriage makes young wives extremely vulnerable to physical, sexual, psychological and economic abuse (Chakravarti et al., 2013). There is some empirical evidence that child marriage is associated with increased risk of girl's experiencing domestic violence and sexual abuse. An International Centre for Research on Women (ICRW) survey in the states of Bihar and Jharkhand, India, in 2004, found that girls, who were married before 18 were twice as likely to report being beaten, slapped or threatened by their husbands than girls who married later. They were also three times as likely to report being forced to have sex without their consent in the previous six months (Hussain & Khan, 2008).

Throughout the history of most societies, it has been acceptable for men to force their wives to have sex against their will. The traditional definition of rape in most countries was "sexual intercourse with a female not his wife without her consent". This provided husband with an exemption from prosecution for raping their wives- a 'license to rape'. The foundation of this exemption can be traced back to statements made by Sir Matthew Hale, Chief Justice in 17th century England. Lord Hale wrote that "the husband cannot be guilty of rape committed by himself upon

his lawful wife, for by their mutual matrimonial consent and contract the wife hath given her up in this kind onto her husband which she cannot retract” (Gupta & Gupta, 2013). This established the notion that once married; a woman does not have the right to refuse sex with her husband. Due to the construction of sex as a women’s duty within marriage, there is always a presumption of her consent. Although Hale cited no authority for his statement it was relied on by international community’s which, enacted rape statutes with a marital exemption. This rationale remained largely unchallenged until 1970s when women’s movement throughout the world argued for the elimination of the spousal exemption clause from rape laws because it failed to provide equal protection to all women.¹¹

1.8 Marital Rape and Laws in India

The Indian legal system does not recognise rape within marriage. Section 375 of the IPC mentions as an exception: “Sexual intercourse by a man with his wife, the wife not being under 15 years of age, is not rape.” According to Section 376, the rapist should be punished with imprisonment for at least seven years, which may extend to a 10 years term or even life-term. The legal age for marriage for girls in India is 18 years and the law protects girls only up to the age of 16. Marital rape should be covered under the definition of rape. The law does not treat marital rape as a crime. Even if it does, the issue of penalty remains lost in a cloud of legal uncertainty (Gupta & Gupta, 2013). The legal system must be forced to accept rape within marriage as a crime.

As per the Indian Penal Code, the instances wherein the husband can be criminally prosecuted for an offence of marital rape are as under;

- ❖ When the wife is between 12-15 years of age, offence punishable with imprisonment up to 2 years or fine, or both;¹²
- ❖ When the wife is below 12 years of age, offence punishable with imprisonment of either description for a term which shall not be less than 7

¹¹ Available at: <http://anirbansworld.blogspot.in/2010/03/marital-rape-and-position-in-india.html>

¹² Indian Penal Code (45 of 1860) , Section 376 (1).

years but which may extend to life or for a term extending up to 10 years and shall also be liable to fine;¹³

- ❖ Rape of a judicially separated wife, offence punishable with imprisonment up to 2 years and fine;¹⁴
- ❖ Rape of wife of above 15 years in age is not punishable.¹⁵

In 2005, the Protection of Women from Domestic Violence Act, 2005 was passed which although did not consider marital rape as a crime, did consider it as a form of domestic violence¹⁶. Under this Act, if a woman has undergone marital rape, she can go to court and obtain judicial separation from her husband. This is only piecemeal legislation and much more needs to be done by the Parliament in regard to marital rape. Most researchers of marital rape agree that rape in marriage is an act of violence- an abuse of power by which a husband attempts to establish dominance and control over his wife. Marital rape often has severe and long-lasting consequences of marital rape. Women who have been raped by their husbands may suffer physical consequences including broken bones, black eyes, bloody noses, and knife wounds that occur during the sexual violence. Specific gynaecological consequences of marital rape include vaginal stretching, miscarriages, stillbirths, bladder infections, infertility and the potential contraction of sexually transmitted diseases including HIV (Draucker et al., 2000). Many victims of marital rape also suffer severe physical injuries and endure multiple rapes by throughout their marriages. As (Finkelhor & Yllo, 1983) note, a woman who is raped by the stranger lives with a memory of a horrible attack; a woman who is raped by her husband lives with her rapist.

1.9 Significance of the Study

There is ample literature available on women empowerment and gender discrimination. However, discrimination begins at a very early age and child marriage is one of the ways where girls have been forced to live a life deprivation

¹³ Indian Penal Code (45 of 1860), Section 376(1).

¹⁴ Indian Penal Code (45 of 1860), Section 376A.

¹⁵ Indian Penal Code (45 of 1860), Exception to Section 375.

¹⁶ The Protection of Women from Domestic Violence Act, 2005, Section 3 Explanation 1 (ii).

etc. This exploitation continues at the next level of marital rape. The present study mainly focuses upon the 'Child Marriage' as a form of women exploitation in Bathinda District of Punjab and child abuse (sexual exploitation) in the form of marital rape.

The study is novel in nature because of its connectivity with sexual exploitation after marriage. There have been various studies on child marriage, yet no study in particular have emphasized on child abuse (sexual) in a marriage. Thus the study goes a step beyond and tries to raise the entire debate on the inclusion of marital rape in the legal definition of rape. The marital rape factor has been ignored by the Justice Verma Committee¹⁷ in its definition of rape.

The study deals with Bathinda district so case studies related to child marriage in Bathinda District (urban as well as rural) critically examine and economic and social causes behind the problem also identify through this study. This research emphasis on the legislative measures related to rape identified as a crime under sec 376 IPC and the Prohibition of Child Marriage Act, 2006 for the empowerment of women, because still women are discriminated at every step of their life on the ground of these acts. This topic is understudied and under-researched, and, this is where the research would be novel in nature. The recommendations of this research would be a humble attempt to fill in the knowledge gap and would make a significant contribution to the field of academics.

1.10 Objectives of the Study

Objectives are the foreseen end which gives direction to an activity. The emphasis of this research would be on child marriage and marital rape. Following are the main objectives of this research:

- To analysis the legal provisions related to child marriage and marital rape in south Asia.

¹⁷ Justice Verma Committee was constituted to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The Committee submitted its report on January 23, 2013.

- To identify and examine the socio-economic factors that lead to child marriages and marital rape and to examine its consequences.
- To examine and highlight the experiences of the victims of child marriage & marital rape in Bathinda district.

1.11 Methodology

1.11.1 Area of the Study

Bathinda is a historical and important district of Punjab. It is associated with the imprisonment of Razia Sultana in the fort, which is more than 1800 years old. Bathinda is a city of lakes, the industrious farmers of the district have changed the profile of the district from a desert to thriving green fields and made it one of the leading agriculture district.

Research has been carried out in Central University of Punjab, Bathinda. Primary data related to research has been collected from the victims of child marriage in Bathinda district. The field study has been conducted in rural areas as main villages (Deon, Bhokhra, Gill Patti, Bir Talab, Naruana, Jai Sing Wala, Khialiwalla, Joganand, Mehta, Jassi Pou Wali, Bahoo, Gehri, etc.) in Bathinda district and urban areas (Bhucho Mandi, Maur Mandi and Bathinda city) of Bathinda district.

1.11.2 Sampling

The study utilises the 'Snow-Ball Sampling¹⁸' method and for this purpose primary data has been collected from child marriage victims of the rural as well as urban areas of the Bathinda District of Punjab. And from each area (rural and urban) 40-40 child marriage victims have been identified. These victims are from both rural and urban backgrounds. Special attention has been paid to selecting individuals with diverse economic, social, ethnic, and cultural backgrounds.

¹⁸ A snowball sample is a non-probability sampling technique that is appropriate to use in research when the members of a population are difficult to locate. A snowball sample is one in which the researcher collects data on the few members of the target population he or she can locate, then asks those individuals to provide information needed to locate other members of that population whom they know.

1.11.3 Data Collection

The research is deductive in nature, as primary as well as secondary data have been collected for this purpose. Primary data has been collected through the medium of interview and group discussion methods. The interview schedule was prepared and Snow ball sampling method has been carried on women aged 20-30 who were married at the age of below 18 years. 80 of these under aged married women have been interviewed for this purpose. Secondary data have been collected through books, publications, journals, articles, essays etc. For more information interview with, Punjab Istri Sabha's President, member of Punjab Istri Sabha of Bathinda district also has been carried.

1.12 RESEARCH FINDINGS

The findings of this research are analyzed in the different chapters of this study. The analysis has been based upon the descriptive information of the interviewees (child marriage victims), the social and economic reasons behind early childhood marriage and its consequences.

CHAPTER- 2

REVIEW OF LITERATURE

Related literature is the foundation on which the structure of further studies is laid. It is both a summary and explanation of the complete and current state of knowledge on a limited topic as found in academic books and journal articles, concept papers, web sources etc. The related literature enables the individual not only to gain familiarity with the knowledge of past achievements and development in the concerned area but it also enhances the individual to mark his own contribution towards in creating the precious stock of knowledge either by adding something altogether new and developing the old own with a new perspective.

It allows the researcher to acquaint himself with current knowledge in the field in which he is going to conduct his research. Besides this, it enables the researcher to define and delimit his problem. It helps the researcher in selecting those areas in which positive finding are very likely to result in a meaningful way. It also gives the researcher the understanding of research methodological way to study the knowledge about tools and instruments. The focus of the present research would be related to the child marriage and rape cases and how the legal provisions pertaining to them protect the rights of women.

2.1 This section is mainly a division of reports and case studies of different areas related to child marriage and sexual abuse (marital rape) of child brides;

A report of **UNICEF (United Nations Children's Fund) 2001** explained in 'Early Marriage-Child Spouses' digest no. 7, about child marriage at global level. This digest focuses on early marriage- the marriage of children and young people under the age of 18- from a human right perspective. Research into early marriage has tended to concentrate only on specific aspects of its impact such as the effects on reproductive health and school drop-out. There has been little examination of the practice as a child rights violation in itself. The digest examines the extent of early marriage, its context, causes and its impact on every aspect of the lives of those affected- particularly young girls- and on wider society. It outlines strategies to help those who have been married at an early age, and for the

prevention of early marriage through education, advocacy and alliance-building. The digest concludes with a call for more rights-based research on an issue that has far-reaching consequences. The digest explores both the reasons behind the perpetuation of child marriage and its harmful impact. The digest deliberately focuses on union that are recognised as marriage either in statutory or customary law. Cohabitation- when a couple lives together as if married- raises the same human right concerns as marriage. Where a girl lives with a man and takes on the role of caregiver for him, the assumption is often that she has become an adult woman, even if she has not yet reached the age of 18. This study considers girls in both formal marriage and in cohabitation to determine relationships between early unions (within or outside of marriage) and socio-economic and demographic variables, characteristics of the union, as well as knowledge and access related to reproductive and sexual health (UNICEF, 2001).

Tina Khanna, Ravi Verma and Ellen Weiss (2013) in their thematic paper 'Child marriage in South Asia 2013: Realities, Responses and the way forward', explained child marriage as a human right crisis. They explained the persistence of child marriage in South Asia, reason of child marriage in South Asia, Legal response to child marriage in South Asia and negative consequences of child marriage in South Asia. Through this paper, strengthen of legal framework and law enforcement, increase in educational opportunities for girls, providing of life skills training to girls, enhancement of safety of women at public areas are recommended as a mean to prevent the practice of child marriage from four main 'hot-spot' countries of South Asia.

Swaroop Rani Dubey and Bhagwat Rao Dubey (1999) in their study 'Child marriage in Rajasthan' critically examine the child marriage in context of Rajasthan. This study was conducted in Doroli of Alwar district and the Kathaputali colony a slum area of Jaipur. The number of marriage below the age of 15 in Doroli village was 80.6% and in the Kathaputali colony it was 72.5%. This study mainly based upon the tradition of Gauna and Akshya Tritiya and the frequency of Teenage Pregnancies. And at the last the study suggested the idea of effective implementation of registration of marriages and follows the Child Marriage Restrain Act.

Suparna (2012) in 'Child Marriage: A Bane for Society' focuses upon the idea of child marriage, reasons after child marriage and consequences of child marriage in India. The study suggested how to tackle the problem and laws and legislations related to the problem. Another study by **Manu Kulkarni (2008)** 'Child Marriage State' also explained the situation of child marriage victims so the study mainly focuses upon the emerging changes as well as the step taken by society to bane the child marriage.

Robert Jensen and Rebecca Thornton (2003) in 'Early female marriage in the developing world' explained that many girls in the developing world are subject to marriage at an early marriage. Most such women have little choice in the age at which they marry, or whom they marry. In this article, they examine the patterns and trends of early marriage in the developing world. The incidence varies widely, from a high of 70 per cent in South Asia to a low of 30 per cent in South East Asia. Women who marry young tend to have less education and begin childbearing earlier, and have less decision-making power in the household. They are also more likely to experience domestic violence. And their analyses have shown that there remains a very high incidence of early marriage in the developing world. They have shown that women who marry young have numerous, sharp disadvantages in terms of education, status and autonomy, even including physical safety (Jensen & Thornton, 2010).

Richard J. Gelles (1977) in 'Power, Sex, and Violence: The Case of Marital Rape' indicates that a number of women are forced into having sexual relations with their husbands through intimidation or physical force. The paper examines the issue of marital rape by discussing some of the controversies involved in examining a phenomenon which, until recently was not viewed as problematic. The paper presents evidence from research on family violence and survey of rape crisis centers which provides some insight into the incidence and nature of marital rape. The purpose of the survey was to determine whether or not cases of marital rape are reported to Rape-crisis centres and if so, how many cases reported. Of the 3,709 reported calls dealing with rape and attempted rape received by the 16 centres, 12 calls dealt with marital rape (3%).

Ministry of Women and Child Development in the Handbook on The Prohibition of Child Marriage Act, 2006 explained the causes, consequences as well as the strategies of how to tackle the problem. The report explained the role of stakeholders and overriding principles for all actions. On the other hand New Insights on Preventing Child Marriage: A Global Analysis of Factors and Programs (Global, 2007)¹⁹ investigates two question as what factors could be tracked and used to decrease risk of, or increase protection against, child marriage and ultimately could be targeted for prevention efforts? And what are the current programmatic approaches to prevent child marriage in developing countries are these programs effective? The report answers these questions in two ways: 1 by analyzing data from Demographic and Health Survey to determine possible risk and protective factors for child marriage; 2 by conducting a program scan to see how child marriage is addressed and to glean insights on program strengths.

Raquel Kennedy Bergen (1999) in their study titled ‘Marital Rape’ explained briefly the legal history of marital rape, discussion on the occurrence of marital rape, a summary of the effects of marital rape. Research indicates a lack of responsiveness to marital rape survivors on behalf of service providers- particularly police officers, religious leaders, rape crisis counsellors and battered women’s advocates. There is a need for those who come into contact with marital rape survivors to comprehensively address this problem and provide resources, information and support to survivors.

Saurabh Mishra & Sarvesh Singh (2003) explained in “Marital rape- Myth, Reality and Need for Criminalization” about the types of marital rape, psychological and physical effects of marital rape, as well as legal position of marital rape in different countries including India. After suggestion this paper concluded that there is a need of making substantial changes in law of sexual offences. It also suggested that there is a need to educate the masses about this crime, as the real objective of criminalizing marital rape can only be achieved if the

¹⁹ Available at :

http://www.atriakennisinstituut.nl/epublications/2007/New_insights_preventing_child_marriage.pdf

This publication was produced for review by the United States Agency for International Development. It was prepared by Saranga Jain and Kathleen Kurz of the International Center for Research on Women (ICRW) on behalf of Pact In

society acknowledges and challenges the prevailing myth that rape by one's spouse is negligible.

Dr. Mukesh Garg and Dr. Nareshlata Singla (2013) in their study 'Marital Rape under Indian Law: A Study' explained about the legal perspective of marital rape in India. The study raises a question, is a married women considered an object or the property of the husband and is a woman have right to save her body from the lust of her husband. The paper points out that whether this right can be coupled with force or right to have sex should only be providing satisfaction of biological need without any check or burden of society and law. The main purpose of this paper is to find out as to whether sex without the consent of wife should be considered as rape. This paper is based upon the Doctrinal method of research.

Karuna S. Chibber, Karl Krupp, Nancy Padian and Purnima Madhivanan (2012) explained in their study 'Examining the Determinants of Sexual Violence Among Young, Married Women in Southern India' about sexual violence faced by married women. The study emphasised upon the importance of partner characteristics on women's risk for sexual violence and the complexity in identifying determinants for different type of GBV (Gender Based Violence). The importance of factors pertaining to husband's characteristics warrants the need for more in depth research with all men to identify differences in norms and attitude towards committing violence against women by differing education levels, occupations, age and other such socio demographics. Furthermore, the consistent association between male alcohol consumption and risky behaviours in explaining the differential frequency with which women experience sexual violence and how differences in women's risk for sexual violence may be based on the amount of income they contribute to the household point to the need for interventions to directly address men and families to change the deeply rooted social norms that condone GBV and to promote gender equity. This study's finding also illustrate the differences in risk factors and other operating at multiple levels of an individual's environment, including risk factors for other forms of GBV that may also be prevalent and changes that occur over time.

