

Trends and Differentials in Age at First Marriage by Caste in India -- Factors Promoting Child Marriages of Girls

By

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1. Introduction

The institution of marriage is undergoing a rapid change globally with the change in societal value system. This change is viewed in some quarters a sign of modernity. Marriages once considered to be universal in the countries of Asia are no longer true in some parts and/or in some sections of the society in this region. In a few countries of the Middle East, however, increasing numbers of both women and men are choosing 'never to marry at all'. To remain spinster throughout life may be voluntary among those having high career aspirations but in many cases this is due to social and economic compulsions (Saxena et al., 2004). In other parts of Asia too, the number of persons never married is continuously on rise. Nevertheless, the hypothesis of universality of marriages in India is still tenable. According to the Census of India, 1991 and 2001, the percentages of women remaining single in the age group 45-49 were only 0.73 and 0.90, respectively with a little higher in metropolises and other urban areas. The pattern is similar even from large scale population based surveys. In 2010, 1.1 percent of urban women in the age group 45-49 was never married (Office of the Registrar General India, 2012). Though, the change in the percentage never married women during last decade was extremely low as compared to some Western countries, but it certainly indicated the sign of an increasing trend in India. Urban areas seem to have contributed relatively more towards this change. But in a hetero-cultural society as that of India, it may also be of interest to know which caste groups¹ of the population have been more susceptible to this change?

Since child bearing in India is within the institution of marriage, the study of age at first marriage of girls assumes great importance in the context of the formulation of national population policy aiming at reducing the rapid population growth besides strengthening other family welfare measures. Several studies in the past revealed that the average age at marriage of girls in the country was one of the lowest in the world (see, Agarwala, 1969; Cleland and Hobcraft, 1985; Smith, 1980; Bhagat, 2002). In a baseline study undertaken in Uttar Pradesh – one of the highly populated states of India, Gupta and Khan (1996) found that nearly half of the teenage girls were married. According to NFHS-2 (1998-99), 34 percent of girls aged 15-19 were already married including 4 percent who were married but *Gauna* (consummation of marriage) was not performed. These percentages were even higher in rural areas. Older women were married at very early ages than younger women (See, International Institute for Population Sciences and ORC Macro, 2000). Findings from the Census of India 2001 showed that about 300,000 girls under the age of 15 years were not only married but had already borne children at least once. Of these, a little over 170,000 had borne two kids, and another 125, 000 have had one child (Times of India, May 13, 2005). Despite the Child Marriage Restraint Act (amended in 1978), which does not allow girls and boys to marry before 18 and 21 years of age, respectively, marriages below their legal ages continue to be a social reality even today. However, despite the high proportion of such marriages, the average ages at marriage of both

¹ **Caste Groups in India.** After getting Independence from British colonial rule in 1947, the Indian society has been segregated by the Constitution of India into four main castes to allow special privileges to the depressed and socio-economically weaker sections of the society. The castes, which were the elite of the Indian society, were classified as higher castes termed in this study as 'Others'. The rest of the three communities namely, 'Scheduled Caste (SC)', 'Scheduled Tribe (ST)' and 'Other Backward Class (OBC)' belonged to lower castes in the caste hierarchy of Hindu society.. The first category i.e. SC includes in it communities who were earlier considered untouchables. The second category called ST which includes in it those communities who did not accept the caste system and preferred to reside deep in the jungles, forests and mountains of India, isolated from the main population. The Scheduled Tribes are also called *Adivasi*, meaning aboriginals. Both 'Scheduled Castes' and 'Scheduled Tribes' are accorded special status by the Constitution of India. These communities were considered 'outcastes' and were placed on the bottom of the hierarchy of the descriptive social caste structure of Hindu society in the Indian subcontinent for thousands of years. These communities had traditionally been relegated to the most menial labour with no possibility of upward mobility, and subject to extensive social disadvantage and exclusion, in comparison to the higher communities. The Scheduled Tribes were unable to participate in the community life of the Indian Society and were thus deprived of any opportunity for integration with the rest of the stream.

boys and girls have recorded a phenomenal increase, particularly during the last two decades in India. Seemingly, some sections of the society remained resistant to this change. Thus, the differentials in both average ages at marriage and proportions marrying below legal age by caste groups may answer the question “Which of the caste groups remained averse to the changes in age at first marriage in the selected five states and why?”

