



SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

FORCED BRIDES

IN INDIA

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Key Highlights

- Every year in India, around **54 lakh women including minor girls are forced to marry against their will.**
- Even less than **1 percent of these forced marriages get reported** in our country.
- According to the reported crime data, in India, **everyday 76 women are forced to marry against their will.** In other words, every hour, more than **3 women become the victims of forced marriages** in our country.
- The reported crime data also shows that **every 2nd women victim of forced marriage is a minor girl.**



The Context

Marriage of women and minor girls by force or against their will or consent is a complex and deep-rooted social problem. Forced marriage is a situation where the woman does not have the choice to say no and feels pressured to the point where she agrees. In this context, the definition of force includes physical, psychological, sexual, financial and emotional pressure as well as various types of abuse and harassment. Patriarchal social norms, poverty, lack of education and lack of women empowerment are the key drivers of forced marriage in any society. Forced marriages can also be directly linked to specific means as defined in the UN Trafficking Protocol, such as abduction, coercion, fraud and deception. There are several recurring tactics of manipulation used to coerce victims into trafficking for sexual exploitation. Several victims are trafficked with a false marriage proposal. Many victims are sold into the sex trade by family members and close relatives, whereas others are unwillingly and forcibly kidnapped by traffickers and forced into marriage or commercial sexual exploitation.

According to the global estimates of modern slavery released by the International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM) this month in September 2022, the number of forced marriages across the world has risen in 2021. About 22 million people were estimated to be living in a forced marriage situation. The report further suggests that the prevalence of forced marriages or the number of forced marriages that took place per one thousand people increased from 2.1 in 2016 to 2.8 in 2021¹.

The increasing number of forced marriages of women and minor girls has been recognised as a major social problem. It is not only a violation of human rights but a harmful social practice which affects the overall growth and development of a nation. Acknowledging this fact Sustainable Development Goal 5.3 also has the target to eliminate all harmful practices, such as child, early and forced marriage by 2030.

Violation of Social Norms

Norms are prescriptions for the accepted or expected behaviour of individuals within a society. Every society has certain standards for acceptable behaviour, which are known as socially acceptable norms. Within society, the members who do not follow these norms and behave unlike everyone else are often defined/percieved as abnormal and are bound to face disciplinary or criminal proceedings or social ostracism.

Marriage is one of the important social institutions and the means of establishing a family through which it perpetuates. In modern-day societies, though in a majority of the instances marriages take place with mutual consent of both bride and groom or their families, there is also ample evidence that indicates the existence of forced marriages of women, especially children, which occur without their will and consent. Apart from violating the social norm, marrying any woman forcibly against her will and consent is a criminal offence and a serious violation of human rights.

1. ILO and IOM (2022). Global Estimates of Modern Slavery: Forced Labour and Forced Marriage. International Labour Organization (ILO), Walk Free, and International Organization for Migration (IOM), Geneva

Legal Framework in India

In India, marriage by force is a punishable crime under the Indian Penal Code, 1860 (IPC), as well as by special statute. Despite this, many women and girls in India continue to be victimised and are forced to marry illegally against their will.

Section 366, IPC: It prohibits and punishes the act of kidnapping, abducting or inducing a woman to compel her to marriage or illicit intercourse and further defines the crime and its punishment².

Prohibition of Child Marriage Act, 2006: Prohibition of Child Marriage Act, 2006 (PCMA), a Special Act and Local Law, prohibits the solemnisation of child marriages and states that the consent of the victim/child is immaterial while establishing the crime. PCMA also overrides any conflicting provisions between civil and religious laws. PCMA provides for child marriages to be voidable and annulment thereof in certain circumstances³.

It also declares child marriages to be void under certain circumstances, as stated below.

Section 12: Marriage of a minor child to be void in certain circumstances — Where a child, being a minor:

- (a) is taken or enticed out of the keeping of the lawful guardian; or
- (b) by force compelled, or by any deceitful means induced to go from any place; or
- (c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.

Indian Contract Act, 1872: Forced marriage also involves an element of coercion, as defined under Section 15⁴ of the Indian Contract Act 1872. When threat or actual harm is used to force someone to enter into a marriage, which is also a form of contract, the consent obtained for the same is not free consent. Coercion involves the actual infliction of physical pain or injury or psychological harm to enhance the credibility of a threat and leads to the cooperation or obedience of the person being coerced.

2. Section 366: Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; 1 [and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid].

3. Section 3: Child marriages to be voidable at the option of contracting party being a child.

(1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage: Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money: Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. Section 15: 'Coercion' is the committing, or threatening to commit, any act forbidden by the Indian Penal Code (45 of 1860) or the unlawful detaining, or threatening to detain, any property, to the prejudice of any person whatever, with the intention of causing any person to enter into an agreement.

Article 21, Constitution of India: Right to life and personal liberty guaranteed under Article 21 of the Indian Constitution also states that no person shall be deprived of his/her life and personal liberty. It also guarantees the right to freedom which also consists of a right to give free consent and the right to life, including the right to consensual marriage in India. Hence, the Right to Marriage is an essential part of the right granted under Article 21⁵.