A W Burgess 2000, using surveys, reviews of psychiatric records, and analyses of historical materials and recent `research, the authors focus on a variety of victim

populations. Individual papers consider the adequacy of national crime statistics and criminal victimization studies, the relationship between physical and sexual abuse and subsequent psychiatric illness, and the relationship between sexual trauma, sexual functioning, and sexual preference in relation to alcoholism and drug dependency. Additional papers consider sexual harassment by teachers of students, prostitutes as victims of rapes that are unrelated to their prostitution, sexual abuse of boys, and victim response strategies in sexual assault. Further papers focus on the treatment of patients who have been sexually abused by psychotherapists, the effects of self-blame in the recovery of rape victims, and treatment approaches. Papers addressing the social context of sexual assault examine the vulnerability of adolescents of sexual assault, adolescents' attitude.

Selwyn Stanley (2008) in his article, 'Interpersonal Violence in Alcohol Complicated marital relationships (A Study from India)' compared 75 wives of alcoholics with an equal number of wives of non-alcoholics matched on socio-demographic variables, using a cross sectional ex-post facto research design. Analysis showed that the wives of alcoholics as a group had higher levels of conflict, perceived more danger and experienced more apprehension in relating with their spouses.

The impact of child marriage over the young bride's future is enforced widowhood, inadequate socialisation, education deprivation, and lack of independence to select the life partner, lack of economic independence, psychological as well as marital adjustment, and low health status as a result of early or frequent pregnancies in an unprepared psychological state of young bride (Santhya et al., 2013).

2.2 This section of literature explains the studies related to reasons of child marriage, results of child marriage and the legal perspective:

Effects on Maternal Health

The majority of young brides have limited access to contraception and reproductive health services. They are exposed to early and frequent sexual relations and to repeated pregnancies and child birth before they are physically

mature and psychologically ready. Obstetric fistula is one of the most devastating consequences, affecting over two million girls and young women. Pregnancy related deaths are the leading cause of mortality in 15-19 year old girls, and girls age 15 years or under are five times more likely to die than those over 20²⁰. Maternal mortality rate (MMR) in India is second highest in the world. India accounts for 23 per cent of global burden of maternal deaths (WHO 2007).

Blesdoe and Cohen, 1993 in 'Social dynamics of Adolescent Fertility in Sub-Saharan Africa' studied that there is a strong association between child marriage and early childbirth, teen girls are pressured to prove their fertility soon after marrying and they have little access to information on reproductive health and ability to influence decision making on family planning.

Mathur, Green and Malhotra, 2003 in 'Realizing Reproductive Choice and Rights: Abortion and Contraception in India' explained the negative health consequences of early child bearing. They examined the experiences of young mothers. Young mother experience higher rates of maternal mortality and higher risk of obstructed labour and pregnancy-induced hypertension because their bodies are unprepared for childbirth. A study by UNFPA and Engender Health (2005) also emphasises that the Girls who have babies also have a high risk of suffering from obstetric fistula, a condition in which the vagina, bladder and/or rectum tear during childbirth and, if left untreated, cause life-long leakage of urine and feces.

Rafat Hussain and Adeel Khan (2008) in their article, "Women's Perceptions and Experiences of Sexual Violence in Marital Relationships and its Effect on Reproductive Health" conducted a qualitative study on the basis of focus group discussions, interview, and in- depth interviews into low-to middle- income areas of Karachi, Pakistan. Results show sexual coercion and non-consensual sex were common and not limited to abusive relationships. Difficulties in negotiating safe sex resulted in unwanted pregnancies, some leading to unsafe abortions. So through this article author, explained the link between women's social status, marital violence, and reproductive health.

²⁰ "Ending Child Marriage- A Guide for Global Policy Action" IPPF and UNICEF.

Some studies have shown a strong association between child marriage and early childbirth. A study of child marriage and fertility in India published in 2009 (using data from National Family Health Surveys 2005-06), found that child marriage was significantly associated with no contraceptive use before first childbirth, high fertility (three or four births), a repeat childbirth in less than 24 months, multiple unwanted pregnancies, pregnancy termination, and female sterilisation.

There is evidence that girls having children at a young age creates significant health risks for both mother and baby. Early pregnancies have been linked to increased risk of maternal and infant morbidity and mortality. UNICEF 2007 reports that girls under 15 are five times more likely to die during pregnancy and childbirth than women in their twenties.

The health consequences of child marriage are particularly profound. Women age fifteen to nineteen are twice likely to die in childbirth compared to women in their twenties (Yadav 2006).²¹

Effects on Infant Health

The children of teen mothers experiences serious health consequences as well. A child born to a teen mother is twice as likely to die before the age of 1 as the child of women in her 20s. Currently, 1 million infants of young mothers die every year worldwide as a result of pregnancy and child-birth related causes. If they survive these infants tend to have higher rates of low birth weight, premature birth and infant mortality than those born to older mothers. After birth, infants to teen mothers are more likely than the infants born to older mothers to have poorer health care and inadequate nutrition as a result of their young mother's poor feeding behaviour (**Save the Children 2004**) .

The infants of adolescent mothers also face increased health risks. UNICEF reports that if a mother is under 18, her baby's chance of dying on the first year of life is 60 per cent greater than that of a baby born to a mother older than 19. Even if the child survives, he or she is more likely to suffer from low birth weight, under-nutrition and late physical and cognitive development (UNICEF, 2007).

²¹ From: Discrimination against the Girl Child- A Study of District Bhiwani in Haryana"

A study of children of adolescent mothers in Bangladesh found that they are likely to be more malnourished, have lesser opportunities for DPT immunization and have longer duration of hospitalization. They were also more likely to be illiterate (Abdullah et.al 2007).

Education and Economic Status

Countless studies have proven that early marriage is universally associated with low levels of schooling. After marriage, young girl's access to formal and even non-formal education is severely limited because of restrictions placed on mobility, domestic burdens, childbearing, and social norms that view marriage and schooling as incompatible. Since in most cultures girls leave their parental home upon marriage, parents tend not to invest in the education of daughters because the benefits of their investment will be lost.

Child marriage, early childbearing, and lack of access to continued educational opportunities also limit young women's access to employment opportunities. Child marriage is also associated with early widowhood, divorce and abandonment, which often results in 'feminization of poverty'.

Singh and Samara, 1996 in 'Early Marriage Among Women in Developing Countries' examined early marriage in educational and economic point of view. They joined their ideas with early child bearing also. Early child bearing and motherhood, which is usually accompanies early marriage also associated with lower levels of education and higher rates of poverty in developing countries. They emphasised on the idea that early marriage often ceremonies in poor and developing countries.

There is considerable evidence that child marriage negatively impacts on education outcomes for married girls. The UNESCO Global Education Monitoring Report acknowledges that marriage is a barrier to education (UNESCO, 2010). There is widespread consensus in the literature that child marriage, pregnancy and domestic chores constitute severe obstacles to girl's education. Many argue that after marriage, young girl's access to formal and even non-formal education is

severely limited because of domestic burdens, childbearing and social norms that view marriage and schooling as incompatible (ICRW, 2005).

There is some evidence that child marriage is most common among the poorest households. A 2005 UNICEF study of women aged to 20 to 24 in 49 countries found that child marriage was most common among the poorest 20% of households in every country.

It is generally found that child marriage is concentrated among groups and societies characterized by poverty, illiteracy, and rural residence. A 2007 study by the ICRW, which identifies household, individual and community characteristics that are associated with the age at marriage, finds that education of girls, age-gap, region, and wealth are strongly correlated with child marriage. It concluded that girl's education is the most important factor associated with age at marriage.

Domestic Violence and Decision Making

Child brides are often more likely to experience domestic violence and less likely to take action against this abuse. Girls who marry early are also more likely to believe that a man is justified in beating his wife.²²

Girls who are married young often lack status and power within their marriage and households, and so more likely to experience domestic violence, sexual abuse, and isolation from family and community (UNICEF, 2005).

A survey in India found that girls who married before 18 reported experiencing physical violence twice as often as girls who married at early age; younger married girls reported experiencing sexual violence three times more often (ICRW, 2005).

Rape in Child Marriage

Llene S. Speizer and Erin Pearson (2011) in the study 'Association between Early Marriage and Intimate Partner Violence in India: A Focus on Youth from Bihar and Rajasthan' explained the relationship between intimate partner violence and early marriage with the help of National Family Health Survey (NFHS-3). The

²² Too young to Wed, ICRW, 2003

study mainly focuses upon the youth of Bihar and Rajasthan because of early marriage and high rate of intimate partner violence cases. Multivariate logic regression analyses demonstrate that women aged 20 to 24 who married before age eighteen, the legal age at marriage in India, are more likely to have ever experienced IPV in their lifetime and recently experienced IPV (in the last 12 months) than their counterparts who married later. The results were significant in Rajasthan but not in Bihar.

Ms Marlene Rupprecht 2009 in her paper "*Rape of women, including marital rape*" explained that every year, millions of women are raped: by their husbands, partners or ex-partners, male relatives or acquaintances, or complete strangers. However, most of these rapes are not reported and the perpetrators go unpunished. Rape is a serious violation both of women's physical and psychological integrity and also of the right to freedom, safety and dignity enjoyed by all human beings. Any woman can be raped, but no woman deserves to be raped. Consent is necessary for sexual intercourse every time, whatever the relationship of the victim with the rapist. The Committee on Equal Opportunities for Women and Men believes that the fight against rape needs to be stepped up, and thus recommends that member states ensure that their legislation on rape and sexual violence reaches the highest possible standard. Member states should also develop a comprehensive strategy which should comprise measures to prevent rape in the first place, as well as to ensure (securely-funded) protection of and assistance to rape victims at every step of the proceedings, including, possibly, compensation for the victims.

Mrs Rosmarie Zapfl-Helbling 2005 in "*Rape of women, including marital rape*" report explained that forced marriages and child marriages constitute serious and recurrent violations of human rights and the rights of the child. It is an outrage that, under the cloak of respect for the culture and traditions of certain communities, there are authorities which tolerate forced marriages and child marriages although they violate the fundamental rights of each and every victim. The study defines forced marriage and child marriage. The Parliamentary Assembly should urge the national parliaments of the Council of Europe member states to adapt their domestic legislation, if appropriate, so as to fix at or raise to eighteen years the

minimum statutory age of marriage for women and men, make it easier for forced and child marriages to be prevented, detected and annulled and to bring to justice the perpetrators of rape within such marriages, as well as those who aided and abetted the contracting of such a marriage. The Assembly should recommend that the Committee of Ministers of the Council of Europe instruct the appropriate intergovernmental committee to make a thorough analysis of forced marriages and child marriages and devise a strategy encouraging member states to take a number of specific practical measures.

Rangita de Silva-de-Alwis 2008 in his working paper, *Women's and Children's Rights in a Human Rights Based Approach to Development*, analyses the different legal frameworks and human rights dimensions of child marriage within a feminist perspective. The value of a rights based approach as a powerful advocacy tool to monitor child marriage is at the heart of this paper. Further, the paper highlights the interconnectivity between international human rights law, constitutional guarantees of gender equality, and other gender friendly laws in combating child marriage. The main thrust of this paper is that early marriage is a violation of fundamental human rights and that both state and non- state actors must be held accountable under international treaty obligations to combat early child marriage. Unique about this paper is that it looks at the legal system as a whole and proposes a set of holistic legal and policy reform. By reviewing the landscape of laws that impact on women and children, we are able to come up with a broader range of policy alternatives and a more sophisticated understanding of how the multiple strands of law and innovative legal strategies can converge to prevent child marriage.

Sexual abuse of child brides remains less well recognised but can have devastating consequences, denying women's bodily integrity and control, causing untold numbers of unwanted pregnancies, and a range of negative health implications, not least of all the risk of STI, STD and HIV infection. The absence of discussion about sexual abuse has serious consequences. First, the opportunities for young women suffering such abuse to speak about their experiences are negligible, so they cannot easily seek help. Second, government and their agencies participate in maintaining the silence, through inaction on sexual abuse

and marital rape of women in principle and young girls in practice. Third, research (Sen 1997) suggests that sexual violence in marriage is associated with a greater likelihood of separation than physical violence alone²³.

Legal perspective

Bhavish Gupta and Meenu Gupta (1997) argued in their article 'Marital Rape- Current Legal Framework in India and the Need for Change' that marital rape should be criminalized in India, as this can be achieved by applying an individual rights approach to violence against women. The study suggested that to bring change in the existing policy, we may use an individual right rhetorical approach in working towards criminalizing marital rape in India, because marital rape will not be a state concern until the society and legislators understand women to have an individual rights within marriage. The study indicates that women who are raped by their husbands are more likely to experience multiple assaults and often suffer long term physical and emotional consequences. India is moving in the direction of positive legal change for women in general, but further steps are necessary to ensure both legal and social change, which would culminate in criminalizing marital rape and changing the underlying cultural assumptions about women in marriage.

International Women's Rights Action Watch Asia Pacific in their baseline report on 'Rights of Women in Relation to Marriage in India' explained about the rights of women before marriage, staying in marriage and after marriage. The report highlights that early marriage violated the right of childhood, education, health, equality of opportunity and it affects the health, high mortality and increased vulnerability to violence. Forced marriage violated the right to mobility and decision making, equality of opportunity, right to choice, reproductive right, and decision making right. Forced marriage affects the control over sexuality, and also increases the rate of murder and rape cases.

Pallavi Gupta (2012), in her paper 'Child Marriage and the Law- Contemporary Concerns' examines the policy debates and legal framework on child marriage, and sets out to help identify the gaps and problems therein. It tries to understand

²³“ Forced marriage, forced sex: The perils of childhood for girls” by Ouattara, Sen and Thomson (2010).

the historical and socio-legal context within which the debates on child marriage are located and the various associated aspects like age of discretion, guardianship and elopement that play out in jurisprudence. It attempts to capture how these debates have furthered the movement against the practice of child marriage.

Lyn Thomas 2006 in his report about 'the International Planned Parenthood Federation' (IPPF) in collaboration with the Forum on Marriage and the Rights of Women and Girls documents the special needs of child brides and outlines the nature of the economic and social factors which reinforce the practice. It provides solutions based on a child protection framework, and advocates for the use of legal, policy and multi-sector programme strategies for delaying child marriage for those at risk and meeting the needs of young women who are newly married. It will add value to other ongoing efforts to end child marriage and promote the rights and true voices of countless young people, in particular girls and young women around the globe, who have been marginalized for far too long. IPPF's mission includes a commitment to "defend the rights of all young people to enjoy their sexual lives free from ill health, unwanted pregnancy, violence and discrimination." We will continue to collaborate and advocate for an enabling policy environment to bring an end to child marriage".

Mariam Ouattara, Purna Sen and Marilyn Thomson (1998) explained in the article 'Forced marriage, forced sex: the perils of childhood for girls' that forced marriage and forced sex within marriage are horrors that befall countless numbers of girls across the world. Comparing the case studies from Nepal, West Africa, and India the authors argue that, to be affective, we must address cultural practices harming girls separately. The vast majority of countries have not criminalised rape in marriage; but sex with girls below a certain age is usually covered by the standard rape legislation. It seems that, in the vast majority of cases, both the state and local communities are unwilling to confront the rape of young girls which goes on everyday in the name of marriage. Young girls are raped; their abusers have the social legitimacy of marriage in which to carry out their assaults.

Barbara S. Mensch, Susheela Singh and John B. Casterline (2005) in 'Trends in the Timing of First Marriage among Young Men and Women in the Developing World' paper begin by reviewing the contributions of various social science

disciplines to an understanding of the timing of marriage. Using current status data from 73 countries provided by the United Nations Population Division and retrospective data from 52 Demographic and Health Surveys conducted between 1990 and 2001, then they examine recent trends in the timing of first marriage and union for men and women in the developing world. With the exception of South America for both sexes and South and Southeast Asia for men, substantial decline have occurred in the proportion of young men and women who are married. Given the differentials in the timing of marriage by educational attachment and residence, we assess whether the decline in the proportion of young people who are married is related to increase in schooling and urbanization. Expansion of schooling for women has had some impact, but a considerable portion of the reduction in early marriage is not explained by changes in the levels of education. They consider other factors that might account for the increase in age at marriage. Finally, they review what is known about the consequences of changing age at marriage with a particular focus on risk of HIV infection.

Elizabeth Warner (2004) in article named 'Behind the Wedding Veil: Child Marriage as a form of Trafficking in Girls' looked at the characteristics of child marriage and examine the reasons why child marriage continues to be so prevalent despite growing international condemnation. The article provides an overview of domestic law related to child marriage. It also examines how various international treaties have attempted to deal with the problem or might otherwise be viewed as applicable. It concludes with recommendations for improving the legal framework that can be brought to bear to prohibit child marriage and suggests extra-legal means to change social behaviour, such as by implementing direct aid programs, increasing education and employment opportunities for girls, and encouraging the development of less discriminatory religious view concerning the rights of women.