The purpose of the present study is thus fivefold: First, to analyze the proportion never married by age and sex and to study differentials in average age at first marriage for both sexes by caste in each of the five selected states. Second, to study the trend in the median age at first marriage for boys and girls in each of the four caste groups at state level. Third, to examine the levels, differentials and trends in child marriages (i.e. marrying below the legal age at marriage) by sex and caste in the five selected states. Fourth, to discuss factors and beliefs that promote child marriages in India. Finally, to identify the socioeconomic factors associated with the practice of marrying girls below the legal age of marriage, through application of binary logistic regression model.

2. Data and Methods

To accomplish the above objectives, this paper utilizes data from the third round of the National Family Health Survey (NFHS-3) conducted in 2005-06. The choice of the data was mainly governed by the fact that NFHS is the only source, which provides detailed information on socioeconomic and demographic aspects by caste. Also, the survey covered a representative sample of more than 124,000 women aged 15-49 from 28 states that comprise more than 99 percent of India's population. A uniform sample design was adopted in all the states. The rural sample was selected in two stages whereas a three-stage procedure was followed for selection of the sample from urban areas (For details see, International Institute for Population Sciences and ORC Macro, 2007).

The scope of the present study is, however, limited to the five selected states, namely, Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh. The choice of the selected states was mainly governed by the extent of practice of early marriage of girls despite the states being in different stages of demographic transition. To study the trend in the median age at first marriage by caste groups in each of the five states, four marriage cohorts have been considered. These included girls who got married (i) before 1985; (ii) from 1985 to 1989; (iii) from 1990 to 1994; and (iv) from 1995 till survey date. Though the selection of marriage cohorts was arbitrary but we ensured that each of the four groups consists of adequate sample size of women to get reliable estimates of median age at first marriage by caste group.

The results given in the section to follow are based on methods of descriptive statistical analysis of data. However, in pursuit of the fifth objective of the present study, i.e., to identify the socioeconomic factors associated with the practice of marrying girls below the legal age of marriage, binary logistic regression analysis has been carried out. The rationale for selection of the variables included in the regression model has also been given in the paper.

3. Summary of Results and Conclusion

Each of the five objectives of this paper was framed with a specific purpose: The first one was aimed to examine the age patterns of never married for both boys and girls by caste and to answer the questions “Are marriages still universal in India?” – if ‘Yes’, “Do any differentials exist by caste in proportions ‘never married’ beyond ages 49?”. Data shows that marriages in India are still universal in all caste groups with some variations. Assuming that all those who were not married till age 49 years, would remain in ‘never married’ category throughout their life, it was found that relatively more males than females spent their lives in celibacy. These observations were true for all the caste groups and for all the five states.

The percentage for ‘never married’ females at ages 50 + for ‘Others’ category was slightly higher than those in other three caste groups, namely, SC, ST, and OBC. These percentages were found still higher for males in all the five states. Since a higher proportion of persons belonging to ‘Others’ category were urban based, the proportions of ‘never married’ were relatively more than corresponding figures for other caste groups. However, these percentages were too small in comparison to the percentages of married persons in all-India. Thus, universality of marriages is a reality in India and unlike Western countries there seems no threat to the institution of marriage in the years to come.