Universal Declaration of Human Rights (UDHR): A forced marriage is a violation of human rights and also a major form of gender violence. Article 16⁶ of UDHR also states that marriage shall be entered into only with the free and full consent of the intending spouses.

In addition to the above, civil laws which are applicable to all the communities regarding forced marriages include:

- The Guardians and Wards Act, 1890 (G&WA)
- The Majority Act, 1875
- The Family Courts Act, 1984 (FCA)

Protection of Children from Sexual Offences (POCSO) Act, 2012: The POCSO Act, 2012 is a comprehensive and gender-neutral law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts. The Honorable Supreme Court of India, in a landmark judgment in 2017, held that sexual intercourse with a minor wife, despite consent, will be rape.

The Present Study

The Kailash Satyarthi Children's Foundation with its aim to prevent and protect all children, especially from violence in any form, has undertaken this study to understand the extent of forced marriages of women in India with a special focus on girl children.

Methodology

For the purposes of this paper, victims of forced marriage have been defined as

"Girls marrying before the attainment of 18 years of age, adult women and minor girls who were kidnapped/abducted or trafficked to be compelled to marry against their will."

5. Lata Singh v. State of Uttar Pradesh {(2006) 5 SCC 475}

6. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

An analysis of secondary data has been carried out in this paper to fulfil the study objective. Required data published by the National Crime Records Bureau, Ministry of Home Affairs, Govt. of India, in its report Crime in India for the years 2017 up to 2021, has been compiled and analysed. Information on the kidnapping and abduction of adult women and minor girl children has been obtained from Chapter 2C and Chapter 3. Besides these, information on child marriage and trafficking victims has been collated from Chapter 4 and Chapter 14, respectively.

Analysis and Results

Though India's laws specifically prohibit forced marriages of women and children, data shows that various coercive or fraudulent methods are used to obtain consent—including abduction, deception, and abuse. Women and girls trapped in these forced marital unions face physical, emotional and sexual violence, restrictions on movement and isolation from their parents and friends. One of the recent studies shows that forced marriages tend to be coercive rather than consensual⁷.

Trafficking and Kidnapping for Marriage

The purpose of a crime, especially in trafficking and kidnapping and abduction, can be learnt/known only after the rescue of the victims. The Crime in India reports present the purpose of trafficking and kidnapping and abduction for the victims who were recovered alive during the calendar year. Of the total rescued victims, the number of women and children trafficked with the purpose of marriage and kidnapped to compel them for marriage against their will (Sec 366 of IPC) is presented in Table 1a and 1b, respectively.

In 2021, a total of 3,912 women victims of trafficking were recovered. While analysing the data, it was observed that the major purposes of trafficking were forced labour, sexual exploitation, domestic servitude and forced marriage. It is not clear from the available data whether the victims who were trafficked for sexual exploitation were also forced to get married. However, the data shows that five percent of victims are trafficked only for the purpose of 'forced marriage' (182 of 3,912). The corresponding figures for 2018, 2019 and 2020 are seven percent, six percent, and seven percent respectively. Evidently, the proportion of victims trafficked for the purpose of forced marriage has come down in 2021 as compared to previous years.

7. Steiner S and Becker C. M. (2019). How marriages based on bride capture differ: Evidence from Kyrgyzstan. Demographic Research, Volume 41, Article 20, Pages 579-592.

Table 1a. Victims who were trafficked for forced marriage in 2021

S.No.	Purpose	Total Victims Rescued Under Human Trafficking	
		No. of Victims	% Share to Total Victims rescued
1	Total No. of women victims rescued	3,912	63.0%
2	No. of victims rescued where the purpose of trafficking was 'forced marriage'	182	4.7%

*Percent share to the total women victims rescued

As discussed above, Sec 366 of IPC deals with the kidnapping of women for two specific purposes, i.e. (a) Marriage and (b) Illicit Intercourse. **Data suggests that out of 81,707 women victims of kidnapping and abduction who were recovered in 2021, 24,552 (30%) were kidnapped and abducted for the purpose of either 'Marriage' or 'Illicit Intercourse'.** Analysis of data further reveals that of the total women kidnapped and abducted for the purpose of 'Marriage' or 'Illicit Intercourse', **94 percent of them reported marriage as the purpose of their kidnapping. The said percentage is 93 percent among minor girl victims and 95 percent among adult women victims.**

In 2021, of the 24,552 women recovered, 23,023 women were recovered who were kidnapped solely for the purpose of marriage. Not surprisingly, more than half (56%) of these victims were minor girls.

Table 1b. Victims who were Kidnapped & Abducted for forced marriage in 2021

S.No.	Purpose	Women Victims Recovered Alive					
		Minor Victims (Below 18 yrs)		Adult Victims (18 yrs and)		Total Women Victims	
		No. of Victims	% Distribution	No. of Victims	% Distribution	No. of Victims	% Distribution
1	For Marriage	12,788	93.1%	10,235	94.6%	23,023	93.8%
2	For Illicit Intercourse	945	6.9%	584	5.4%	1,529	6.2%
Total		13,733	100%	10,819	100%	24,552	100%

Estimated Number of Victims of Forced Marriage Based on Reported Crime Data

For estimating the total number of victims of forced marriage, it is assumed that the percentage of victims who were trafficked or kidnapped for the purpose of 'forced marriage' during a given year will be equivalent to the percentage of victims rescued during the same year where the purpose of trafficking or kidnapping was 'forced marriage'.