Anita Raj and Ulrike Boehmer (2013) in 'Girl Child Marriage and Its Association with National Rates of HIV, Maternal Health, and Infant Mortality across 97 Countries' assess the association between national rate of girl child marriage and national rates of HIV and maternal and child health (MCH) concerns, using national indicator data from 2009 United Nation Reports. The analyses were

limited to the 97 nations for which girl child marriage data were available. Regression analyses adjusted for development and world region demonstrate that nations with higher rates of girl child marriage are significantly more likely to contend with high rates of maternal and infant mortality and non-utilization of maternal health but not HIV.

Sinha & Yoong 2009 in their study “Long-Term Financial Incentives and Investment in Daughters: Evidence from Conditional Cash Transfers in North India” emphasize that a few promising approaches might be fruitful for women as well as girls. Some schemes especially at scale are underway, but do not as yet have completed evaluations. An important example is the Haryana state government’s *Apni Beti Apna Dhan* program in India, which provides to girls and their families’ cash incentives that are conditional on the daughters remaining unmarried until age 18.

Rahman & Daniel 2010 in *A Reproductive Health Communication Model That Helps Improve Young Women's Reproductive Life and Reduce Population Growth: The Case of PRACHAR from Bihar, India* focused on the idea of giving financial profit to parents of girls for delaying marriage. The first cohort of girls enrolled in the program will turn 18 in 2012, and ICRW is initiating an evaluation of the program. Similarly, the Population Council is investigating the effectiveness and cost of different strategies to delay marriage in four sub-Saharan African countries, including Ethiopia, Kenya, Tanzania and Uganda, building on its successful Berhane Hewan program in Ethiopia (USAID 2011). Pathfinder’s PRACHAR program in Bihar, India, has also built on positive results to scale up and evaluate activities in subsequent phases.

Mensah Adinkrah (2011), in the study of ‘Criminalizing Rape within Marriage: Perspectives of Ghanaian University Students’ critically examine the forcing sexual intercourse on an unwilling marital partner. Marital rape is not a crime in many societies around the world because of a marital exemption rule that prohibits the prosecution of husband who rape their wives. This study mainly examined the general attitudes of a sample of University students, towards marital rape. Respondents were also asked whether an ongoing legislative effort to criminalize marital rape in the country was warranted. The result indicated strong opposition

toward criminalization. The results also indicated no marked differences between male and female respondents in attitudes toward marital rape and the need for a legislative response to the phenomenon. Patriarchal ideologies such as wifely submission to the husband and an implicit duty to provide sex in marriage provided some of the justification furnished for why marital rape should remain non-criminalized.

Knowledge Gap

Available literature on the study indicates that there are various reasons after the early marriage of girls. The literature suggests that many factors interact to place a child at risk of marriage. Poverty, protection of girls, family honour and the provision of stability during unstable social periods are significant factors in determining a girl's risk of married while still a child. There have been various studies on child marriage, yet no study in particular have emphasized on child abuse (sexual) in a marriage. Thus the study goes a step beyond and tries to raise the entire debate on the inclusion of marital rape in the legal definition of rape. Present study is novel in nature because of its connectivity with sexual abuse and marital violence. This study is not only based upon sexual abuse of child bride but also tries to find out the social and economic reasons behind the early marriage of girl child in Bathinda (Malwa) region of Punjab.

Chapter 3

Legal Provisions related to Child Marriage in South Asia

Women exploitation and discrimination continues throughout the life of a girl child (from birth till end of her life). From the very childhood she is taught to remain subordinate to the man, may be her father, brother or the husband, supposed to be protector. The girl child often faces discrimination from the earliest stages of life, through childhood and into adulthood. Female foeticide is a before birth discrimination of a girl child, it starts in the form of sex-determination tests and sex-selective abortion by the misusing the high technology amniocentesis, resulting in a new kind of famicide. Even the birth of a girl child is also occasioned with sorrow and silence in most of the Indian families. After this, girls do not get equal treatment and educational opportunities in most areas of India. Most of the drop-out cases are the result of unequal status of girl child in the society (Yadav, 2011).²⁴

Child marriage is also a form of women exploitation, where the parents of girl child want to perform the marriage as early as possible and try to drive away the girl child at the earliest from their own house. This practice results in early motherhood, lower female life expectancy and as continues discrimination of women.

CHILD MARRIAGE IN SOUTH ASIA

Across the developing world, women's traditional patterns of early marriage are giving way to later age at first marriage; the age at which women marry continues to vary widely both across and within countries (Singh & Samara, 1996). As a region, the highest incidence of early marriage is found in South Asia, where 70-75 per cent of women are married by age 18; followed by West Africa and Sub-Saharan Africa, within an incidence of 50-60 per cent (Jensen & Thornton, 2010).

Child marriage affects millions of children throughout the world. It is widely practiced in the countries of South Asia where every year millions of girls (pre-teens and teens) become the wives of men who are younger than them. Early marriage is a socially established practice that has been carried on from

²⁴ "Discrimination against the Girl Child- A Study of District Bhiwani in Haryana"

generation to generation despite the existence of international and regional instruments that all the states in South Asia have ratified. Governments in the region also settled upon 18 as the minimum legal age at marriage.

Most often, child marriage is considered as a family matter and governed by religion and culture, which ensure its continuity. It remains therefore a widely ignored violation of the rights of girls and women and exposes them to multiple risks, including to sexual abuse and exploitation. It is very difficult to get accurate data on the true extent of child marriage in South Asia.

National governments and the international community are increasingly recognizing child marriage as a serious challenge, both as a violation of children's human rights as a barrier to key development outcomes. The international conventions, including the Convention to eliminate all forms of Discrimination against Women (CEDAW-Article 16) and the Convention on the Rights of the Child (CRC) provides for the prohibition of child marriage. Most of the countries in South Asia have committed to protection and ensuring child rights are also accountable under international treaty obligations to combat early marriage. Most national governments in the region are aware of the seriousness of the issue, and have taken some steps to prevent child marriage from occurring. For example, all countries have adopted laws designed to regulate its proliferation and prevalence. Laws in India, Bangladesh, the Maldives, Nepal and Bhutan reflect international standards, with legal age limits for girls set at 18. On the other hand, in Afghanistan and Pakistan where Sharia law bears a greater influence, girls can legally marry at age 15 and 16, respectively. And in Sri Lanka, a mixed legal system prevails, with non-Muslim girls allowed to legally marry at 18, while Muslim girls are allowed by law to wed at 15 (Tina Khanna, 2013).²⁵

Also it is important to recognize that laws and policies in isolation might increase the risk and vulnerability of children. Important to highlight is a decision of the Supreme Court of Indonesia on the subject of early marriage and the worst forms of child labour. When a 17 years old girl was found working as waitress in a brothel house, the defendant was convicted by the District Court but later released free as they found the girl is married. Like many other countries in Indonesia

²⁵ "Child marriage in South Asia: Realities, Responses and the way forward"

customary law, a child is considered an adult when the child either reaches a certain age or is married (Ouattara et al.,1998).²⁶ In the light of the existing legal framework as well as the current example of violation of customary law in Indonesia this section of the research presents the legal and policy frameworks adopted by different South Asian countries to address child marriage:

In most countries of South Asia, early marriage is prohibited in the existing civil or common law, but is widely condoned by customary and religious laws and practice. This is found to be common where marriages typically take place according to customary rites and remain primarily unregistered. It has also been found that in most countries, minimum age for marriage do exist but are often not enforced. Countries such as India have started a process of registering births and marriages but in remote areas these laws are constantly flaunted. In India and Sri Lanka, there exist both the civil and the personal law which means children under 18 can and do marry.

Child Marriage in Afghanistan

Child marriage is pervasive in Afghanistan and efforts to eradicate it should be a high priority on the government's development agenda. Girls are largely viewed as an economic burden on the family and parents are quick to marry off their daughters to receive a bride price. The figures are alarming: 57% of Afghan girls are married before they turn 16, and 60 to 80% of those girls were forced into those unions by their families. While statistics may vary slightly across geographic and demographic samples, it is clear that girls from all regions are vulnerable to child marriage. Main causes are illiteracy and lack of access to schools in rural areas, low levels of awareness of both Sharia and state laws and low level of awareness of the harms and negative consequences of childhood marriage. Child marriage has adverse physical and psycho-social health, personal security and social effects on young and adolescent girls as well as their communities. Because the practice deprives girls of an education, they grow up ill-equipped to make safe and healthy choices and adults while remaining deep-rooted in poverty. As a

²⁶ Available at:
http://www.icrw.org/files/publications/Child_marriage_paper%20in%20South%20Asia.2013.pdf

result, they are also more likely to engage their own children in marriage at an early age. A 2010 study of 200 child marriages found that 71 per cent of parents who forced their underage daughters to marry were illiterate. The magnitude of the problem across the country warrants the urgent attention of Afghanistan's policymakers as the need for responsive and effective policies and legislative action is critical.²⁷

Child marriage leads to early sexual initiation and consequently pregnancy, yet most of the Afghan population have limited knowledge of the health risks associated with it. Premature pregnancy often leaves many physical and emotional scars. It also presents a high risk for complications including, but not limited to prolonged and obstructed labour, hemorrhaging, infection and obstetric fistula. Young mothers often require more caesarean sections than women over 18 because their bodies are not yet sufficiently developed for childbirth. A 2010 report states that early marriage and pregnancy contributes to Afghanistan having the second highest maternal mortality rate in the world, with 24,000 deaths each year. The same report brings to light that the mortality rate is ten times higher than conflict related civilian deaths in Afghanistan. Early marriage also impacts girl's social and personal development. Following marriage, many girls are forced to drop out of schools, if they were fortunate enough to receive schooling in the first place. Because many child brides are uneducated and unskilled, they are completely dependent on their husband and their in-laws to survive. Girls are often not yet mature enough to perform household tasks or care for their husbands and children. Many child brides are abused by their husbands, families and in-laws. As a result, many opt for self-immolation and other forms of suicide (Behgam & Mukhatari 2004).

Legal Framework:

Afghan civil law stipulates that a girl cannot legally marry until she is 16 unless her father chooses her to marry at 15. However, in practice, a girl is often married off when she is considered 'physically mature' which can occur at a much younger age. Enforcing the rule of law in Afghanistan can be exceptionally challenging due

²⁷ Afghanistan National Development Strategy 2011. '*An interim strategy for Security, Governance, Economic Growth and Poverty Reduction*'.

to the ongoing security situation in the country, creating an environment for tribal traditions like child marriage to bloom. Arranging a girl's marriage is one of life's most important tasks in Afghan society and parents often agree to an early union for fear that another viable offer may not emerge. Girls are often married at a very young age to protect their sexual purity; late marriage is considered shameful. Parents also marry off their daughters to repay debts, resolve tribal conflicts and boost family standing. Some child marriages serve to preserve a family's image but sometimes results in what amounts to forced domestic or sexual slavery for girls (Graham 2012).²⁸

Child Marriage in Bangladesh

The prevalence of child marriage in Bangladesh is the highest in all of South Asia, and among the highest globally. While traditional beliefs like protecting a girl's honour often push parents to marry their daughters at a young age, girls from poorer families are especially vulnerable. In fact, poverty is one of the most powerful drivers of the harmful practice in the country. Bangladesh is rated 146 out of 187 countries and territories on UNDP's 2011 Human Development Index. Girls are thought of as an economic burden by parents who believe they will be more financially secure once their daughters are married off and out of their responsibility. Data indicates the median age at marriage for women currently between 20 and 24 years old, is 18.3 years in the highest wealth quintile, whereas it is just 14.6 years for the corresponding group in the lowest wealth quintile. Data from ICRW shows that in countries with high prevalence, child marriage first begins to increasingly at a tipping point age. In Bangladesh, that tipping point age is 15 years. It is estimated that 66% of girls are married before age of 18, and 32 per cent before the age of 15. And while the prevalence of child marriage is high in urban areas at 53 percent, it is even higher in rural areas where 70 per cent of girls are married early. UNICEF also recently reported that the largest number of very young the widespread practice of child marriage in Bangladesh is tremendously detrimental to the lives and futures of millions of Bangladeshi girls,

²⁸ Available at:
<http://topics.nytimes.com/topics/news/international/countriesandterritories/afghanistan/women/index.html>

their families and their communities, as it helps perpetuate a cycle of poverty and underdevelopment.²⁹

Girls married as adolescents are often forced into early childbearing, which has long been a risk to young mothers; it often leads to debilitating injuries, infant mortality, malnutrition and even maternal mortality. Girls between the ages 15 and 19 are twice as likely to die of pregnancy and childbirth complications as women between the ages 20 and 24 according to UNICEF figures on child marriage in South Asia. Child brides often marry much older men who have an elevated chance of being HIV positive, due to the greater likelihood that these men previously had unprotected sex with multiple or high risk partners. In turn, such girls are also more vulnerable to contracting HIV and other sexually-transmitted infections, not only due to their lack of education, but also because they lack negotiation skills and power in marriages to older men. Data published by four UN agencies in a 2008 report indicates that only 16% of girls aged between 15 and 24 in Bangladesh have a comprehensive knowledge of HIV (Sajeda 2011).³⁰

Legal Framework:

The child marriage restraint act of 1929 passed during British rule is still applicable in Bangladesh, where the legal age for a girl to marry is 18. Unfortunately, enforcement efforts are weak, as is indicated by the extremely high rates of child marriage in the country. A national law passed in 2004 requires that all births are registered, which would help determine a girl's age when she marries. Consequently there has been a remarkable improvement between 2006 and 2009 in the proportion of children 5 years old and under, whose births were registered, with registered births increasing from just 9.8 percent to 53.6 percent.

Some legislative efforts have been made to combat child marriage in recent years and decade. At the grassroots level, newly formed village governments have taken on the responsibility of combating child marriage. Article 34 of the children's Act of 1974 specifically stipulates that penalties will be imposed for cruelty to children. Stronger enforcement of national child marriage and protection laws is clearly

²⁹ "Bangladesh: Parents Still Not Heeding Child Marriage Warnings." Available at: <http://www.trust.org/alertnet/news/bangladesh-parents-still-not-heeding-child-marriage-warnings>

³⁰ Amin Sajeda, "Empowering Adolescents Girls in Rural Bangladesh"

needed, and while great progress has been made in a short time period to increase birth registration, more vigilance is needed to push figures even higher.

Child Marriage in Bhutan

Child marriage remains a serious challenge to development efforts in Bhutan's rural areas. While premarital sex is common and accepted in Bhutan, unlike much of the rest of the region, there is little clear information provided in school or at home about reproductive health or sexual activity and its consequences, leading to elevated risk of teenage pregnancies. Family often choose to marry their daughters after it is discovered she is in a consensual relationship. Also distinct from other South Asian countries, husbands in Bhutan sometimes move into the home of their wives' family. Interestingly, this still provides an economic incentive for families to marry their daughters at younger age, since the new husband will be able to contribute to the family's income. Precise figures on child marriage are difficult to determine since many marriages are not registered. According to the 2005 Bhutan census, 15.4 per cent of girls aged 15 to 19 were married while a 2006 UNICEF report found the figure to be 14 per cent. The World Health's Organisation (WHO) 2012 figures are much lower, estimating that 6 per cent of girls between the ages of 10 and 19 had been married. What seems clear is that child marriage has become less common in urban areas of Bhutan, while girls as young age 15 in remote villages are still reportedly married in secret ceremonies. Child marriage takes place in all regions, but the incidence is higher in the Western and central areas of the country.

Across South Asian countries, the less education a girl receives, the more likely it is she will marry young. And likely many places where child marriage is common, girls are pulled out of school net attendance ratio for urban and rural areas in the same year are 96 and 91 per cent respectively. Bhutan made the important first step of adopting international norms on child marriage by rising the legal age of marriage to 18. This, unfortunately, is not enough to significantly deter the practice, especially in under-developed communities in rural areas of the country. Protecting children in law alone is not sufficient without effective implementation and enforcement of those laws.

Legal Framework:

The law pertaining to child marriage in Bhutan has evolved significantly over the last two decades. In order to comply with international standards, the government of Bhutan in 1996 raised the minimum legal age of marriage to 18 years for both boys and girls. According to the Child Care and Protection Act (CCPA) 2004, marrying and having sex with a child is considered statutory rape. While the existence of laws is an important first step, enforcement remains weak in remote, rural areas. Marriage registration is also inconsistent, and systems and enforcement are unreliable, especially in regions where prevalence is deemed to be high.