The second objective was to study levels and trends in the extent of increase in the median age at first marriage by caste group in the five selected states. The results showed differentials in the median age at first marriage in both boys and girls by caste in all the selected five states. However, these differentials were more pronounced in case of girls. The magnitude of the median age at first marriage for girls by caste revealed some order. For instance, in Andhra Pradesh, the 'Others' category recorded the highest median age at first marriage followed by that for OBCs. The third and fourth positions were occupied by STs and SCs (having lowest median age at marriage for girls), respectively. By and large the same pattern of differentials in the median age at first marriage of girls by caste was observed in other four states. Relatively higher median age at first marriage of girls in 'Others' category and in OBCs could be due to their higher educational levels. Among STs, customs of marriage are mainly governed by their cultural norms and taboos, which might have influenced the age at marriage. In SCs, however, lower literacy of females seemed to have been the main reason for decrease in the median age at first marriage of girls.

To examine the trend in the median age at first marriage and to find the differentials in the extent of increase in the median age at first marriage in four caste groups by states, four marriage cohorts of women as discussed in Section 2 above were considered. The data revealed increasing trends in the median ages at first marriage for both boys and girls over a period of more than two decades. However, the increase in girls' median age at first marriage was higher than that of boys in all the four caste groups and in all the five selected states. Interestingly, the gain in the median age at first marriage of girls in case of Andhra Pradesh was highest (more than 2 years) than that for any other four states. This is perhaps because of relatively low age at first marriage among girls in case of the first marriage cohort (married before 1985) in Andhra Pradesh as compared to the same for other four states. Interestingly enough, the median age at first marriage for females has recorded an increase in all the caste groups. However, gain in the median age at first marriage of girls was more in 'Others' category which comprised of higher caste Hindus, Muslims, and Christians, followed by OBCs, as compared to other two caste groups.

The third objective was in the backdrop of India's Child Marriage Restraint Act (CMRA), which has been in existence since the pre-independence era. In fact, the British Government passed the CMRA, popularly known as *Sarda Act* in 1929. The Act prescribed minimum ages of marriage for girls and boys as 14 years and 18 years, respectively. After the independence of the country in 1947, CMRA was amended twice – first in 1949 and second in 1978. According to the latest amendment in the Act, the minimum age for marriage of girls was raised to 18 years and for boys 21 years (Bhagat, 2002). Under this amendment, marriages below the prescribed minimum ages of girls and boys are considered to be cognizable offence. Despite the legislation and Government of India's major concern to raise age at marriage as documented in the National Population Policy, 2000 (Govt. of India, 2000), the practice of marrying boys and girls below their legal ages continued in alarming proportions even today. To examine this scenario, the study presented current levels, trends and differentials in proportions marrying below the legal age of marriage by sex and by caste in the five selected states.

The analysis revealed that, although the percentage of girls marrying below legal age has demonstrated a declining trend over the last two decades, the pace of its waning varied largely by caste groups across the states. Thus, of late, the differentials in these percentages by caste widened over time. The highest decline in the percentage of girls marrying below the legal age was observed for 'Others' group in all the five states. Except for Rajasthan, in rest of the four states, OBCs were next to 'Others' category, which observed a major decline in the percentage of girls who got married below the legal age. However, these percentages still remained very high in all the caste groups. The proportion of girls marrying below 18 years of age was lowest for 'Others' castes group which varied from a minimum of 41.4 percent for Bihar to a maximum of 47.5 percent for Rajasthan among the five selected states. All the other caste groups, namely, SCs, STs, and OBCs showed very alarming proportions of marriages of girls taking place below the legal age. Among SCs, such proportion varied from a minimum of 72.3 percent for Andhra Pradesh to a maximum of 77.2 for Uttar Pradesh for the recent cohort of marriage (1995-2000). In case of STs, the variation in the proportion was from a minimum of 68.7 percent for Rajasthan to a maximum of 81.0 percent for Madhya Pradesh.