As discussed above, three different crime heads have been considered in this paper to define 'forced marriage', i.e. Trafficking, Kidnapping and Abduction of Women to compel her for marriage (Sec 366 of IPC) and Prohibition of Child Marriage Act. **The estimated number of victims suggests that every year about 30,000 women, including minor girls in India, are being forced into the marital union against their consent and will.** While there was a 15 percent increase in the number of victims of forced marriage from 2017 to 2018 (from 29,082 in 2017 to 33,458 in 2018), it reduced by five percent to 31,781 in 2019. In 2020, the number of victims of forced marriage reduced further by 20 percent (reduced from 31,781 in 2019 to 25,359 in 2020). However, in 2021, this trend has been reversed, as there has been an almost 10 percent increase in the number of victims which has gone up to 27,766. Table 2 suggests that 45 percent of the total number of women who became victims of forced marriage in 2021 were minor girls (**12,618 minor girls out of 27,766 total victims of forced marriage**).

Estimated values also suggest that majority of these victims were kidnapped and abducted for marriage. During 2017-2021 the number of adult victims of kidnapping and abduction to compel women for marriage declined by 14 percent (reduced from 17,651 in 2017 to 15,147 in 2021), whereas the number of children victimised by this crime during this period increased by 10 percent (from 11,431 in 2017 to 12,618 in 2021) indicating an increased vulnerability of minor girl children in recent years.

The number of children victimised under the PCMA increased by 160 percent between 2017 and 2021 (increased from 408 in 2017 to 1,062 in 2021). A more than two-fold increase in this particular number is a glaring concern, indicating the need for increased awareness and intervention.

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Table 2. Number of women and minor girls forced into marriage against their will in last five years (2017 to 2021)
[Based on reported crimes]

S. No.	Crime Head	2017		2018		2019		2020		2021	
		Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage
1	2	3	4	5	6	7	8	9	10	11	12
ia	Kidnapping and Abduction of Women to compel her for marriage (Sec 366 of IPC)	12,565	10,932	13,800	12,834	15,787	14,840	11,236	10,787	12,347	11,495
ib		19,054	17,530	21,123	19,856	16,843	16,169	13,862	13,585	15,875	15,018
ic		31,619	28,461	34,923	32,690	32,630	31,009	25,098	24,371	28,222	26,513
iaa	Human Trafficking	1,516	91	1,247	87	1,172	70	845	59	1,307	61
iib		2,024	121	2,472	173	2,907	174	1,952	137	2,755	129
iic		3,540	212	3,719	260	4,079	245	2,797	196	4,062	191
iii	Prohibition of Child Marriage Act (PCMA)	408	408	508	508	527	527	792	792	1,062	1,062
Total Minor Girl Victims of Forced Marriage (ia+iaa+iii)		NA	11,431	NA	13,429	NA	15,437	NA	11,638	NA	12,618
Total Adult Women Victims of Forced Marriage (ib+iib)		NA	17,651	NA	20,029	NA	16,344	NA	13,721	NA	15,147
Total Women Victims of Forced Marriage		NA	29,082	NA	33,458	NA	31,781	NA	25,359	NA	27,766

Note: The total may not match with the addition of minor and adult victims due to rounding off of numbers

Annual Estimated Number of Forced Marriage of Women and Girls in India

In modern society, it is understood that every crime violates the law, but every violation of the law is not considered a crime due to socio-cultural acceptance. Because of this reason, the prevalence of actual crime is much higher than the crimes reported by police. Hence, in this study, an attempt was further made to estimate the approximate number of forced marriages occurring in India every year. Though there is a lack of data on the three components used in this paper to define 'forced marriage', child marriage is one component for which information is available. Census of India and other large-scale surveys have been referred for data on child marriages in the country.

Recently released National Family Health Survey 2019-21 round-5 (NFHS-5) findings revealed that 23 percent of currently married women aged 20-24 years are getting married before 18 years of age⁸. Since NFHS-5 provides data only for a particular age group, it was decided to use the Census of India data to determine the extent of forced marriages in India. Using the population projection method the number of girls below 18 years of age was projected till 2021. The country has noticed a drastic reduction in the fertility rate since 2001. Hence, the girl child population of the last two census periods i.e. 2001 and 2011 was considered for projection. To find out the number of married minor girls, it was assumed that the percentage of girls who got married before attainment of legal age at marriage to the total girls in 2011 will remain constant for each year till 2021.

The estimate suggests that around 54 lakh forced marriages of women and girls are taking place every year in India. The total estimated number of women and child victims of forced marriages in the country in 2021 was 54,46,221 (Table 3).