Child marriage in India

More than world's child marriages take place in India; in some states child marriage prevalence still exceeds 50 per cent. It is often deemed that girls reach the appropriate age of marriage at the first signs of puberty and any delay may become an issue of shame for the family because her chastity may be at risk. One of the primary reasons that child marriage continues to be so pervasive in India is because there is little enforcement of the law in the face of such formidable cultural norms and practices (Chitrakar 2009).³¹

Legal Framework:

Recent legislation and policies written with the aim of eradicating child marriage in India are still progressive. India's first law setting minimum age limits for marriage was the Child Marriage Restraint Act, enacted in 1929.³² The law has since gone through multiple revisions. The Prohibition of Child Marriage Act of 2006 prohibits child marriages in which either party is minor and sets the legal age for marriage at 18 years for girls and 21 years for boys. It mandates punitive measures against all who perform, permit or promote child marriages. These measures include imprisonment of up to two years or a fine of up to 100,000. It also provides for nullification of a child marriage and gives a separated female the right to

³¹ Available at: http://www.unicef.org/rosa/whole_book_b.pdf

³² Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Child_Marriage.pdf

maintenance and residence from her husband or in-laws until she is remarried. In addition, a 2006 Supreme Court decision requires registration of all marriages, which makes it easier to implement laws. The National Plan for Action for Children 2005 also includes goals on eradicating child marriage. But the fact is that though the provisions of the 2006 act are stronger, its weak enforcement shows its ineffectiveness-especially in rural areas where it is most needed. In India the government and civil society have been involved in trying to deter child marriage and increase the age of marriage for girls, especially in rural areas.³³

Marital rape laws position in India

There is no slightest of doubt that we live in patriarchy society. This society violently denies social and economic autonomy of women and its appropriation of women as male sexual property are only too willingly protected by the state and its laws. Though we have advanced in every possible field, marital rape is not considered as an offence in India. Despite amendments, law commissions and new legislations, one of the most humiliating and devastating act is not an offence in India.

Section 375, the provision of rape in the Indian Penal Code (IPC), has echoing very archaic sentiments, mentioned as its exception clause- "Sexual intercourse by man with his wife, the wife not being under 15 years of age, is not rape." Section 376 of IPC provides punishment for rape. According to the section, the rapist should be punished with imprisonment of either description for a term which shall not be less than 7 years but which may extend to life or for a term extending up to 10 years and shall also be liable to fine unless the man raped is his own wife, and is not under 12 years of age, in which case, he shall be punished with imprisonment of either description for a term which may extend to 2 years with fine or with both.

This section in dealing with sexual assault, in a very narrow purview lays down that, an offence of rape within marital bonds stands only if the wife be less than 12 years of age, if she be between 12-16 years; an offence is committed, less serious, attracting milder punishment. Once the age crosses 16, there is no legal

³³ Available at: http://reliefweb.int/sites/reliefweb.int/files/resources/Child_Marriage.pdf

protection accorded to the wife, in direct contravention of human rights regulations.³⁴

Legislators use results of research studies as an excuse against making marital rape an offence, which indicates that many survivors of marital rape, report flash back, sexual dysfunction, emotional pain, even years out of violence and worse, they sometimes continue living with the abuser. For these reasons, even the latest report of the Law Commission has preferred to adhere to its earlier opinion of non-recognition of “rape within the bonds of marriage” as such a provision may amount to excessive interference with the marital relationships. A marriage is a bond of trust and that of affection. A husband exercising sexual superiority, by getting it on demand and through any means possible, is not part of the institution. Surprisingly, this is not, as yet, in the law book in India.

The very definition of rape (section 375 of IPC) demands change. The narrow definition has been criticized by Indian and international women’s and children organizations, who insist that including oral sex, sodomy and penetration by foreign objects within the meaning of rape would not have been inconsistent with any constitutional provisions, natural justice or equity. *Article 2 of the Declaration of the Elimination of Violence against Women* includes marital rape explicitly in the definition of violence against women. Emphasis on these provisions is not meant to torture, but to give the victim and not the criminal, the benefit of doubt³⁵.

Child Marriage in Maldives

While the prevalence of child marriage in the Maldives is the lowest in the region, there is still a need to closely monitor, regulate and enforce the legal age of marriage for girls. Only 4 per cent of women currently aged 20 to 24 have been officially reported to have first married they turned 18. According to the U.S Department of state’s 2010 human Rights Report, many Maldivians travel to Pakistan or India to carry out illegal child marriages. Parents may choose to marry their daughters young out of fear that they will disgrace their family if they become sexually active outside of marriage. In 2010, the U.S. State Department listed early marriage and pregnancy as two of the most critical issues facing the Maldives.

³⁴ Available at: <http://law.galgotiasuniversity.edu.in/pdf/issue2.pdf>

³⁵ Marital rape in India by Kirti Madan

There are several steps that policymakers, development practitioners and donors can take to ensure that the problem recedes rather than expands (Rebecca 2012).³⁶

Legal framework:

The legal system in Maldives is based on a mixture of Islamic law and English common law, with the latter being more influential in regulating commerce and other activities that fall outside of the social realm. Many studies in South Asia report that child marriage may be higher in those Islamic communities that follow Sharia law, which allows girls to marry at age 15. Therefore, even though the legal age of marriage is now 18 for girls in the Maldives that is commonly observed in practice has been 15. That is why many underage unions are carried out without being officially registered. Also, the current civil law allows for girls or their fathers to apply for exemptions, most frequently received for girls between the ages of 16 and 18. And importantly, education is not compulsory in Maldives, which makes it easier for girls to drop out of school and marry earlier.

Child marriage in Nepal

Nepal is one of the poorest countries in the world, currently ranking 157 out of 187 countries on the human development index. According to Nepal's 2011 Demographic Health Survey, more than half (51 percent) of Nepalese women between the ages of 20 and 24 were married before they turned 18. However, the situation is especially terrible in the Terai region, home to more than a quarter of Nepal's population. Older and better educated boys can demand a higher dowry, thus encouraging parents to marry off their daughters as early as possible. Villagers consider a girl as a 'family object' to be given away to another family; therefore, the earlier the better, and cheaper, too. Exceptionally young child marriage rates are endemic in the Terai with an alarming 11 to 20 percent of girls aged 10 to 14 already married. Also, a UNICEF discussion paper determined that 79.6 percent of Muslim girls in Nepal, 69.7 percent of girls living in hilly regions irrespective of religion, and 55.7 percent of girls living in other rural areas, are all

³⁶ "Maldives, hailed as democracy poster child, turns to Islamic fundamentalism."

married before the age of 15. Girls who were born into the highest wealth quintile marry about two years later than those from the other quintiles (Choe, 2005).³⁷

Many young brides face serious maternal health problems as a result of early pregnancy. Fifty-two percent of girls in Nepal give birth by the age in 20, most of who have little access to information about reproduction prior to marriage. Many have their first sexual encounters without understanding the consequences of pregnancy and the need for protection. In addition to the risks from premature and/or forced sexual encounters, girls often face abuse in their new households. A study has found that many girls are overburdened with chores and face verbal and physical abuse at the hands of their in-laws. Girls are also often forced to quit school because they are expected to assume traditional adult roles once they marry. A 2007 study found that better-educated fathers are more likely to put off marrying their daughters at an early age. Other studies show that the longer adolescents stay in school, the less likely they are to be married off. Without an education and with a young childbearing debut, it is much more likely that a girl's household will have more mouths to feed and it is less likely that she will enter the labour market once she reaches adulthood. As a result, poverty persists and development and economic progress is hindered. Poverty itself acts as a cause for early marriage. Seventy-two percent of Nepalese families recently surveyed cited poverty as the main reason for marrying their daughters at a young age. Child marriage results from both a lack of education and poverty (Aryal, 2007)³⁸.

Legal framework:

The Eleventh Amendment to the Nepalese Country Code states that individuals can marry at age 18 with parental consent, and at age 20 without consent. In addition, this critical legislative amendment took other important steps for girls and women, such as recognizing daughters as rightful heirs, and increasing the punishment for child marriage to imprisonment for up to three years and a fine of up to ten thousand rupees. The National Plan of Action for the "Year Against Gender Based Violence, 2010" recognised that the forced marriage of young girls is a form of mental torture that also puts women at increased risk of other forms of

³⁷ *Early Marriage and Early motherhood in Nepal.*

³⁸ Age at first marriage in Nepal: differentials and determinants by Aryal, T.R.

domestic violence. While these are positive steps against child marriage, high numbers of girls continue to be married unhindered before the age of 18 despite the progressive national law.

Child marriage in Pakistan

Child marriage is one of the most pressing development challenges in Pakistan today, with approximately 30 percent of girls in the country married off as child brides. While the practice is widespread, the situation is worst in the interior of Sind province. Girls living in rural areas of Pakistan are hardest hit by child marriage, with a prevalence rate of 37 percent as opposed to 21 percent for girls from urban areas. Child marriage in Pakistan is deeply rooted in poverty and in centuries old patriarchal traditions, with devastating effects on girls that last a lifetime. Child brides in Pakistan are at an elevated risk of sexual and physical abuse, reproductive health complications, and other adverse physiological and social outcomes. Poverty is also at the heart of child marriage in the country: poverty fuels child marriage and in turn, child marriage fuels poverty. Viewed as an economic burden to families, girls are married off as soon as they reach puberty. This is exacerbated by the cost of dowries, which increases as girls get older, thereby encouraging early marriage. As a result, girls are deprived of an education, income generating opportunities and their general well-being. Early marriage bears devastating consequences on the lives of millions of girls in Pakistan. It negatively impacts their educational development and deteriorates their health. Child marriage often leads to early child bearing which in turn increases the risk of pregnancy complications and pre-mature child birth and even maternal and infant death.

The law in Pakistan stipulates that the legal age for marriage is 16 and 18 for girls and boys, respectively, in accordance with the colonial-era Child Marriage Restraint Act of 1929. The punishment for a man 18 or older who violates the law is a fine of up to 1,000 rupees or a maximum prison sentence of one month, or both. However, nullifying illegal child marriages is not mandatory under the current law. The Law and Justice Commission (LJCP) chair in 2011 directed the secretariat to propose amendments that would lead to more stringent punishment for perpetrators of *vani* and *swara*, a tribal customary law that mandates the forced

marriage of girls as compensation or currency to settle a dispute or debt. While legislation on child marriage can serve as a solid foundation for modifying the practice, even the strongest laws and policies alone are ineffective without adequate adherence and enforcement. In Pakistan, insubstantial law enforcement and weak punishment for perpetrators mean that *vani* and *swara*, along with other forms of customary practices allowing for child marriage, persist and are even on the rise (especially in Khyber Pakhtunkhwa, Sind and Punjab), with girls as young as seven or eight forced to marry.

These policy and enforcement limitations have devastating implications. For example, many young girls are given away to older men in return for property. There are innumerable instances where a young girl is forced to marry a very old man in return for many acres of land. Such incidents take place despite the fact that *vani* and *swara* were deemed in court as being “tyrannical, illegal, and against Islamic law”. Studies in Pakistan show a direct correlation between education and age at marriage. Education is severely stunted, as parents pull their daughters out of school as soon as they feel she is ready for marriage even though Pakistan has recently amended the constitution to guarantee education for a child up to the age of 16 years. Girls are less likely than boys to be educated due to the belief that investment in a girl’s education is wasted once she marries. As a result, they lack the valuable and necessary skills to enter the labour market, thus limiting economic progress for themselves and their families. They also lack proper decision-making skills and bargaining power to fight back against the injustices they experience on a daily basis. The health and well-being of married adolescent girls are impacted severely due to early marriage. Early marriage negatively impacts their reproductive health as adolescent girls are physically, mentally and emotionally unprepared for childbirth. In a one year period, for example, 50 percent of cervical cancer patients at a hospital in Rawalpindi had been married before the age of 20 years (Unbreen 2012).³⁹

Legal Framework:

Existing laws and punishments are clearly not strong enough to deter child marriage in Pakistan considering the high levels of the practice found in the

³⁹ Forced Child Marriages on the Rise in Pakistan

country. This is especially true in areas that are steeped in traditions of marrying daughters as young as possible to ensure family's honour, and where tribal councils trump state courts. Pakistani state courts and law enforcement officials have made efforts to arrest and prosecute perpetrators of forced child marriage and the exchange of young girls when complaints are received. However such actions have been ad hoc rather than a result of a proactive pursuit of justice. For example, police prosecuted an abysmal 59 cases of *vani* and *swara* in the first quarter of 2011. However, with 30 percent of girls reportedly married underage in Pakistan, enforcement is vastly disproportionate to the high levels of violation in the country. Birth registration is also extremely low in the country (27 percent) and is a major contributing factor to poor enforcement. Low marriage registration – despite the Muslim Family Law 1962 which mandates it –flaws the entire system and presents serious challenges to preventing child marriage (Bedari 2012).⁴⁰

Child marriage in Sri Lanka

Sri Lanka has made great strides in reducing the rate of child marriage through legislative action and enforcement, bringing the percentage of marriages involving girls countrywide down to 12 percent of overall marriages. However, decades of war and the devastating 2004 tsunami exacerbated poverty, pushing desperate families to marry off their young daughters to relieve economic strife. Girls in Sri Lanka have also been forced into early marriage by tsunami widowers, primarily to receive state subsidies and benefits for marrying and starting a family. Poverty, lack of education, protection and lack of economic and social security were cited as the primary reasons. Child marriage rates were particularly high in the Ampara and Puttalam districts where Muslim law allows girls to marry at 12, and where the occurrence of child marriage was 50.8 and 35.7 percent respectively (marriages involving girls even younger than 12 were also observed). In addition, child marriage was a tragic consequence of the constant threat of forced recruitments and abductions of children during the war; parents often chose to marry off their daughters to protect them from such a fate. In a study, 31 percent of women and girls interviewed in conflict-affected areas shortly before the civil war ended in 2009 reported they had been married between the ages of 15 and 16. While such

⁴⁰ *Advocacy for Effective Legislation against Girls' Early Marriages in Pakistan*

security motivations behind child marriage have thankfully disappeared, post-conflict regions remain very fragile. It is therefore critical that policies and programmes to help curb child marriage are included in the comprehensive reconstruction and development efforts by the government in the north and east of the country.

In Sri Lanka, early marriage results in a series of negative consequences such as low levels of education and greater risk of reproductive morbidity and mortality. Early marriage leads to early childbearing, which increases the risk of serious health complications, infant death, malnutrition and even maternal death. Girls between the ages of 15 and 19 are twice as likely to die of pregnancy-related reasons as women between the ages of 20 and 24. Young married girls are also prone to high risk of contracting HIV/AIDS. This is due to the fact that their older husbands are more likely to have been exposed to infection due to unprotected sexual intercourse with multiple partners. Apart from health risks, many Sri Lankan girls who are forced into early marriage repeatedly experience domestic violence, with the most common perpetrator being husbands, followed by fathers-in-law, brothers-in-law, and sometimes even mothers-in-law.

Legal Framework:

In 1995, the minimum age of marriage for both boys and girls was set at 18 years for the majority of the population. The National Child Protection Authority (NCPA) has noted that some underage marriages continue because of accepted cultural norms in some regions, especially in the Badulla and Polonnaruwa regions. News that the NCPA was planning to annul 300 underage marriages came as a surprise to many in the country who were unaware of the issue. The introduction of legislative reforms requiring that all marriages and the mutual consent to those marriages are registered seems to have played an important role in reducing child marriage prevalence. Additionally, Sri Lankan courts have on numerous occasions ruled non-consensual marriages forced on girls by parents as invalid, that has helped educate the public about the injustice and illegality of child marriage. National health and education policies have complemented these efforts. For example, the government provides free education from primary to university level in Sri Lanka which encourages families to keep girls in school instead of marrying

them off. There is, however, a legal exception to the 1995 law for Sri Lanka's minority Muslim community. The Muslim Marriage and Divorce Act of 1951 continues to regulate matrimonial law for the community and allows girls to marry as young as 12 years old or even younger with the permission of a "Quazi," a Muslim court.

The legal status of child marriage in South Asia is regulated through a complex interplay of national laws, including civil codes, criminal codes, and personal laws. A review of laws related to child marriage, in South Asia reveals several key gaps and inconsistencies that undermine girl's ability to seek legal protection and remedy where child marriage persists marriage of girls under 18 is legally permissible under general laws in both Afghanistan and Pakistan, as well as under personal laws throughout the region, implying that the practice acceptable and even condoned. In many parts of South Asia, there is deference's to personal laws that establish a lower age of marriage, which leads to discrimination against girls on religious grounds and increased vulnerability within certain sub groups of girls based on religious affiliation⁴¹.

Age restrictions related to intercourse and criminalization of marital rape

In most South Asian countries, rape within marriage is not criminalized, although penal codes do establish a minimum age under which sex with a girl is criminalized. In Bangladesh, Nepal, and Pakistan, sex with a girl who is under 16 years is considered rape old is considered rape⁴². Afghanistan does not establish a minimum age in relation to sex, but punishes any person who through violence, threat, or deceit violates the chastity of another and permits a harsher punishment where the victim is below 18⁴³. Similarly, Nepal and Sri Lanka recognize harsher punishments for sexual abuses related to younger girls⁴⁴. The Shia (Shiite) Personal Status Law in Afghanistan establishes that sexual intercourse with a married woman before she reaches puberty is prohibited.

Further, in certain South Asian countries, the law permits marriage to legitimize sex with a girl where it would otherwise be illegal. For example, in India, the 2012

⁴¹ Child marriage in South Asia

⁴² Oppression of women and children, Act no 18 of 1995 Bangladesh Amendment.

⁴³ Afghanistan Penal Code, Sections 427, 429.