Notwithstanding, the Child Marriage Restraint Act (CMRA), marriages of boys and girls still continue to take place below the legal ages in large proportions in India. Government legislations enacted and amended from time to time proved to be little effective in eradicating this social evil. It may, however, be

understood that stopping child marriages is a complex problem and cannot be tackled by the government alone. This requires consensus of all the sections of the society for which nearly 100 percent literacy is a prerequisite. Nevertheless, we have attempted to identify some of the following factors and beliefs that may be responsible for defiance of CMRA by majority of the people particularly in rural areas.

(i) The age-old belief: 'to keep a menstruating daughter in her parent's house is sinful' promotes early marriage of girls (preferably before attaining puberty); (ii) On the part of the government, legal action can only be taken against the law offenders if there is police complaint. In practice, not many villagers come forward to lodge a complaint at the police station against the marriage of a minor. If any person does so, he/she fails to establish the exact age of the minor in the absence of birth certificate as a result the police complaint is dismissed; (iii) The punishment² for contravention of the CMRA is so mild that the offenders are not scared of the repercussions; (iv) There are practically no educational facilities existed for girls in most of the villages and even if some girls have completed higher secondary, not many employment opportunities are available in the village; and (v) Of late, some politicians are advocating to decrease the limits of legal ages of marriage for girls and boys to 16 and 18 years, respectively to prevent any untoward incident with girls like abduction/rape, in order to protect family honour;

Neither the Indian government is unaware of the obstacles mentioned above to restrain the solemnization of child marriages, nor is it helpless to circumvent the social and legal problems in the implementation of the Act. The problem, in fact, lies due to "lack of political will" which is evident by the facts that in some states child marriages were performed under the patronage of prominent leaders and even Ministers in the government, as 'mass marriages' to gain political mileage and/or increasing their vote bank. The government took no action in the past against such ministers for the defiance of the Act. Thus, the CMRA is confined to legal books only. Whatever, little decline in the percentage marrying below the legal age took place over several decades may primarily be due to social and economic development in the country. One simple measure to restrain child marriages is to make registration of marriages compulsory like registration of births and deaths in India. Certificate of marriage should be made mandatory for all legal transactions. Such measures will go a long way to eradicate child marriages, in the country.

Finally, using logistic regression model it is observed that: Girls 'education came out a significant predictor in the model. The odds of marrying at age 18 or above were about 1.42 times higher for those who were literates but had not completed 'Middle School'; 2.4 times higher for those who had completed 'Middle School' and 6.2 times higher for those who had completed 'High School or above' as compared to 'Illiterates'. With regard to the states, it seems that in reference to Andhra Pradesh the states of Bihar, Madhya Pradesh, Rajasthan, and Uttar Pradesh had less proportion of girls marrying below age 18 years. Though the state of Andhra Pradesh had achieved the replacement level of fertility, the practice of early marriage of girls was more as compared to the remaining four selected states. Low education of females was found to be the dominant factor responsible for early marriages of the girls in all the five selected states. Thus, the policy recommendation for the planners and policy makers is to focus their concerted efforts to increase educational facilities and employment opportunities for girls in the areas inhabited by SCs, and STs in the states.

² ***Punishment for male adult below twenty-one years of age marrying a child:*** "Whoever, being a male above 18 years of age and below twenty-one, contracts a child marriage shall be punishable with simple imprisonment which may extend to fifteen days, or with fine which may extend to one thousand rupees, or both"

Punishment for male adult above twenty-one years of age marrying a child: "Whoever, being a male above 21 years of age, contracts a child marriage shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine"

Punishment for solemnizing a child marriage: "Whoever performs, conducts or directs any child marriage shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine, unless he proves that he had reason to believe that the marriage was not a child marriage"

Punishment for parent or guardian concerned in child marriage: "Where a minor contracts a child marriage, any person having charge of the minor, whether as parent or guardian or in any other capacity, lawful or unlawful, who does any act to promote the marriage or permits it to be solemnized or negligently fails to prevent it from being solemnized shall be punishable with simple imprisonment which may extend to three months and shall also be liable to fine: Provided that no woman shall be punishable with imprisonment", (Government of India, 1978).