8. International Institute for Population Sciences (2019-21). India Fact Sheet, National Family Health Survey-5

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Table 3. Annual estimated number of forced marriages of women and minor girls in India

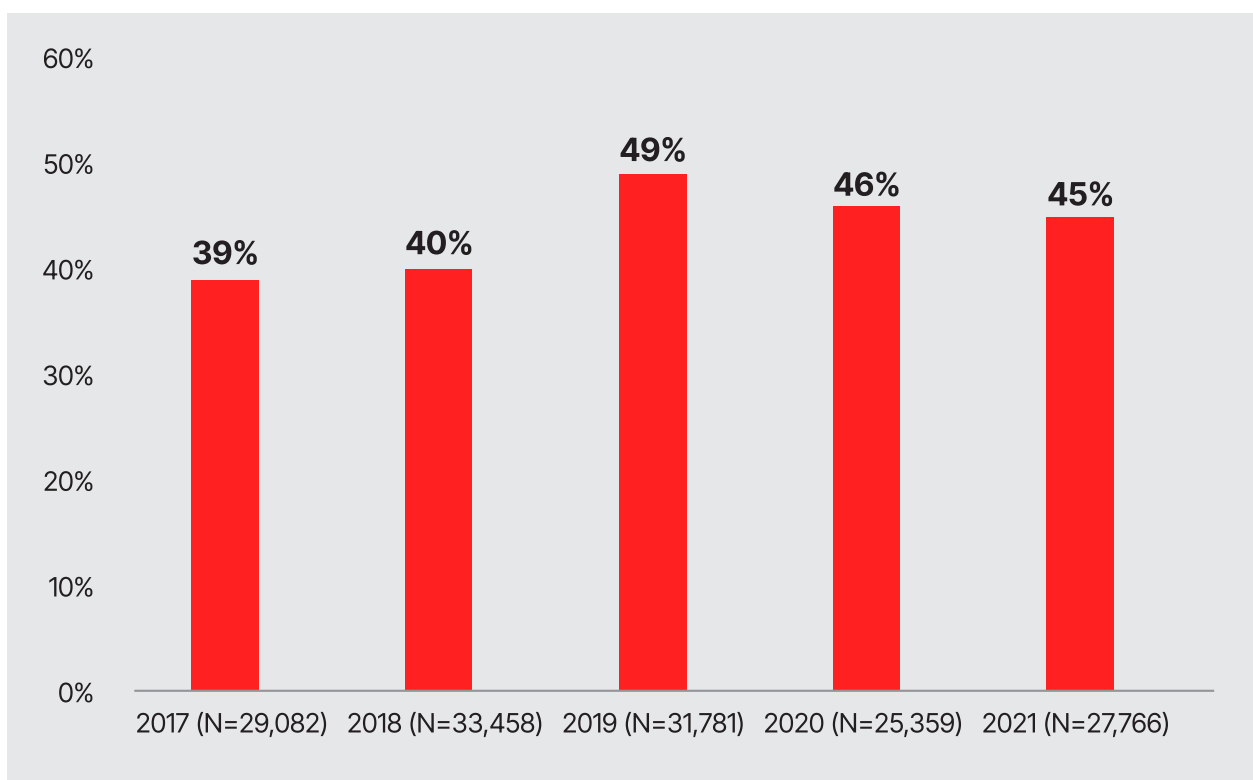
S. No.	Crime Head	2017		2018		2019		2020		2021	
		Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage	Total Victims	Victims of Forced Marriage
1	2	3	4	5	6	7	8	9	10	11	12
ia	Kidnapping and Abduction of Women to compel her for marriage (Sec 366 of IPC)	12,565	10,932	13,800	12,834	15,787	14,840	11,236	10,787	12,347	11,495
ib		19,054	17,530	21,123	19,856	16,843	16,169	13,862	13,585	15,875	15,018
ic		31,619	28,461	34,923	32,690	32,630	31,009	25,098	24,371	28,222	26,513
iaa	Human Trafficking	1,516	91	1,247	87	1,172	70	845	59	1,307	61
iib		2,024	121	2,472	173	2,907	174	1,952	137	2,755	129
iic		3,540	212	3,719	260	4,079	245	2,797	196	4,062	191
iii	Projected number of girls in 2021 married before attainment of legal age of marriage (Below 18 Yrs)	NA	5,313,299	NA	5,339,657	NA	5,366,145	NA	5,392,765	NA	5,419,517
Total Minor Girl Victims of Forced Marriage (ia+iaa+iii)		5,324,322		5,352,578		5,381,055		5,403,611		5,431,073	
Total Adult Women Victims of Forced Marriage (ib+iib)		NA		NA		NA		NA		NA	
Total Women Victims of Forced Marriage		5,341,973		5,372,607		5,397,399		5,417,332		5,446,221	

Note: The total may not match with the addition of minor and adult victims due to rounding off of numbers

Minor Girl Victims of Forced Marriage Based on Reported Crime Data

Minor girls form a significant proportion of the total women who get married forcefully. Figure 1 depicts that in 2017 the percentage of minor girls to the total women victims of kidnapping and abduction for forced marriage was 39 percent (11,431 minor girl victims out of 29,082 total victims) which increased marginally to 40 percent (13,429 minor girl victims out of 33,458 total victims) during 2018. However, in 2019 the same went up by nine percentage points to 49 percent (15,437 minor girl victims out of 31,781 total victims) and subsequently came down by three percentage points in 2020 (11,638 minor girl victims out of 25,359 total victims). In 2021, 45 percent victims of forced marriage were minors, **indicating that every 2nd woman in our country forced into marriage against their will and consent is a child.**