⁴⁴ Sri Lanka Penal Code Section 364.

Protection of Children from Sexual Offences Act established that sex with a child under 18 is rape; however, the Indian Penal Code, which was amended in 2013, states that marital rape is only criminalized until a girl is 15 years of age. Similarly, in Sri Lanka, sex with a girl under 16 years is considered rape even if she says that she consents; however, the law permits a man to legally have sex with his wife without her consent so long as she is above 12 years of age.

In most of South Asia, marital rape involving women or girls older than the ages discussed above is not criminalized. Only Nepal clearly penalizes all instances of marital rape, regardless of the age of the wife at the time that the rape occurred. Marital rape is also one of the grounds for divorce in Nepal; however, the punishment for marital rape remains light. Pakistan's penal code does not state that marriage is a defense to rape, which would allow for the recognition of marital rape as a crime; however, the failure to clearly criminalize marital rape has meant that courts in Pakistan continue to allow evidence of marriage to be a bar to a finding of rape.

Table 3.1

Minimum Legal Age of Marriage for Girls in South Asia

Country	Legal age of marriage	Laws related to child marriage
Afghanistan	16	Sharia Law
Bangladesh	18	Article 34 of the children's Act of 1974
Bhutan	18	Child Care and Protection act, 2004
India	18	-Child marriage Restraint Act, 1929 -The National Plan for Action for children, 2005 -The Prohibition of Child Marriage act, 2006
Maldives	18	Muslim Sharia Law
Nepal	18	-Gender Equality Act, 2006 -The Eleventh Amendment to Nepalese country code
Pakistan	16	The Muslim Family Law, 1962

Sri Lanka	18	-The National Child Protection Authority -Muslim Marriage and Divorce Act, 1951
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Above table (Table 3.1) explains the legal age of girls for marriage, it indicates that except Pakistan, Afghanistan and other countries where still Muslim personal law followed, there, legal age for marriage of girls is still below 18- it may be 15 or 16 or according to parents consent. Besides this social and economic conditions are also contributes for early marriage. Next chapter deals with these social and economic reasons.

CHAPTER-4

Social and Economic Reasons of Early Marriage: Field Experience of Bathinda District

Youth form a significant proportion of the Indian population. Thirty-six percent of total population of India is younger than 15 years. Another 19.3 percent of the population range in age from 15 to 24 years. Thus more than half of the population is younger than 25 years. Research shows that worldwide million of adolescents are married, and South Asia has one of the highest rates. Nearly one-third of girls between the age group of 15-19 years in South Asia are married.⁴⁵ There are so many factors responsible for child marriage in India, but the main factors behind child marriage are poverty and poor economic conditions of parents of girl children especially in rural communities of India. Second big factor is the traditional practices and religion. Some other commonly observed factors behind early marriages of girls include protecting honour, illiteracy or lack of education, lack of economic resources, and social insecurity of girl child.

Experience of Child Marriage in Bathinda District:

In rural as well as urban areas of Bathinda District, there are so many cases of child marriage. So the detailed description of the cases surveyed is given below in tables. It has been found that there is some relation between poverty and early marriage, traditional norms and child marriage, child marriage and early pregnancy or infant mortality and early marriage and sexual exploitation that is described in detail below.

For field experiences of child marriage, data from urban Bathinda has been collected from three main areas (Bathinda city, Bhucho, Maur Mandi). In Bathinda city data from Udam Singh Nagar, Dhobana Basti, Joginagar, Paras Ram Nagar, Guru Teg Bahadur Nagar and Power House areas have collected. Below are the details of cases identified in Urban Bathinda.

⁴⁵ Mathur et al. 2003

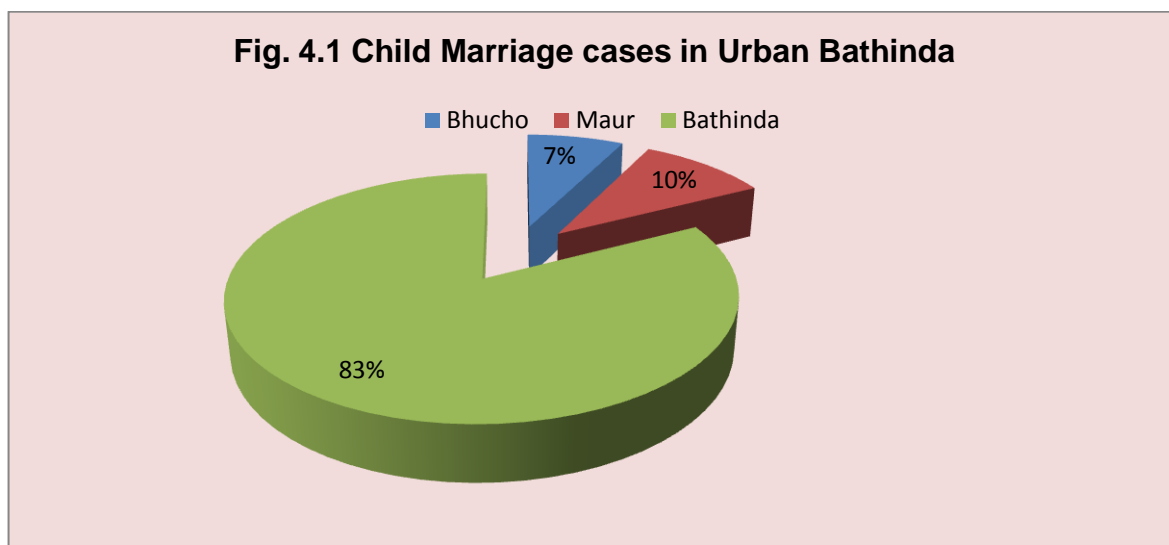
Table 4.1

Child marriage cases in urban Bathinda

Urban Areas	Recorded case	No of Victims Whom I Met	Percentage
Bhucho	NA*	3	7.5%
Maur Mandi	NA	4	10%
Bathinda	NA	33	82.5%
Total case	NA	40	100%

(* indicates not any case recorded)

According to (Table 4.1) there are so many cases of child marriage in urban Bathinda. In Bathinda city above 80% cases of child marriage have been found, though according to the Department of police record there is not any case of child marriage registered in Bathinda. Not only in Bathinda city but also in Maur Mandi and Bhucho so many cases of child marriage have been found.



Above 80 percent (Figure 4.1) cases of child marriage have been found in Bathinda city alone and some cases in Bhucho and Maur also found. Not only in urban areas but also in rural areas the situation persists in the same manner.

In rural Bathinda, data related to child marriage have been collected from different villages. Major case related to child marriage found in Bhokhra village of Bathinda district. Besides this data from Bir Talab, Jai Sing Wala, Gill Patti, Naruana, Bhagu, Bahoo, Khialiwalwa have also been collected. Details of cases of child marriage in rural Bathinda are mentioned below:

Table 4.2

Child Marriage Cases in Rural Bathinda

Village Name	Case according to Village Head	No of Respondent whom I met	Percentage
Bhokhra	NA	16	40%
Bir Talab	NA	4	10%
Bhagu	NA	5	12.5%
Bahoo	NA	4	10%
Deon	NA	0	0
Gill Patti	Only 2-3	3	7.5%
Jai Sing Wala	Some Cases	4	10%
Joganand	NA	0	0
Jassi Pou Wali	NA	0	0
Khaliwala	Only 1or 2	3	7.5%
Mehta	NA	0	0
Naruana	NA	1	2.5%
Total	–	40	100%

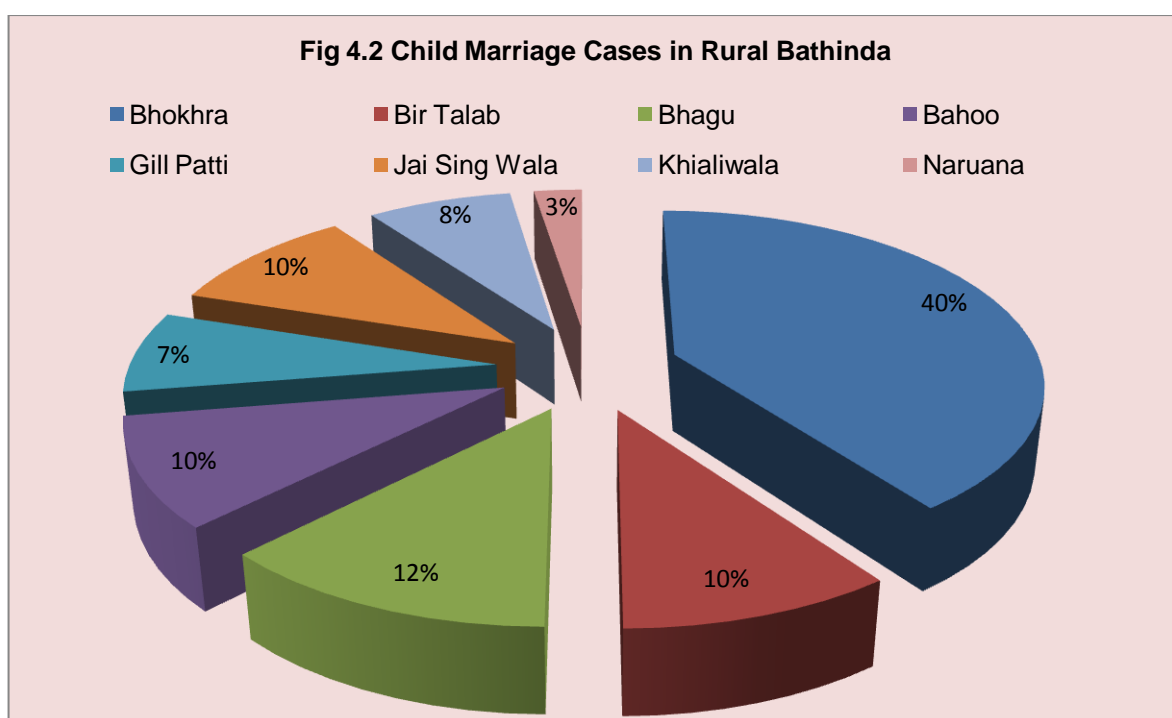


Figure 4.2 explains the description of the cases found in rural Bathinda. It shows the percentage of child marriage cases in rural Bathinda. As above mentioned data (table 4.2) shows that in rural Bathinda majority (40%) of child marriage cases collected in Bhokhra village. After that so many villages have been visited but the Village Head do not want to give any information regarding the problem. Only in Jai Sing Wala and Khailiwala, Village Head (Sarpanch) explained the situation of under aged brides. Most of the brides does not want to share any information and just hide the scene. Majority of cases related to the problem were found in under-developed or developing villages where there prevails low literacy level and poverty.

Literacy Rate

Little or no schooling strongly correlates with being married at a young age. Conversely, attending school and having their levels of education protect girls from the possibility of early marriage. When a woman's most important role is considered to be that of a wife, mother and homemaker, schooling girls and prepare them for the jobs may be given short shrift. It is usually safer and economically more gratifying to spend limited resources on educating sons than daughters. Illiteracy is a major reason behind the problem of child marriage in Bathinda district. Majority of the parents who have forced their daughters to marry in childhood were illiterate. The respondents, their husbands, and in-laws also had low levels of education. Below table explains the education level of respondents in Bathinda district.

Table 4.3

Education Level of Respondents in Bathinda district

Education level	No of Respondents (Urban)	No of Respondents(Rural)
PG	1 (2.5%)	0
Graduate	0	0
Higher Secondary	2 (5%)	3 (7.5%)
Matric	5 (12.5%)	2 (5%)
Middle	3 (7.5%)	7 (17.5%)
Primary	8 (20%)	9 (22.5%)

Illiterate	21 (52.5%)	16 (40%)
Others(Drop-Out's)	0	3 (7.5%)
Total	40 (100%)	40 (100%)

Above mentioned data shows that illiteracy is a major factor behind the increasing rate of early marriage in this specific region. Above mentioned table shows that in rural Bathinda majority of child brides are illiterate, only 22.5 percent have got primary education, 17.5 percent middle and 5 percent metric level education. There are some cases of drop-outs also. 7.5 percent respondents want to get education but due to lack of awareness and backwardness, their parents married them earlier. Of 40 respondents, the majority (52.5%) of the girls who married in their early childhood were illiterate in urban Bathinda and only 5 percent girls were higher educated. In these cases one respondent had done her PG and that too after separation from her husband.

Table 4.4

Spousal Educational Differences in Bathinda District

Education status	No of Respondents (Urban)	No of Respondents (Rural)
Same level	25 (62.5%)	24 (60%)
Husband Higher	9 (22.5%)	7 (17.5%)
Wife Higher	6 (15%)	9 (22.5%)
Total	40 (100%)	40 (100%)

Of 40 respondents, majority (52.5%) of spouses were uneducated, and at the same level of literacy and only 10 percent are at the same level because they were equally educated. In these cases 15 percent wives were higher educated than their husbands and 22.5 percent husbands were higher educated than their wives. In rural Bathinda, out of 40 respondents, the majority (60%) of the spouses are at same level on the basis of education and in these spouses, most are illiterate. Only 17.5 percent husbands are more educated than child brides. On the other hand, 22.5 percent child brides are more educated than their partner.

Table 4.5**Child Bride's Parents Education Level in Bathinda District**

Education level	No. of respondent(urban)	No. of respondent(rural)
Literate	3 (7.5%)	5 (12.5%)
Illiterate	29 (72.5%)	33 (82.5%)
Mother literate but father illiterate	1 (2.5%)	2 (5%)
Father literate but mother illiterate	7 (17.5%)	0
Total	40 (100%)	40 (100%)

As seen from the table (Table- 4.5) above, education of both parents and in-laws of girl child play important role in girl's future life. If they are educated, they definitely helped their daughters as well their daughter in-laws to get further education that could have decreased the rate of child marriage. But in above mentioned table picture is totally opposite, 72.5 percent of parents in urban areas and 82.5% in rural areas are illiterate. And this definitely leads to increase in the rate of child marriage. The situation is same in case of education of child bride's in-laws.

Table 4.6**Child Bride's In-Law's Education level in Bathinda District**

Education Level	No of Respondents (Urban)	No of Respondents (Rural)
Literate	4 (10%)	7 (17.5%)
Illiterate	29 (72.5%)	29 (72.5%)
Father literate but mother not	1 (2.5%)	2 (5%)
Mother literate but father not	6 (15%)	2 (5%)
Total	40 (100%)	40 (100%)

Data in table (Table 4.6) explains the education level of in-law's of the respondents in Bathinda district. In urban and rural areas majority (72.5%) respondents' in-law are illiterate. And it is a big reason behind the early marriage in Bathinda district.

Age of Women before Marriage

Age is a factor of authority and power within as well as outside the family. Such an age differences amongst spouses creates many problems. Younger wives are treated differently and unequally from their older husbands. This undermines the balance between their decision-making power and equality with the other members of the families. Below is the percentage of women's age before marriage:

Table 4.7

Age of Respondents before Marriage in Bathinda District

Age group	No of Respondents (Urban)	No of Respondents (Rural)
9-12	5 (12.5%)	1 (2.5%)
12-15	15 (37.5%)	10 (25%)
15-18	20 (50%)	27 (67.5%)
Others (Remarried)	0	2 (5%)
Total	40 (100%)	40 (100%)

The data shows that most of the respondents were married at the age of 17 in urban Bathinda. Around 50 percent of the respondents were married at an age between 15-18 and 37.5 percent at an age between 12-15 years in urban areas. 67.5 percent child brides are married when they were 15 to 18 years of age in rural areas of Bathinda district. In these cases majority of respondents are 16 and 17 years old. 25 percent of respondents are 12-15 years old at the time of their marriage and 2.5 percent respondents are below 12 years of age in rural areas of Bathinda district.

Table 4.8

Mean age of Respondents in Bathinda District

Age- Group	Respondents (Urban)	Mean Age	Respondents (Rural)	Mean Age
9-12	5	11	1	12
12-15	15	14.20	11	14.6
15-18	20	17.10	28	16.6
Total	40	14.10	40	14.3

Above table (Table 4.8) shows the mean age of victims of early marriage in rural and urban areas of Bathinda. It indicates that in both urban and rural areas mean age of the respondents are same (14 years). Although countries have passed laws declaring 18 as minimum age for marriage, too often the laws are not enforced and social, economics, and cultural realities perpetuate the practice.