Figure 1. Percentage of minor girls amongst total women victims of forced marriage between 2017 and 2021



The high incidences of forced marriages of minor girls can be attributed to household poverty, poor sex ratio, lack of education, low levels of women empowerment, unequal gender norms, and the desire to control women's sexuality. A UNICEF (2019) study⁹ identified household poverty, the structure of patriarchy and gender inequality, and humanitarian crises or conflict and natural disaster situations as the three overarching factors at the societal

9. <https://www.unicef.org/india/media/2556/file/Drivers-strategies-for-ending-child-marriage.pdf>

level that condition the strength with which a variety of drivers affect forced child marriage in India. On the other hand, the longer a child stays in school, the less likelier that they will be subjected to forced marriage before the age of 18, says Maddie Grounds (2018)¹⁰. In fact, girls with no education are three times as likely to marry by 18 as those with secondary or higher education. An UN resolution on the subject of forced marriage states that 'educational opportunities are directly related to women's and girls' empowerment, employment and economic opportunities'¹¹.

Pointing out the causal relationship between poor sex ratio and forced marriage, a UNODC study¹² (2013) that included 10,000 households across 92 villages shows that decades of unchecked sex selective abortions have resulted in Punjab and Haryana facing a serious shortage of women in marriageable age, making human trafficking for forced marriage a lucrative and expanding trade. The skewed sex ratio (Punjab-893, Haryana-877 females per 1,000 males) has made it impossible to find a bride for each man, and 'importing a bride' has become the only solution. The demographic situation of these states has become so skewed that it will take many years to stabilise the situation. The demand for "marriageable age" girls is so intense that organised trafficking rackets have started operating in Haryana, Punjab and Uttar Pradesh.

Besides these, studies have already proven that child marriage is one of the most highly prevalent forms of forced marriage in India. A study done in 2015 on child marriages in India revealed that deeply entrenched patriarchal values and the relatively low value placed on girls in the states like Bihar, Uttar Pradesh, Rajasthan, Madhya Pradesh and West Bengal and, to some extent, in the southern parts of Andhra Pradesh, Maharashtra and Karnataka are the primary factors responsible for continuance the practice of child marriage¹³.

State-level Estimates on Extent of Forced Marriage in 2021

In this paper, along with the national averages, estimates were also made for 28 States and the NCT of Delhi. Detailed information on the extent of forced marriages in states is presented in Table 4.

State-wise estimation of the number of forced marriage victims suggested that in 2021 Uttar Pradesh had the highest number of forced marriage victims (10,25,292), followed by Bihar (6,01,450), Rajasthan (5,39,188) and Maharashtra (5,09,085). Factors such as no or minimal educational attainment level and the poor status of women in society result in an increase in crime against women and children in these states, and marrying a girl by force or without her will is not considered as exceptional.

Forced marriages across states vary according to the social, cultural, economic, and local political context, customs and practices. As a Plan UK study (2011) on early and forced marriage shows, causes for early and forced marriage are complex, interrelated and dependent on individual circumstances and context¹⁴. Besides, forced marriage and child marriage are also closely associated with women's residence in rural and urban areas, their

10. <https://www.right-to-education.org/blog/forced-marriage-brutal-barrier-child-s-education>

11. *ibid*

12. https://www.unodc.org/documents/southasia/reports/Human_Trafficking-10-05-13.pdf

13. International Center for Research on Women (ICRW), India ((2015). District-Level Study On Child Marriage In India

14. <https://plan-uk.org/file/breaking-vows-efm-3462225pdf/download?token=RIE5job>

educational attainment levels and household wealth status. Some villages and states in India also have poorer sex ratios or more men than women primarily because of preferences for sons¹⁵.

Child Marriage and COVID-19

As the COVID-19 pandemic raged, girls in rural regions of India were at an increased risk of forced marriage, child labour and human trafficking¹⁶. Loss of livelihoods, loss of access to diverse social security schemes, increasing food insecurity and closure of schools have significant links with the increase in child marriages¹⁷¹⁸. For some families, therefore, child marriage was a coping strategy during lockdown for lower dowry demands and lower marriage expenses¹⁹. A 2021 study²⁰ reports that child marriage and sexual abuse increased by as much as 52 percent, as families lost their livelihoods and children (particularly girls), dropped out of school.

The emergency helpline of the Ministry of Women and Child Development, Childline 1098, prevented 898 child marriages during the lockdown period, between March 20 to April 20. An RTI filed by Rajya Sabha MP Amar Patnaik reveals that between June and October 2020 (during the lockdown period) there was an increase of 33 percent in child marriages compared to those in 2019. During the first four months of the lockdown, i.e., up to June 2020, around 5,200 child marriages were reported across the country, but the real numbers could be three to four times higher, as such activities went unreported in remote rural areas²¹. There were also estimates suggesting an increase of 88 percent alone in August 2020²²²³. However, as per the Crime in India Reports only 785 child marriage cases in 2020 and 1,050 cases in 2021 were officially reported across the country.