Table 4.9

Child Brides Age Differences with Husbands in Bathinda District

Women's age differences with the age of their husband	Number of Respondents (Urban)	No of Respondents (Rural)
Same age	4 (10%)	1 (2.5%)
Husband 1-4 years older	21 (52.5%)	16 (40%)
Husband 5-9 years older	13 (32.5%)	18 (45%)
Husband 10+ years older	2 (5%)	3 (7.5%)
Any other	0	2 (5%)
Total	40 (100%)	40 (100%)

As seen from above (Table 4.9), a large number of the respondents (21) have an age differences of about 1 to 4 years with their husbands. Above 32 percent husbands are 5 to 9 years older than their wives. In the above mentioned cases, two girls are below 10 years old at the time of their marriage, married to men who were above thirty years senior to them. Such an age differences amongst spouses

creates many problems. One of the problems can be increased misunderstandings between the couple. As seen in the above table, a large number (45%) of respondents have 5 to 9 years of age difference with their spouses in rural areas of Bathinda district. 40 percent respondents have 1 to 4 years of difference. In rural Bathinda there are some (7.5%) cases where husbands are above 10 years older than their wives. Taking into account the above mentioned perspective, it is important to question the social reasons behind the early or childhood marriage;

Table 4.10

Social Reasons behind Child Marriage in Bathinda District

Social Reasons behind Early/ Child Marriage	No of Respondents (Urban)	No of Respondents (Rural)
Residential area	37 (92.5%)	37 (92.5%)
Tradition	35 (87.5%)	36 (90%)
Religion	34 (85%)	37 (92.5%)
Caste	34 (85%)	34 (85%)
Social/Economic insecurity	30 (75%)	23 (57.5%)
Dowry System/Bride Price	21 (52.5%)	31 (77.5%)
Illiteracy	35 (87.5%)	37 (92.5%)
Backwardness	34 (85%)	37 (92.5%)
Alcohol/Drug Addiction	15 (37.5%)	18 (45%)
Girls as Burden	23 (57.5%)	31 (77.5%)
Two marriages at same time	0	11 (27.5%)
Poverty	34 (85%)	22 (55%)

The above data (Table 4.10) shows the social reasons behind child marriage, and these are varied in nature. There are so many social reasons that contribute to early marriage, it may be the location of specific residential area, religion, tradition, caste, insecurity (social and economic), dowry system, illiteracy, backwardness (illiteracy, poverty and unemployment), and alcohol or drug addiction of father of a girl child. Data shows that residential area 92.5 percent, illiteracy 87.5 percent,

backwardness 85 percent, tradition 87.5 percent, social & economic insecurity 75 percent are the main social reasons behind early marriage in urban Bathinda. Caste, Religion, Alcohol, Dowry also contribute in this direction. In rural Bathinda above 90 percent respondents accepted that illiteracy; backwardness, religion, residential area and tradition are the main reason behind their early marriage. Because of dowry, 77.5 percent respondents agreed that girls are felt as burden by their parents. Poverty 55 percent, alcohol 45 percent, two marriages at same time 27.5 percent, and social insecurity 52.5 percent of girls are also the major social reasons behind the early marriage of girl child in rural Bathinda. Below tables are about the detail of social reasons like caste, religion, residential areas etc.

Table 4.11

Caste-Wise Cases of Early Marriage

Caste	No of Respondents (Urban)	No of Respondents (Rural)
Gen	11 (27.5%)	7 (17.5%)
SC	14 (35%)	22 (55%)
ST	9 (22.5%)	1 (2.5%)
OBC	6 (15%)	10 (25%)
Total	40 (100%)	40 (100%)

Data in the above table shows the caste-wise cases of child marriage, in which majority (35%) of cases are identified among SC category, after that General (27.5%), ST (22.5%) and OBC (15%) categories that contribute in early marriage cases in urban Bathinda. In rural Bathinda, 55% of cases of early marriage happened in SC category after that 25% cases are collected from OBC category. 17.5% cases of early marriage appeared in general category and only 1 case in ST category. Although Schedule tribes are not part of Punjab, yet due to migration from other states, the poor have shifted in this state for their livelihood, and this segment of the poor includes the Schedule Tribes (ST) too.

Table 4.12**Religion-Wise Cases of Early Marriage in Bathinda District**

Religion	No of Respondents	Percentage
Sikh	12 (30%)	31 (77.5%)
Hindu	24 (60%)	8 (20%)
Muslim	3 (7.5%)	1 (2.5%)
Christen	1 (2.5%)	0
Total	40 (100%)	40 (100%)

In Punjab, majority of the population is of Sikh religion; however in urban Bathinda majority (60%) of the Hindu religion contributes in early marriages of girl child. Next 30 percent of cases from urban Bathinda belong to Sikh families. Hindu religion and SC category shows the high rates of early marriages in urban Bathinda. Above table shows that in rural Bathinda, 77.5 percent cases of early marriage identified in Sikh religion were observed from SC as well as from general category. 20 percent of cases were identified in Hindu religion and only 2.5 percent respondents are from Muslim religion. In rural Bathinda not any case of early marriage was observed from Christian religion. Like social reasons, there are so many economic factors also that contribute in the increasing rate of child marriage in Bathinda district of Punjab that may either be unemployment, less wages, poverty, show-off in marriages, dowry or bride price etc. Below are the main economic reasons of early marriage.

Table 4.13**Economic Reasons behind Early Marriage**

Economic reason	No of Respondents (Urban)	No of Respondents (Rural)
Unemployment	33 (82.5%)	28 (70%)
Less Wages	34 (85%)	33 (82.5%)
Dowry	23 (57.5%)	8 (20%)
Show-off in marriages	8 (20%)	19 (47.5%)

No balanced diet	26 (65%)	10 (25%)
Not any economic source	32 (80%)	10 (25%)

Above data shows that unemployment, less wages and poverty are the main economic reasons behind early marriage. 80 percent of families where early marriage cases were identified have no permanent economic source; they are just day workers, who have fewer wage. Because of economic problems and scarcity of food, they want to marry their daughter earlier. Above table shows the economic reasons of early marriage in rural areas of Bathinda. Poverty, unemployment and less wages are the main reasons of early marriage of girls in rural areas. 25 percent respondents married earlier because of the scarcity of food and money. Parents encourage the marriage of their daughters while they are still under age for the hope that the marriage will benefit them both financially and socially, while also relieving financial burden of the family. On the other hand early marriage results in poor social and physical outcomes of young women and their off-springs. Below table explains the conditions of child brides after their marriage;

But these families are totally unaware about the situation of their daughters in their in-laws families. These child brides have to face so many problems, what type of treatment their in-laws provide them? This should also be highlighted. Below mentioned table describes the conditions of child brides after their marriage.

Table 4.14

Treatment after Marriage with Child Brides in Urban Bathinda

Treatment By In-Laws	No of Respondents (Urban)	No of Respondents (Rural)
Family of in-laws as normal living being	31 (37.5%)	38 (95%)
No nutritious food	26 (65%)	10 (25%)
No decent clothing	26 (65%)	16 (40%)
No personal hygiene	22 (55%)	14 (35%)
Complete house hold work allocated to her	26 (65%)	21 (52.5%)

No medical check-up during pregnancy	18 (45%)	29 (72.5%)
Alcohol addiction of husband	22 (44%)	25 (62.5%)

Above mentioned table described that majority of the in-laws families of child brides are normal living beings. There are majority (65%) of families, where no proper food, no proper personal hygiene and even no decent clothing is available for their members, in which child brides also figure. There is not any family in all respondents where servant is available. 65 per cent of child brides have been allocated all their household work. 44 per cent of respondent's husbands are addicted to alcohol. After marriage child brides have to face so many difficulties like scarcity of food, clothes, personal hygiene. They have to face the problem of alcohol addiction of their husbands also. Because of these conditions child brides have to face so many health problems also; that described in detail below. After marriage, child brides face various problems in their in-laws household. Above 40% of respondents have faced scarcity of food and 40% faced the problem of scarcity of decent clothing. Above 50% of respondents of rural areas have to bear the burden of complete household work. Majority of families have no maid in their homes because of the family's poor living conditions. 72.5% respondents can't get medical care during pregnancy because of poor condition of families. Child brides were given lower social status in their in-laws families. They have less productive control and suffer high rates of maternal mortality and domestic violence. Below table explains the health issues of child brides;

Health Issues of Child Brides

Child brides face enormous pressure to prove their fertility soon after marrying, and have little access to information on reproductive health and ability to influence family planning decision making. Once pregnant, these adolescent girls are physically, mentally and emotionally unprepared for child birth. And young pregnant girls are likely to deliver a low birth weight and premature infant who is more likely to die. If they live, these children are at increased risk of malnutrition (Raj et al 2012).

Table 4.15**Health conditions of Child Brides in Bathinda District**

Health issues	Respondents (Urban)	Respondents (Rural)
Illness	16 (40%)	11 (27.5%)
Pregnancy during Adolescence	21 (52.5%)	26 (65%)
Infant Mortality	8 (20%)	16 (40%)
Unsafe Abortion	4 (10%)	4 (10%)
Unwanted Pregnancy	4 (10%)	14 (35%)
Physical Abuse	1 (2.5%)	9 (22.5%)
Internal & External injuries	4 (10%)	1 (2.5%)

One of the consequences of child marriage is its negative impacts on the health of mothers and children. Girls who are married earlier are not physically prepared for pregnancies and child brides. As mentioned above (Table 4.15), 52.5 percent women are pregnant during adolescence, and in these cases 20 percent of child brides faced infant mortality. Unsafe abortion and unwanted pregnancy are also the problems of these child brides. In above mentioned cases 2.5 percent child brides faces physical abuse in the form of both internal and external injuries. Child brides not only faced physical abuse, they are also the victims of sexual abuse. Above table shows the health status of child brides after marriage. In these cases 65 percent respondents are pregnant during adolescence. Early child bearing has long been seen as a risk to maternity and same has happened with these child bride respondents. 40 percent of respondents face maternal mortality in rural Bathinda, 35 percent cases face unwanted pregnancy and 10 percent cases face unsafe abortions were also identified. 60 percent women respondents of rural areas have psychological and emotional disturbance. 22.5 percent of women face physical abuse in rural areas that results in the form of internal and external injuries. The younger the boy or the girl is at the time of marriage, the worse is the abuse of child and human rights, both on grounds of lack of consent and on grounds of forced early sex. However, the implications for the females are much more severe. Younger the girl at times of her first sexual relation, the greater the

chance of severe pain, physical damage, birth complications and injury. Following table explains the sexual abuse of early marriage victims in Bathinda district.

Table 4.16

Sexual/ Child Abuse after Marriage in Bathinda District

Experience of sexual life	No of Respondents (Urban)	No of Respondents (Rural)
First intercourse without consent	15 (37.5%)	1 (2.5%)
Intercourse violent	17 (42.5%)	7 (17.5%)
Forced to intercourse by partner	25 (62.5%)	12 (30%)
Physically hurt during intercourse	15 (37.5%)	10 (25%)
Feeling extremely uncomfortable with partner's sexual requests	21 (52.5%)	15 (37.5%)
Afraid to say no	33 (82.5%)	21 (52.5%)
Felt sexually harassed by partner	2 (10%)	0

Above mentioned table (4.16) shows that 62.5 percent women has been forced by their partner to intercourse, and from which above 50 percent feel extremely uncomfortable because of their partner's requests. 82.5 percent of women afraid to say no to their partners because of the fear of domestic violence. Only 10 percent women felt sexually harassed by their partner and 62.5 percent of women have felt that their first intercourse was without consent from which 37.5 percent felt physically hurt during intercourse. These types of sexual abuse are not only the result of partners feeling of dominance but also the result of the addictions of alcohol or drugs of partner. In rural areas, 30 percent of women are forced by their partner and among these women, 25 percent of women face physical hurt during intercourse. Majority (52.5%) of women are afraid to say no to their partners because of the fear of domestic violence. But in rural areas women do not feel that they are sexually harassed by their partner, because they think that it is a duty of women to satisfy their partner, and do as their partner want. Only 2.5 percent respondent accepts that their first intercourse was without her consent, and 17.5 percent respondents accept that their first intercourse was violent. Below table explains the marital status of child brides now.

Table 4.17

Bad Habits of Husbands in Bathinda District

Bad Habits	No of Respondents (Urban)	No of Respondents (Rural)
Alcohol	22 (44%)	24 (60%)
Use of drugs	3 (7.5%)	4 (10%)
Extra-marital relations	7 (14.5%)	1 (2.5%)
Use of Tobacco	21 (52.5%)	16 (40%)

In the above table (4.17) data shows that 44 percent of respondent's partners are alcohol addicted and above 50 percent is tobacco addicted. Besides of this 14.5 percent respondent's partners have extra-marital relations. Even 7.5 percent of husbands are drug addicted. So not only patriarchy dominance but also bad habits of husbands are the reason behind sexual abuse of child brides in urban Bathinda. In rural Bathinda 60 percent of respondent's partner are alcohol addicted and 40 percent are tobacco addicted. On the other hand some women have awareness about their physical, sexual and psychological exploitation, that's why they are separated or re-married. Below table shows the marital condition of child brides now. Alcohol and drugs are also contributing in women exploitation in rural areas. But in rural areas, husbands easily dominate on their child brides because of power and influence. And in rural areas women's complete social and economic dependence on their husband also contributes in their exploitation.

Table 4.18

Marital Status of Child Brides in Bathinda District

Marital status	No of Respondents (Urban)	No of Respondents (Rural)
Married	35 (87.5%)	30 (7.5%)
Divorced	0	1 (2.5%)
Widow	1 (2.5%)	5(12.5%)
Separated	3 (7.5%)	1 (2.5%)

Re-married before 18	0	1 (2.5%)
Re-married after 18	1 (2.5%)	2 (5%)
Total	40 (100%)	40 (100%)

This table shows that in urban Bathinda 7.5 percent of child brides are separated from their partners and only 2.5 percent women re-married after legal separation. And the remaining 87.5 percent respondents (who are victims of child marriage) are spending a life of adjustment and compromise. Above table (table 4.18) shows that 75 percent of women are married and satisfied with their whole situations, 2.5 percent cases of separation and 2.5 percent cases of divorce are also identified, after legal separation 7.5 percent (1 case of remarried before 18 and 2 cases of remarried after 18) cases of re-marriages are also identified.

Table 4.19

Residential Areas-wise Cases of Early Marriage in Bathinda

Residential area also contributes to early marriage. The differences between the urban and rural life is also important in this direction. Most of the cases are happening in middle level villages and no infrastructure areas of Punjab.

Residential Area	No of Respondents	Percentage
No infrastructure/ Less Developed Areas	32	40%
Middle level village	42	52.5%
City	6	7.5%
Total	80	100%

Above table shows that middle level villages (52.5%) and no infrastructure (40%) areas contributes majority of cases of early marriage in rural Bathinda. Not only residential areas but also the household conditions of a specific family also contribute in early marriage of girls. Below table explains the condition of families with household details and house hold occupation.

Table 4.20**Household Details of Respondents in Bathinda District**

House Details	Respondents (Urban)	Respondents (Rural)
Pucca	12 (30%)	9 (22.5%)
Semi-Pucca	3 (7.5%)	24 (60%)
Kuchha	5 (12.5%)	5 (12.5%)
Rent	20 (50%)	2 (5%)
Total	40 (100%)	40 (100%)

In Bathinda, 60% of respondents are from Semi-Pucca house, only 22.5% respondents have their own Pucca house. Because of poverty and scarcity of living place, poor families go for early marriage of their daughters to escape from economic burden. In urban areas 50 percent of respondents are living in houses that are on rent and 30 percent respondents are living in pucca houses. Not only house conditions but also occupations of respondents partner are also contributes in this direction.

Table 4.21**Household Occupation of respondents in Bathinda District**

Occupation	Respondents (Urban)	Respondents (Rural)
Farming	1 (2.5%)	4 (10%)
Service/Business	7 (17.5%)	5 (12.5%)
Unemployed	0	3 (7.5%)
Day-worker	20 (50%)	20 (50%)
Any other	13 (32.5%)	8 (20%)
Total	40 (100%)	40 (100%)

In rural areas, majority of respondents are day-workers, who don't have permanent economic source. This type of temporary work has no enough contribution to the household. Scarcity of food, clothes and living places increase

burden over the heads of families. On the other hand, more children pressurise every father to go for early marriage of their children specifically daughters.

Besides this child marriage contributes in increasing birth rate of children in the region. So these all tables are about the conditions of women in both urban and rural areas of Bathinda. Data shows that in rural and urban areas women are not too much aware about their exploitation. They think that if they are not educated, they are poor, they have to compromise at every step of life, it is just because of their own luck and no one can do anything to change their situation. Below table shows the awareness among women in rural and urban areas about legal provisions and their conditions;

Table 4.22

Awareness among Child Brides in Rural and Urban Bathinda

Awareness among Child Marriage Victims	Respondents (rural)	Respondents (urban)
Legal provisions related to child marriage	10 (25%)	12 (32%)
Legal provisions related to sexual rights in marriage	0	0
About registration of child birth	28 (70%)	32 (80%)
About their Marital Rape	0	0

Above table shows that in both urban and rural areas of Bathinda district only 25 percent of women are aware about the legal provisions related to child marriage. Majority (70%) of women are aware about the registration of child birth in Bathinda district. But in this area women are not aware about their sexual rights in marriage; they have not any awareness about marital rape and IPV. There are so many reasons behind the marital rape of child brides like as;

1. Male subjugated Social Environment

As a male subjugated social environment, men in all sphere of their life dominate the women of Indian Subcontinent. In her life cycle a women depends on father, brother, husband and lastly their sons. Besides, they are dominated and

oppressed in every sector by the male members. Owing to such dependency, the male members think that they always direct women and all services should be centred to the interest of the male. Because of this thinking men always dominated on their child and younger wives.