Andhra Pradesh, Karnataka, Odisha, Tamil Nadu and Telangana were the top five states reporting incidents related to child marriage²⁴²⁵. Maharashtra witnessed a 78 percent increase till September 2020, as compared to those during the previous year²⁶; there was a 27 percent increase in child marriages in Telangana between April

15. https://www.bc.edu/content/dam/files/schools/cas_sites/economics/pdf/workingpapers/wp820.pdf

16. World Vision. (2021). COVID -19 and child marriage: How COVID-19's impact on hunger and education is forcing children into marriage. World Vision International. <https://reliefweb.int/report/world/covid-19-and-child-marriage-how-covid-19-s-impact-hunger-and-education-forcing-children>

17. Chakraborty, R., & Vaidya, M. (2021). Averting Child Marriage during COVID-19: A Factsheet and Action Plan. Aangan. <https://aanganindia.org/wp-content/uploads/2021/04/FactSheet-Action-plan-1.pdf>

18. Cousins, S. (2020). 2.5 million more child marriages due to COVID-19 pandemic. World Report. 396 (10257), 10257.

<https://www.thelancet.com/action/showPdf?pii=S0140-6736%2820%2932112-7>

19. Chakraborty, R., & Vaidya, M. (2021). Averting Child Marriage during COVID-19.

20. Save the Children. (2021). India: Girls in India Facing Greater Online Risk of Child Marriage and Trafficking During Pandemic. Save the Children.

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21. Bedi, R. (2021, August 1). India's Covid-19 waves prompts spate of illegal child marriages. The Irish Times. <https://www.irishtimes.com/news/world/asia-pacific/india-s-covid-19-waves-prompts-spate-of-illegal-child-marriages-1.4636306>

22. Thomas, M. (2021, April 8). Rise in Child Marriages in the Lockdown: How the Centre Ignored Data of Its Own Nodal Agency. The Wire.

<https://thewire.in/rights/rise-in-child-marriages-in-the-lockdown-how-the-centre-ignored-data-of-its-own-nodal-agency>

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FORCED BRIDES IN INDIA

2020 to March 2021. In Uttar Pradesh, a total of 354 teenagers, mostly girls, were rescued from marriage between April 1, 2020, and June 1, 2021. The highest number of cases were reported from the north-west districts of the state²⁷. Since April 2020, more than 180 attempted child marriages have also been reported in Odisha²⁸. According to another estimate, in 16 out of 30 districts of Odisha, child marriage prevention authorities managed to detect and prevent 706 child marriages between January 1 and August 31, 2020²⁹.

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FORCED BRIDES IN INDIA

Table 4. State wise estimated number of victims of forced marriages in 2021

Sl. No.	State	Kidnapping and Abduction of Women to compel her for marriage (Sec 366 of IPC)			Human Trafficking			Projected number of girls married before attainment of legal age of marriage in 2021 (Below 18 Yrs)	Total Minor Girl Victims of Forced Marriage	Total Adult Women Victims of Forced Marriage	Total Women Victims of Forced Marriage
		Minor Girls	Adult Women	Total Women	Minor Girls	Adult Women	Total Women				
1	Andhra Pradesh	58	83	141	1	13	14	167,297	167,356	96	167,453
2	Arunachal Pradesh	2	2	4	0	0	0	7,423	7,425	2	7,427
3	Assam	434	2,740	3,173	7	7	14	134,745	135,186	2,747	137,933
4	Bihar	2,721	3,486	6,207	4	3	7	595,235	597,960	3,489	601,450
5	Chhattisgarh	58	8	65	1	1	2	74,349	74,408	8	74,416
6	Goa	0	0	0	0	2	2	4,830	4,830	2	4,832
7	Gujarat	450	173	623	0	1	1	311,295	311,745	174	311,919
8	Haryana	210	814	1,024	1	1	2	91,659	91,870	815	92,685
9	Himachal Pradesh	188	11	199	0	0	0	13,836	14,025	11	14,036
10	Jharkhand	137	483	620	4	2	6	169,664	169,805	486	170,291
11	Karnataka	31	41	71	0	0	1	245,663	245,694	41	245,735
12	Kerala	24	7	31	9	2	11	67,962	67,996	8	68,004
13	Madhya Pradesh	1,176	74	1,250	3	2	5	350,990	352,169	76	352,245
14	Maharashtra	338	52	390	2	38	40	508,655	508,994	91	509,085
15	Manipur	3	17	20	0	0	0	10,689	10,692	17	10,709
16	Meghalaya	0	11	11	0	0	0	17,796	17,796	11	17,807
17	Mizoram	0	0	0	0	0	0	3,344	3,344	-	3,344
18	Nagaland	0	0	0	0	0	0	6,058	6,058	-	6,058
19	Odisha	47	156	203	14	21	35	122,244	122,305	177	122,482
20	Punjab	1,277	193	1,470	0	1	1	75,192	76,470	194	76,663
21	Rajasthan	210	709	919	1	0	1	538,268	538,479	709	539,188