2. Socio-Economic Reasons

The disruption in the traditional rural economic pattern brought about by changing socio-economic processes has adverse effects on women. Both the economically and socially are vulnerable in the society. Traditional socio-cultural practices, low rate of education, lack of employment opportunity, and low nutritional and health status etc. are some of the factors responsible for holding low social and economic status, unemployment have increased the stress and tension in male-female relation in poor households and given rise to marital violence.

3. Cultural Ideological Impact

Irrespective of national prosperity or level of development, women are vulnerable to exploitation, oppression and all other types of open violence from men in all societies where cultural norms, tradition and legal system sanction women's subordination to men. In India, an important mechanism of male dominance is the proliferation of gender ideology through sanctions of religious texts and their gender-selective interpretation by the community leaders. Moreover, increasing exposure to violence through popular reading, theatres, film and TV shows, satellite culture etc. directly or indirectly encourage men to commit offences like rape within the chores of their house as well as outside the house.

4. Poverty Commonness

Most people of the country are often victimized of due to object poverty. People in large number are living in rural areas. Majority of people are living below the poverty line. They live from hand to mouth. Because of poverty they have to marry their children earlier and they also want to escape from their educational expenditure. This results as a continuous exploitation of their girl children in their own home.

5. Other Influential Reasons

Besides these, other influential components are responsible for the rape occurrence within marriage in the country, lack of education and awareness in case of women, gender disparity, practice of power, land dispute, illicit love affair, denial of love and marriage, opposing second marriage, expansion of political supremacy in the specific area and others, are directly or indirectly associated with criminal activities including women rape in her own home by their husband.

This section of the chapter describes the comparison between rural and urban areas of Bathinda district.

COMPARISON BETWEEN URBAN AND RURAL BATHINDA

In rural and urban areas of Bathinda district, there are lot of social and economic reasons behind early or child marriage. But there are some similarities as well as dissimilarities in urban and rural areas. In urban areas, 52.5 percent respondents are illiterate as compare to 40 percent of illiterate respondents in rural areas. Parents of child brides are 80 percent illiterate in rural areas as compared to 72.5 percent in urban areas. In rural and urban areas majority of child marriages take place at 16-17 years of age. In urban areas 52.5 percent child brides are 1-4 years younger than their husbands as compare to 40 percent in rural areas. In urban areas, 32.5 percent respondents are 5-9 years younger than their husbands as compared to 45 percent in rural areas.

In urban areas child marriage still continue in those areas that are totally deprived from all the facilities, there extreme poverty persists and people have no economic and social source to move forward. In these areas, because of poverty, children are not sent to schools, people are living in extreme unhygienic conditions; and they have no medical facilities. So scarcity of food, clothes and living place compel them to early marriage of their daughters.

In rural areas, child marriages continue in backward (where there is illiteracy, poverty and unemployment persists) areas as well as in well developed areas also. People think that if they get suitable match for their daughters it will be like winning a lottery. When parents got any partner for their daughters, they marry them as soon as possible; they do not care about their age. In rural areas people

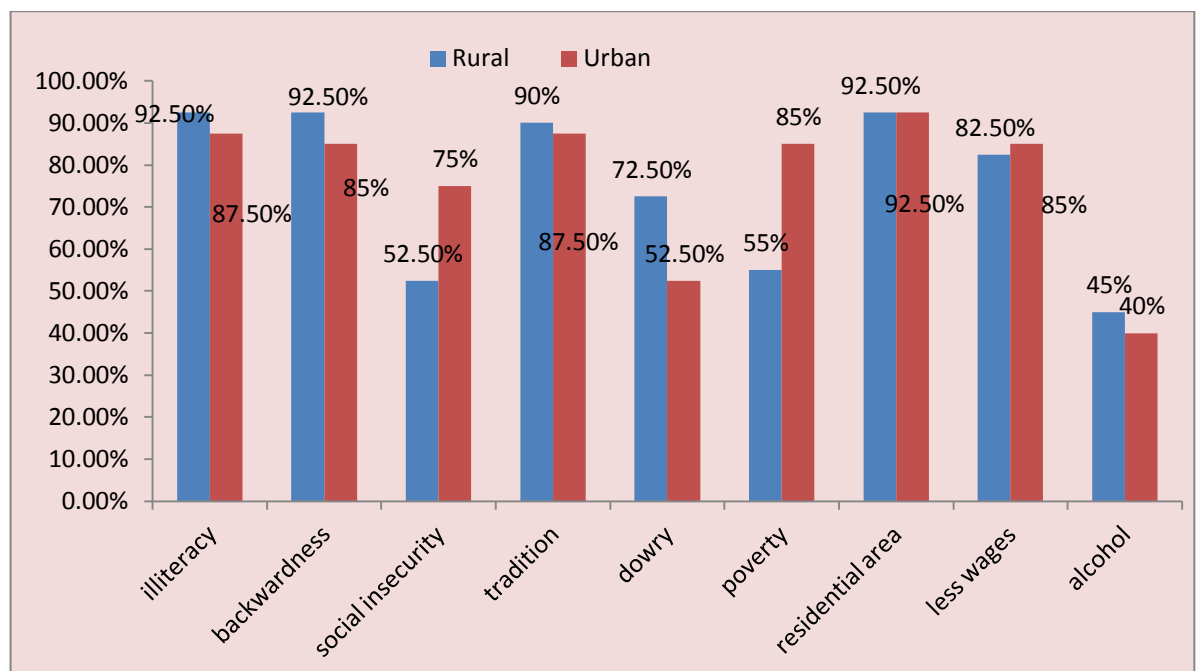
believe in early marriage of girls because of social and economic insecurity. Emergence of gang-rape cases and continuously happened rape cases made people worried about their daughters. But they forget the fact that, they want to escape their daughters from rape but on the other hand they put them into the way, where they are continuously raped by their own husband.

Comparison of Social & Economic Reasons

According to field observation, there are lot of social and economic reasons behind early marriage in Bathinda district. In this region illiteracy, backwardness, poverty, dowry and alcohol are the main cause behind the problem. But the problem persists in those areas of city or village where there is no development, less development or situation of under-development. Use of drugs, alcohol and dowry demand has worried people about the future of their daughters, so they marry them earlier. Below figure explains the comparison of main social and economic reasons of early marriage in Bathinda areas.

Figure 4.3

Comparison of Social & Economic Causes behind Early Marriage in Rural & Urban Bathinda

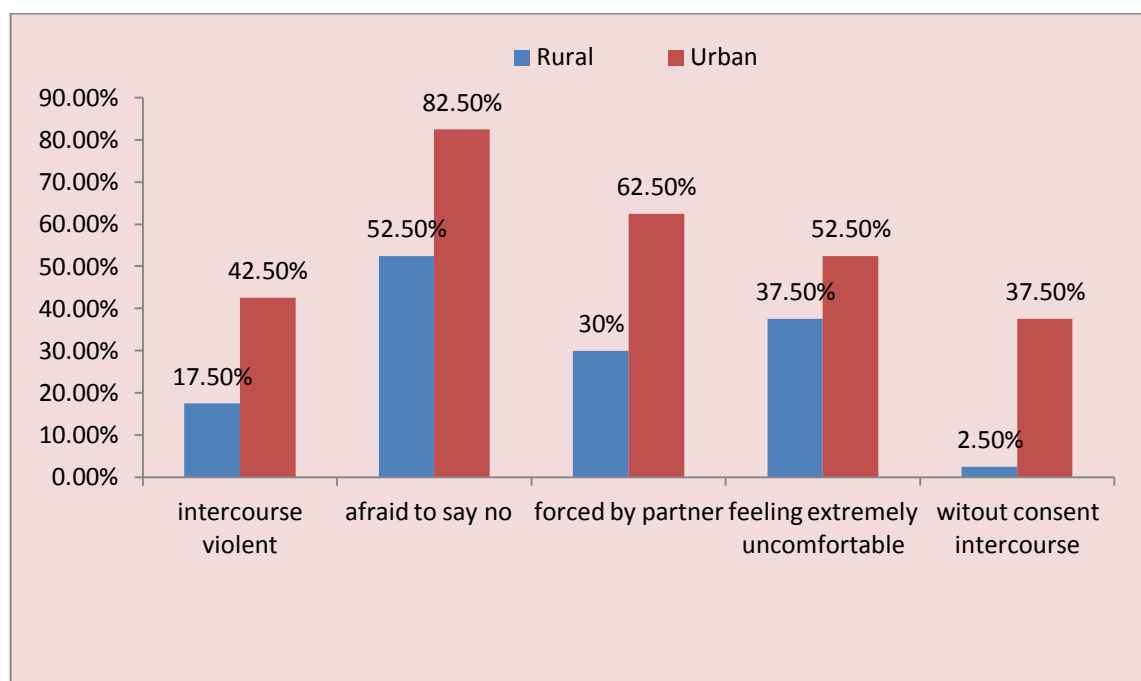


Comparisons of Sexual Abuse of Child Brides

The concept of sexual abuse is completely unknown to the respondents. In rural areas, women think that it is their duty to fulfil all the desires of their husband and for their husband they should always be available irrespective of their health conditions. Only 17.5 percent women respondents agreed on the fact that their first intercourse with their partner was violent as compare to 42.5 percent in urban areas. In rural areas, 52.5 percent respondents are accepted that we cannot refuse our husband to intercourse, because of the fear of domestic violence as compare to 82.5 percent in urban areas. In urban areas 62.5 percent women felt that they are forced by their partner as compare to 30 percent in rural areas. In urban areas 52.5 percent women felt that they are forced by their partner as compare to 30 percent in rural areas.

Figure 4.4

Comparison of Sexual abuse of Child Brides in Rural & Urban Bathinda



In urban areas 52.5 percent respondents felt that they feel extremely uncomfortable during intercourse with their partner as compare to 37.5 percent of respondents in rural areas. In rural areas women still feel that their husbands are like their Gods, and without their husbands there is no life for women in society. They think that we should follow our husband and do as they want. Husband can physically, mentally, emotionally and sexually abuse them because they are meant for their husbands and they do not say no to their husbands. Only 2.5 percent

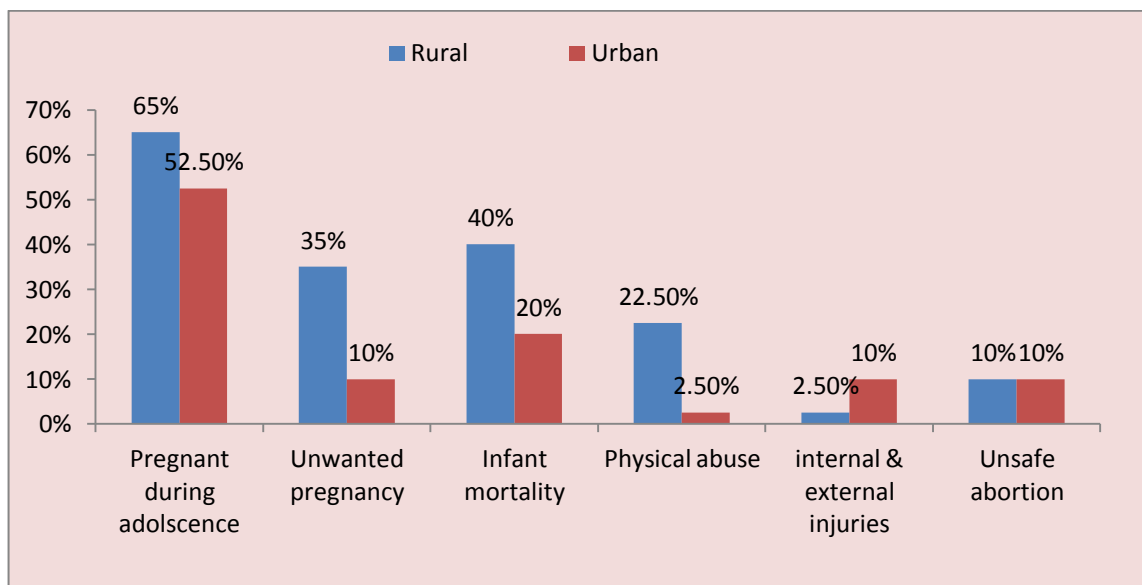
respondents in rural areas accepted that their first intercourse was without consent as compare to 37.5 percent respondents in urban areas. Due to this type of sexual abuse child brides faced so many health issues also.

Comparison of Health Issues

Below figure shows that in rural areas there is less awareness among women about their reproductive rights. In rural areas there were 65 percent of respondents who were pregnant during their adolescence as compare to 52.5 percent respondents in urban Bathinda. In urban Bathinda 20 percent respondents face infant mortality because of their early marriage as compare to 40 percent infant mortality cases in rural Bathinda. In rural areas 22.5 percent of respondents face physical abuse by their partners that constitute 2.5 percent cases of external and internal injuries. In urban areas 10 percent of respondents face unsafe abortion as compare to 2.5 percent in rural areas.

Figure 4.5

Comparison of Health Issues in Rural & Urban Bathinda



There are some cases of child marriage in migrates also that shifted from UP and Bihar to urban Bathinda. In urban Bathinda 16 (40%) respondents are from UP and Bihar and they are living here (Urban Bathinda) from last 14-15 years. So the study highlights the problem of sexual abuse, unemployment, poverty, illiteracy and discrimination of women rights in Bathinda district.

Main Findings:-

- The study has found that there are various social (Poverty, illiteracy, backwardness and insecurity) and economic (unemployment, less wages and dowry) reasons behind early marriage of girls.
- The study has found that child marriage victims faced physical, economical and sexual exploitation after early marriage.
- The study analysis that child brides have less awareness about legal provisions related to child marriage at the time of their marriage as well as about their sexual rights in marriage.

So from the above all discussion we can say that there are so many social and economic reasons of early marriage of girls in Bathinda district of Punjab. There are just a little bit differences between rural and urban situation. But due to early marriage woman face exploitation throughout the whole life whether she will be in city or in village. The prevalence of Child Marriage has been declining, but progress remains slow in Punjab, India as well as in south Asia.

Chapter 5

CONCLUSION AND RECOMMENDATIONS

Early marriage is a hidden crisis, because the victims are overwhelmingly young, poor and female, their voices are seldom heard by governments. Early marriage is destroying human potential and reinforcing gender inequalities on a global scale. A variety of factors may lead to child marriage. Amongst these are poverty, parent's illiteracy, poor economic situation and the fact that these families live in rural and less developed urban areas. Economic difficulties are one of the main causes in those families that is the reason they marry their daughters to get some financial relief. Illiteracy is also one of the main problems of the Indian society. Parent's education also plays an effective role in children's marriage as illiterate parents are more likely to marry their young daughters. The place of residence and the difference between the urban and rural life play a major role in the marriage of children. Child marriages are more frequent in rural areas. Child marriages have negative and unexpected consequences. Amongst these are the spread of diseases, the increase of divorces and the above described phenomenon of girls running away from their home. However, this study highlights the fact that many of these factors concentrate around child marriages. Whilst parent's poverty and illiteracy may lead to marry their daughters earlier, these very marriages will prevent the daughters from having access to education and economic progress.

The present study indicates that child marriage still persists in Bathinda (rural and urban). In Bathinda poverty, illiteracy, backwardness and dowry are the main social and economic reasons behind early marriage of girls. The study mainly focuses upon the 'Child Marriage' as a form of women exploitation in Bathinda District of Punjab and child abuse (sexual exploitation) in the form of marital rape in rural as well as urban areas of Bathinda district it has been found so many cases of child marriage.

In many developing countries women believe that the use of force is a man's right and submission is the only way to avoid pain and ensure security in the marital home. Same is the conditions of women in Bathinda region. Most of the child brides (52.5%) in urban areas and 37.5% in rural areas felt extremely uncomfortable with their partner, above 50% respondent forced by their partners in

Bathinda region, yet they felt they are not sexually exploited. Illiteracy and economic dependence are main threats in the way of child brides, if they want to come out from the situation, they can't. Mostly women come from the families where they learn how to adjust according to the given situation, at every step of their life they just compromise and compromise only.

The first chapter of the dissertation deals with the introduction of the problem and the areas of study. Second chapter describes the related literature of the problem. In third chapter, the detailed information about legal provisions related to the problem in South Asia has explained. In the fourth chapter, field experience and analysis of sample has described. Last chapter of dissertation explains the conclusion and recommendations.