FORCED BRIDES IN INDIA

Sl. No.	State	Kidnapping and Abduction of Women to compel her for marriage (Sec 366 of IPC)			Human Trafficking			Projected number of girls married before attainment of legal age of marriage in 2021 (Below 18 Yrs)	Total Minor Girl Victims of Forced Marriage	Total Adult Women Victims of Forced Marriage	Total Women Victims of Forced Marriage
		Minor Girls	Adult Women	Total Women	Minor Girls	Adult Women	Total Women				
22	Sikkim	1	0	1	0	0	0	2,302	2,303	-	2,303
23	Tamil Nadu	135	352	487	0	0	0	218,408	218,543	352	218,895
24	Telangana	279	28	308	4	27	31	126,220	126,504	55	126,559
25	Tripura	32	9	41	0	0	0	15,076	15,108	10	15,118
26	Uttar Pradesh	3,272	4,883	8,156	2	4	6	1,017,131	1,020,405	4,887	1,025,292
27	Uttarakhand	5	184	189	0	1	1	25,132	25,137	185	25,322
28	West Bengal	390	84	474	2	2	4	433,074	433,466	86	433,552
29	NCT of Delhi	1	0	1	5	2	7	35,294	35,300	2	35,302
	All India	11,495	15,018	26,513	61	129	191	5,419,517	5,431,073	15,147	5,446,221

Note: Estimation was done based on the assumptions made in Table 2

The total may not match with the addition of minor and adult victims due to rounding off of numbers

Conclusion

A large number of cases of forced marriages in India involves young women, especially underage children. The women and girls from poverty-driven and marginalised families without adequate educational attainment and exposure and social security are targeted by traffickers and kidnappers for personal or financial benefits. The increasing coercive capture and abduction of women and minor girls for marriage without their will and consent is a matter of concern that needs urgent attention from policymakers and law enforcement agencies.

Factors such as poverty, religion, caste, education, and rural-urban setting have an impact on the age of marriage for girls. And, in case of kidnapping and/or abduction, these are often the key drivers of child marriage. In our societal context, marriage and anything related to it is often considered a private, family matter which should not be discussed, even when domestic violence and abuse are involved. Victims of trafficking for forced marriage are also afraid of losing the custody of their children, or their homes as a result of their reporting.

Forced marriages, especially of girl children have impact on the overall development, education, empowerment, and their sexual and reproductive health. Girl children, as consequences of forced marriage are mostly pulled out of school, lack basic education and skills for gainful employment thus exacerbating the vicious cycle of poverty. These girls are prone to domestic violence and this phenomenon is more common among economically and socially disadvantaged groups who are perennially stuck in poverty. Empowerment of girls is severely hampered as a result of this gender discrimination. Health consequences include early pregnancy and childbearing. Child marriage not only affects the physical health of a girl but also has serious undesirable effects on the mental health. The relationship between trafficking and kidnapping of women and girl children for marriage is very close. While human trafficking refers to illegally trading a person for exploitation and commercial gain, kidnapping refers to taking someone away illegally against his/her will. Both crimes against women are committed either through physical force, threats or false commitments.

In essence, the crime of trafficking and kidnapping for marriage requires a comprehensive multi-pronged approach that focuses on the criminal justice delivery system and governance, creating sustainable rehabilitation and services and an enabling social-protection mechanism that promotes gender equality and empowers women and girls.

Recommendations

Forced marriages of women and girls are serious violations of human rights that reflect poor societal norms of a country, especially in the treatment of its women and minor girls. It is important to address the drivers of child and forced marriage, augment social safety measures such as education, livelihoods and gender equality, and create an environment of deterrence and swift justice delivery. Based on the above findings, the following recommendations are proposed to deal with this crime:

1) Enforce existing laws and policies: While there are laws against trafficking and child marriage, it is important to ensure timely enforcement of the laws to ensure that the traffickers, kidnappers and exploiters are duly punished and victims provided with reparations. For effective enforcement of the laws, it is also important for people to be aware of the provisions. The enforcement of the law should be accompanied by efforts to ensure broad public awareness of the law and its provisions. Furthermore, public awareness efforts should focus on the rights of the victims to report and knowhow to access child-friendly and gender-sensitive justice mechanisms.

2) Make reporting of forced marriages mandatory: To tackle the problem of forced marriages involving kidnapping and abduction of women and minor girls in a more refined manner, reporting such crimes should be made mandatory as made under the Protection of Children from Sexual Offences Act (POCSO). Apart from underlining the seriousness of the crime, this is also expected to deal with the underreporting of forced marriages of women and minor girls in the country. Strict penal provisions, including payment of fine and imprisonment, would act as deterrents against this crime.

3) Make registration of marriages compulsory: Registration of marriages must be made a statutory obligation and compulsory to prevent forced marriages involving the kidnapping and abduction of women and girls. Registration of marriages can be a powerful tool that the victims (women and girls) could use to report their plight to prevent such marriages and eliminate this human rights violation.

4) Appointment of Child Marriage Prohibition Officers (CMPOs) at the district level: For the effective implementation of the Prohibition of Child Marriage Act (PCMA), Child Marriage Prohibition Officers (CMPOs) needs to be appointed at the district level. Many states have proactively appointed such officers in every district but this is not the case across the country as Section 16 of the existing law has left this provision at the discretion of the State Government. As there is a large discrepancy among states regarding the appointment of CMPOs and their jurisdiction, it is recommended that an amendment should be made in Section 16 advising mandatory appointment of CMPOs at the district level.

5) Linkages with the Juvenile Justice (Care and Protection of Children) Act, 2015: The Prohibition of Child Marriage Act should be linked with the Juvenile Justice (Care and Protection of Children) Act, 2015 to ensure the rehabilitation of children who are forced into marriage. The child who is at imminent risk of marriage is considered a child in need of care and protection under the Juvenile Justice Act. Hence, it is recommended to include a new section in the Prohibition of Child Marriage Act that mentions that the Child Marriage Prohibition Officers (CMPO) shall produce such a child before a Child Welfare Committee under the Juvenile Justice Act, 2015 for care and protection.

6) Hold law enforcement officials accountable: To protect women and minor girls from marriages against their will and create an enabling legal and policy environment, it is important to make law enforcement agencies and officials more accountable. Therefore, crimes committed under Section 366 of IPC and children's marriages under PCMA should be brought under Section 166 A (c) of IPC, which penalises a public servant in case (s)he knowingly disobeys directions given under the law. This will encourage law enforcement officials to conduct better investigations and record information concerning forced marriages of women and children.

7) Education as a pathway for prevention of trafficking and forced marriage: The retention of girls in schools has emerged as one of the most significant pathways for ensuring both prevention of trafficking and/or forced child marriages. The current law on the right to education only covers children up to the age of 14 years. The Right to Free and Compulsory Education 2009 must be changed so that all children, especially girls can continue in school for up to 18 years, and the education must be affordable and accessible.

8) Social protection policies: Policies focusing on livelihoods and economic empowerment of women and girls through the development of their skills and enhancement of their social assets are both preventive and rehabilitative measures to create enabling environment for the protection of women and girls. Improving the economic situation of women and their families to access wider choices for advancement in life would also help in curbing incidents of forced marriages of women and children. The role of conditional cash transfers to vulnerable families and communities could also ameliorate the poverty-push factors for the trafficking of girls for marriage.

9) Promoting incentivisation to discourage child marriage: Providing economic support to the girls and their families can act as a major deterrence and an effective strategy to eradicate marriages of girls before the attainment of the legal age of marriage. Hence provisions need to be made wherein all girls from the marginalised sections of society and/or studying in Government schools/colleges who remain unmarried till attaining the permissible age of marriage and wish to pursue higher education or livelihood opportunities through vocational or skill-building training/courses, to be given a cash incentive of 20,000 by the Government. Although a few states have already started such schemes it is essential to implement this throughout the country. Parents/families not letting child marriage take place also need to be incentivised. To achieve this goal a new central sector scheme should be introduced with a sufficient allocation of funds and resources.

10) Skill building among girls: Building skills among girls to make them employable could be a strong strategy to reduce the prevalence of child marriage. Strengthening the holistic skill development programmes such as Pradhan Mantri Kaushal Vikas Yojana (PMKVY) can result in increased employment opportunities for girls which will be instrumental to eradicate child marriages. Besides this, it is also needed to ensure at least 33 percent participation of women in the public and private sectors.

11) Awareness generation and community involvement: Incidences of forced marriages are further compounded by the ignorance of people about the ill effects of forced marriage. The non-availability of opportunities for education, especially quality education, to girls in proximity to their places of residence makes this problem more severe. All stakeholders must be gender sensitised and educated, including women/girls, men/boys, village influencers, panchayat leaders, parents, teachers to eradicate forced marriages. Awareness amongst people (specifically, women and girls) about their rights and remedies is imperative. For instance, they can approach the local police, District Magistrate, Department of Women & Child Development, or the National Commission for Women, file a domestic violence case under the Prevention of Women against Domestic Violence Act, 2005 or file a lawsuit for annulment of marriage etc. Furthermore, one of the most significant deterrents of child marriage is the involvement of the communities in preventing it. The role of the community influencers, religious leaders and families is critical to prevent both trafficking and child and/or forced marriages. The role of children (both boys and girls), and their participation has also been demonstrated in preventing child marriages as seen in the Bal Mitra Grams (Child Friendly Villages).

12) Marriage is to be void at the discretion of the girl: Indian women especially minor girls have suffered from the age-old burden of patriarchal mindset. To eradicate social evils like forced marriage it is essential to promote gender equality and empower girls. Along with spreading public awareness and education on the importance of gender equality and the harmful effects of forced marriage, it is also necessary to give legal rights to girls regarding their marriage. The option of marriage being voidable should be at the discretion of the marrying girl. This will not only empower girls but will also help them in taking decisions about their own life.

13) Need to improve deteriorating sex-ratio and overall gender equality: Forced marriages of women and children are caused as much by feudal biases against women and girl children, resulting from widespread backwardness and lack of education among the perpetrators. The prevailing adverse sex-ratio causes gender imbalance and shortage of brides in many parts of the country which in turn distorts the ecology of choice in mate selection, leaving many males unable to marry girls due to the unavailability of the latter. Therefore, there is an urgent need to improve the deteriorating sex ratio in the country, and implement effective policies and programmes to promote gender-equality.







SATYARTHI

KAILASH SATYARTHI CHILDREN'S FOUNDATION

Registered Office: L-6, III Floor, Kalkaji, New Delhi 110 019 ☎ T. +91 11 49211102

 @KSCFIndia  /KSCFIndia  /KSCFIndia  info@satyarthi.org

To report, call the complaint cell number 1800 102 7222