People thought that because of education child marriage totally vanished from the society. To some extent child marriage has been declining but the progress still remains slow in the area. Still in Bathinda region, in urban areas mainly in Udam Singh Nagar, Paras Ram Nagar, Dhobana Basti, Amarpura Basti child marriage persist. Child marriages are held very often in rural areas of Bathinda also. In rural areas like as Bhokhra, Jai Sing Wala, Bhagu and Bir Talab are the main villages where child marriage still persists. Besides this there are so many areas (rural as well as urban) where problem persist but people do not want to share their situation because of the fear of legal action. Some people want to get benefit from Shagun-Sacheme that's why they wait for 18 years of the age of their daughters. From the primary survey, some reasons behind the problem's persistence highlights; these are

- People felt insecure socially as well as economically
- Dowry demand make the parents worried so that they avoid to spend more on their daughters education
- Parents think that girls education is less important because after marriage they have to take care of her family only,
- In rural areas people think that after puberty they have to marry their daughters, and this is the only way to secure their daughters
- People marry their daughters mostly in 16-17 years because they treat girls as burden and they want to free from this burden

These are few reasons behind the early marriages of girl child. After early marriages of their daughter parents feel that now they are free from burden, they do not know the situations of their daughters. They are unaware about the sexual exploitation of their daughters. They think that they have done their duty and leave the rest on the girl's fate. Just because of the belief in luck women compromise at every step of their life. They thought that with the change of time, their situation will also change. So the need of the hour is that women should know their legal rights as well as they should be economically independent and educated, then only the condition may improve. Government should also take positive steps by awareness campaigns in this direction. Below are the recommendations to avoid from the situation;

RECOMMENDATIONS

Early marriage of girls is socially valued and is a widespread practice in South Asia. Despite the existence of national and international treaties and laws, child marriage continues to be pervasive in the region, particularly in the four hotspot countries of Bangladesh, Afghanistan, India and Nepal. Clearly, there is a need for effective policies and programs to eliminate child marriage. Key priorities recommended for national and state governments are as follows:

Strengthen the legal framework and law enforcement:

Although all the South Asian countries have adopted laws to prevent child marriage, the absence of a uniform law establishing a minimum legal age of marriage of at least 18 for girls, lack of awareness and enforcement remain the biggest challenges as child marriage practices continue unabated. Address gaps and inconsistencies in existing laws and, in accordance with international laws, establish a uniform minimum legal age at marriage of at least 18 for girls. Ensure severe punishment for violators of the law, for this, identify and prosecute all parties involved in child marriage so that the law becomes a restriction. Also, increase penalties in countries where they are currently low. Create awareness among public and duty bearers i.e. government and law enforcement officials on girls' legal rights to be free from child marriage and protected from violations of

their reproductive rights and sexual violence resulting from the practice. In addition create/raise awareness among girls on possible legal options for avoiding or leaving a child marriage. Conduct comprehensive training programs: Inform law enforcement officials, registrars, judiciary officials and religious leaders about the negative impacts of child marriage especially in high-risk and poverty-stricken areas where child marriage is rampant and their role in its prevention. Enlarge public campaigns to increase awareness of the laws and punishments associated with the practice. Strengthen essential registration systems to improve the birth and marriage registration systems to better prove a girl's age at marriage. It is important to make people understand the value of birth registration which ensures rights to entitlement for the child in the long run. At the same time birth registration ensures better implementation of the laws including child marriage prevention laws besides providing legal rights to the child. Develop and strengthen effective child protection mechanisms, including community based child protection systems.

Increase Educational Opportunities for Girls

Providing education especially at the secondary level to girls is a key strategy for eliminating child marriage. Girls who marry early often dump formal education. To keep girls in school, parents and girls need greater assurances about the quality, safety and value of continued education. Families also need financial incentives to make education affordable, particularly for secondary and tertiary education in which enrolment lags far behind that of primary education in the region. While achievements have been made in primary education girls' enrolment across many South Asian countries in secondary and tertiary enrolments lags behind.

Research from Bangladesh illustrates that providing scholarships for secondary school greatly influences parents' decisions to keep their daughters in school. Evaluation findings indicate that when such scholarships were provided to girl's ages 11 to 15 from 1994 to 2001, they had a positive influence on girls' enrolment, attendance, and retention rates (World Bank, 2008). Similarly, a child protection and welfare scheme introduced by the government of Nepal which includes a scholarship program is encouraging girls to continue on to secondary school and complete their studies.

Allocation of sufficient resources from national and state budgets to ensure quality education at all levels for girls. Provide incentives to girls from economically impoverished families by offering conditional cash transfers or scholarships for secondary education to financially disadvantaged girls to continue their education. Make schools more attractive to girls and their parents by making schools and surrounding safe, providing secure and clean toilets, having more women teachers and improving overall school quality. Promote education for married adolescent: Promote the re-enrolment of girls who have dropped out of school so that they can continue and complete at least their secondary education.

Provide Life Skills Training and Reproductive Health Education and Services:

Early marriage and adolescent child bearing create serious consequences to girls' health and development. Life skills education that engages girls, their families and communities can play a role in delaying marriage. Sexual and reproductive health information and services also are important for adolescent girls, especially in supporting those who are already married.

Include a focus on life skills, sexual and reproductive health and rights in school curricula. Train teachers or special staff to undertake discussions with students about relationships, gender discrimination, contraception and maternal and neonatal health. Promote adolescent girls' access to sexual and reproductive health information and services through government as well as Non-Governmental Organisation (NGO) initiatives. Improve health systems by training to health providers to provide information regarding sexual and reproductive health issues to adolescent girls. Gender-sensitive health policies, standards, and protocols should also be put in place.

Invest in Programs that Economically Empower Young Women and Girls

Programs that build girls' financial literacy and income generating skills can have a positive impact on preventing early marriage in South Asia. In Nepal a program providing livelihood and income-generating skills to girls has been found to be effective in preventing child marriage. Support market-oriented interventions that economically empower girls and women; such interventions should be at both the

national and local levels, and should prioritize girls and women in marginalized communities with a high prevalence of child marriage.

Enhance Safety in Public Areas

Young women and girls live in danger of sexual harassment and violence in many public places. The risk of sexual harassment and rape forces parents to marry off their daughters at an early age, before they lose their virginity (ICRW, 2013)

Make public areas safer for women and girls. Provide safe transport facilities for girls to reach school safely. Create safe areas for women and girls especially during humanitarian emergencies. Establish user friendly help lines for girls and women to report and seek help in instances of abuse and violence. Sensitize law enforcers and the public about the importance of safety for women and girls. Engage with Men and Boys in Preventing Child Marriage Working with boys and men can be a promising strategy in child marriage prevention. A study in India found that boys could be successfully trained as educators and advocates for delaying marriage among girls (Gupta et al, 2008, ICRW).

Young boys and girls who articulate their views on marriage and education with clarity and maturity are often able to persuade their parents to prevent child marriage. Therefore it is important to provide young boys and girls with knowledge and information about health, education and their rights regarding child marriage, and also build their capacities and equip them with confidence so that they become ambassadors of child rights in their community.

World Vision is working with men and boys in India to challenge the beliefs and behaviours of fathers, sons, husbands and brothers as they have the capacity to influence harmful practices in their communities. Engage men to challenge traditional gender norms and roles and address gender inequity. Better understand the perspectives of married young men on child marriage. To engage men and boys as advocates against child marriage, it is important to understand the experiences and attitudes of young men who marry early to underage girls. Strengthen capacities and empower boys and girls in the community: Platforms should be created at the community level to educated young boys and girls

regarding negative consequences of child marriage and discuss issues and concerns regarding sexuality.

Address the Needs of Married Girls:

There are limited public and civil society programs that exist to meet the needs of married adolescents. In order to protect married adolescent girls from health and social vulnerabilities, it is essential to provide measures specifically designed and targeted towards them.

Amend laws which prevent married and or pregnant girls from attending school. Increased support for girls to go back to schools after marriage or child bearing. Make programs and services available to married girls. These include sexual and reproductive health, life skills and livelihoods interventions. Increase community awareness and education campaigns to stress the value of completing secondary education for married girls.

Increase the Value of the Girl Child:

Girls are traditionally undervalued and discriminated against in South Asia. The low social value placed on daughters is due to structural gender inequities that result in lack of access to educational and employment opportunities for girls in comparison with boys. In order to enhance the value of girls and women in society it is crucial to address the root cause of such inequalities by pressing for equal opportunities for girls. Provide equal opportunities for girls in education, employment, and access to safe public spaces. Showcase positive girl role models. Support public campaigns, and engage with parents, local leaders, and government officials to discuss and promote positive girl role models from the community and society.

Of the various measures outlined above, no single measure alone will be sufficient to achieve significant reductions in child marriages. The answer lies in a comprehensive approach with a clear emphasis on enhancing the value of the girl child. Programs already under way must find ways to connect with each other or enhance their strategies. Efforts must be made to advocate with countries whose legal systems in preventing child marriages are not aligned with the international

standards. For example it will be useful to engage with and advocate with the Governments of Afghanistan and Pakistan on the issue.

Child centric programs must focus on children's role in delaying the age of their marriage and build the capacities to effectively negotiate with their parents. Programs should work with children's groups to increase their participation and increase self-esteem and aspirations of girls in life in order to enhance their expectations and alternatives to early marriages. A support system around child centric programs will go a long way to sustain these changing aspirations.

In conclusion operational linkages must be found and implemented between education, livelihood and sexual and reproductive health and rights interventions. These linkages must operate within a favourable legislative framework and with the active engagement of community members and families to effectively address the issue of child marriages. Efforts also must be made to create gender equitable norms and practices that value girls' education, employability, earning potential and positive sexual and reproductive health outcomes.

The proposed recommendations will receive focus and support across board as child marriage is increasingly accepted as the violation of human rights of a (girl) child. For the first time, the Agreed Conclusions for the main theme "Elimination and prevention of all forms of violence against women and girls" of the 57th Session of Commission on Status of Women, 2013, calls upon the state to Enact, Review and Strictly enforce laws and regulation concerning minimum legal age of consent and minimum age for marriage and further generate social support to end the practice of child, forced and early marriages. In the context of Post 2015 Development agenda, most of the leading child and women rights organizations are supporting UN Women call for specific commitments for gender equality, women rights and women empowerment and espousing for addressing structural barriers to gender equality and ensuring the rights of girls and women through transformative change. One of three target areas under integrated approach proposed is Prevent and Respond to Gender Based Violence. It identifies Harmful Traditional Practices as the causes and consequences of gender based inequalities as the ramification of the various forms of violence against girls and women is profound for individual, society and economy. Therefore, one of the

proposed indicators is to supervise the percentage of women (20-24 years) reported being married before 18 years.

It is therefore, the obligation of the duty bearers to identify and strengthen the integrated pathways that acknowledges the value of girl children builds their social assets and eliminates barriers like child marriage on their progress towards empowerment.

LIMITATIONS OF RESEARCH

The present research mainly focuses upon the following limitations:-

- The study mainly focuses upon case studies related to Child Marriage and subsequent marital rape in Bathinda, Punjab.
- The study revolves around the experiences of the victims of child marriage and facts of marital rape.
- The study focuses upon the economic and social causes and health factors related to Child Marriage and Marital Rape.

The woman has and still continues to be victimized by man and society. There is a need to acknowledge her as a human being, away from the notion of her being a mere chattel, and give her respect and dignity she deserves.

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Annexure-1

Interview Schedule on 'Child Marriage' and 'Marital Rape' as indicator of Women Exploitation in Contemporary India

1. Personal Details:

- a) Name
- b) Age.....DOB.....
- c) Weight (Before Marriage)....., Weight (After Marriage).....
- d) Marital Status (Married, Divorced, Widow, Separated).....
- e) Number of Children.....
- f) Education (Literate, Illiterate).....
- g) If Literate then; a) PG b) Graduate c) Higher Secondary d) Metric e) Middle
f) Primary; if other then (specify).....
- h) Household Occupation (farming/service/business/unemployed/any other).....
- i) Monthly Income.....
- j) House details (Pucca, Semi- Pucca, Kuchha).....
- k) Household structure (nuclear, joint family).....
- l) Spousal educational differences (same level, husband higher, wife higher).....

2. Health Details:

- a) Illness (type of sickness).....
- b) Balanced Diet.....
- c) Fatigue.....

Child Marriage

Q.1.How old are you?

Q.2.What is your educational level?

- What is your parent's Education level? (Literate, Illiterate).....
- What is your husband's Education level? (Literate, Illiterate).....
- What is your in-laws' Education level? (Literate, Illiterate)
- Has education helped you in some way or the other? (Yes, no).....

Q. 3.Which year you married?

Q. 4.At what Age- Group were you married? A) 9-12 B) 12-15 C) 15-18

- Was it attended by the Panchayat bodies/local authorities or the village head or Sarpanch? (Yes, no).....
- Duration of time that has taken by your parents from finalising marriage to ceremonies?
- Did the authorities got to know about the marriage? (yes, no) If yes, then what were the measures taken by them to stop it?
- Was the marriage solemnised in a hush- hush manner? (Yes, no).....
- Were you studying at the time of your marriage? (Yes, no).....
- Did you report about your marriage process or the fixing of marriage to your teachers? If yes, what steps did they take?

Q. 5. What are the age differences between you and your husband?

- Same age (yes, no).....
- Husband 1-4 years older.....
- Husband 5-9 years older.....
- Husband 10+ years older than you.....
- Any other (please specify).....

Q. 6.Can you tell the social reasons behind your early marriage?

- Residential Area (No infrastructure, Middle level Village, City).....
- Tradition (yes, no).....
- Religion (Sikh, Hindu, Muslim, Christian)
- Caste (General, SC, ST,OBC, any other).....

- Insecurity (Social, Economic, Traditional, Religious).....
- Dowry system or Bride Price? (Yes, no)
- Illiteracy (Yes, No).....
- Backwardness (Yes, no).....
- Girls felt like Burden (Yes, No).....
- Alcohol Addiction (Father, Grand Father,).....
- Fear of Kidnapping/ Eve- Teasing.....

Q.7. Can you tell the Economic reasons behind your early marriage?

- Unemployment (yes, no).....
- Less wages (yes, no).....
- Poverty (yes, no).....
- Show-off in Marriages (Yes, No).....

Q.8 What type of Treatment has given by your in-laws after your marriage?

- Nutrition (Balanced Diet, Full Calories Diet, and Normal Diet).....
- Personal hygiene (yes, no)
- Decent clothing provided to them? (Yes, No).....
- Household work allocated to her? (Complete house-hold work, division of work).....
- Social status of your in- laws? (Well- known family, Normal living being).....
- Were you married to bear a child or 2nd marriage? (Yes, no).....
- Were you married to pay off the debt of the parents? (Yes, no).....
- Exchange System (Yes, no).....
- 2 Marriages at same time (Yes, no).....
- Alcohol/ Drug addiction of your husband (yes, no).....

Q. 9.What kind of health issues have you faced after your marriage?

- Pregnancy during Adolescence (yes, no).....

- Infant Mortality (yes, no).....
- Physical Abuse (yes, no).....
- Internal and external injuries (yes, no).....
- Vulnerability to diseases (yes, no).....
- Sexually Transmitted Infection (yes, no).....
- Unwanted Pregnancy (yes, no).....
- Unsafe Abortion (yes, no).....
- Psychological and Emotional Disorder (Including Shock, Depression, Anxiety).....

Q. 10. At what age did you have your first child?

- Where did the birth take place? (Hospital, Home).....
- Did the doctor or the midwife attend you? (Yes, no).....
- Were you allowed for regular medical checkups? (Yes, no).....
- Any case of female foeticide or girl infanticide? (Yes, no).....
- Has the birth been registered with the local authorities? (Yes, no).....

Q.11. If given a chance would like to legally separate with your spouse? (Yes, no).....

- Would you stay in this marriage? (yes, no).....
- Is it adjustment or compromise? (yes, no).....

Q. 12 Are you aware about the legal provisions related to child marriage? (Yes, no).....

Q. 13 Does your husband have multiple sexual partners? (Yes, no).....

- Exposed to HIV/AIDS (yes, no).....
- Knowledge of HIV/AIDS? (Yes, no).....

Marital Rape

Q. 14. When did you get married?

Q. 15. Was the first intercourse had your consent or not?

- Was the intercourse violent? (Yes, no).....

- Did you receive any injuries in the procedure? (External, Internal, both external and internal).....
- Details of medical injuries.....
- Were you taken to nearby Doctor/ Hospital? (Yes, no).....

Q. 16. Have you been forced to have intercourse by your partner when you did not want to do? (Yes, no).....

Q.17. Have you been physically hurt by your partner during intercourse? (Yes, no).....

Q.18. Have you heard about the marital rape? (Yes, no).....

Q.19. Have you felt extremely uncomfortable with your partner's sexual requests; but complied anyway? (Yes, no).....

Q.20. Have you ever been afraid to say no to your partner sexually and had sex because of fear of domestic violence? (Yes, no).....

- Are your parents aware of it? (Yes, no).....
- Did they take any step – socially or legally? (Yes, no)
- Are your in-laws aware of this marital rape? (Yes, no)

Q.21. Have you ever felt sexually harassed by your partner and given into sex because of the harassment? (Yes, no).....

Q.22. Have you totally dependent on your partner economically as well as socially? (Yes, no, any other).....

Q. 23. Have you any experience of IPV (Intimate Partner Violence) from the beginning years of your marriage? (Often, sometimes, not at all)

Q. 24. Marital rape used as punishment tool? (Yes, no).....

Q.25. Are you aware about the legal provisions related to sexual rights in marriage? (Yes, no).....
