

WHY GIRLS RUN AWAY TO MARRY

**ADOLESCENT REALITIES
AND SOCIO-LEGAL
RESPONSES IN INDIA**



PARTNERS FOR LAW IN DEVELOPMENT

NUMBER 1

ADOLESCENT SEXUALITY AND EARLY MARRIAGE SERIES

Partners for Law in Development (PLD) is a legal resource group founded in 1998 that facilitates realization of social justice and women's rights by relating law to contexts of marginalization shaped by gender, sexuality, culture and poverty, to tackle intersecting systems of oppression. We use three complementary strategies of knowledge creation, developing capacities and engaging in sectoral debates to shape state, civil society institutions and social policy perspectives, both domestically and globally.



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The **Adolescent Sexuality and Early Marriage Series** comprises of research studies, consultation reports and analysis by Partners for Law in Development (PLD), that bring out the complex interplay between the age of sexual consent, early marriage and structural inequalities in the lives of adolescents and youth from marginalized populations in India. Using a socio-legal lens, this series reveals ways in which deterrence approaches and criminalization render this population more vulnerable to harm and less able to access rights protection.

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CHAPTER 1

INTRODUCTION

With the global Sustainable Development Goals (SDGs) aiming to eliminate child and early marriage by 2030, there are renewed and magnified efforts to address the issue.¹ The pressure to meet the time-bound SDG targets has made existing strategies and incremental changes seem insufficient, creating instead a momentum for approaches that appear to promise immediate results.

The global definition of child, early and forced marriages views different trends within underage marriages, within and across societies, as forced and as a manifestation of harmful (traditional) practices that are oppressive and exploitive of women and girls.² Based on this understanding, a widespread consensus has emerged in favour of laws that deny legal recognition to underage marriages and punish those who enable them. Disrupting the homogeneity of global narratives, is the evidence of self-arranged marriages by under-age girls, carried out in defiance of traditional customary norms. This study spotlights the distinct trend of self-arranged marriages

“This study spotlights the distinct trend of self-arranged marriages involving adolescent girls that is missing from the child and early marriage discourse, bringing the specificities of its reality into the conversation and proposals for zero-tolerance laws.”

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- 1 The UN General Assembly set out universal goals to be realized by 2030 to achieve sustainable development. Of the 17 goals, SDG 5 seeks to achieve gender equality and empower all women and girls, which includes achieving several targets. One of the targets is that of eliminating all harmful practices, such as child, early and forced marriages and female genital mutilation.
 - 2 The UN Office of the High Commissioner on Human Rights considers a child marriage to be forced, since either one or both parties to the marriage, by virtue of being under 18 years, lack the capacity to give full, free and informed consent. See <https://bit.ly/2JNftqd>

involving adolescent girls³ that is missing from the child and early marriage discourse, bringing the specificities of its reality into the conversation and proposals for zero-tolerance laws.

Child marriages emerged as a concern for the colonial government, in the face of the widespread practice of betrothals and marriages of infant and prepubescent girls in India. Successive legislative and programme interventions, along with sweeping socioeconomic changes, led to a gradual increase in the age of marriage, although underage marriages still exist.

In contemporary times, “child marriage” refers to any conjugal union (formal or informal) in which either one or both parties are younger than 18 years, which is the minimum age of marriage. Apart from custom-driven arranged and forced marriages, there is evidence of elopement or self-arranged marriages, a trend that remains to be acknowledged, let alone allowed to inform the child marriage discourse. This report thus takes a closer look at the circumstances within which self-arranged marriages occur, their interface with cultural and legal norms and the impact on the young lives involved.

1.1 Background and context of the study

The estimated figures of child marriage in India at 26.8% are of concern, which in the context of India’s population figures, accounts for the largest number of under-age brides in the world. Yet, these figures have seen a consistent but gradual decline. The findings of the fourth National Family Health Survey indicates a shift from child marriage to early marriage, with the mean age of marriage increasing for girls to 19 years.⁴ Custom-driven child and early marriages also persist, particularly in contexts of poverty, poor or little education and lack of livelihood and survival opportunities for girls outside of marriage. Combined with the anxieties about female sexual purity, parents opt to marry their daughters early. The Prohibition of Child Marriage Act (2006) provides differentiated responses to the different trends within child marriage, declaring marriages involving kidnapping and trafficking as having no legal validity at all while treating all other child marriages as valid. The underage parties to child marriage have the right to annul it within two years of attaining majority (or 18 years).

3 The term “self-arranged marriage”, as is apparent, is one whereby an individual chooses their own life partner. The alternative expression of “marriage by choice” is not desirable because it gives the impression that young people have many options and the freedom to choose between them. Choice is a liberal notion that sidesteps the structures that make choice highly contingent.

4 According to the report of the fourth National Family Health Survey (2015–2016), p. 156: “Early marriage has been declining over time. Marriage before the legal age of 18 is 27 per cent for women aged 20–24, compared with 46 per cent for women aged 45–49. Similarly, marriage before the legal age of 21 years has dropped from 29 per cent for men aged 45–49 to 20 per cent for men age 25–29. The median age at first marriage for women aged 20–49 increased from 17.2 years in 2005–2006 to 19 years in 2015–2016. For men aged 25–49, the median age at first marriage increased by almost two years between 2005–2006 and 2015–2016 (at 22.6 and 24.5 years, respectively).

The Prohibition of Child Marriage Act stipulates a minimum age of marriage (18 years for girls and 21 years for boys), calls upon the State to undertake prevention activities, provides for injunctions to stop such marriages from occurring, allows prosecution against those who promote and conduct child marriage and makes available differentiated remedies and reliefs for underaged parties.

In contrast to the Prohibition of Child Marriage Act approach are global proposals for laws that broker no exception in nullifying *all* marriages with an underaged person while imposing punitive action against parties associated with organizing such marriages. The model law developed by the South African Development Community⁵ is widely acclaimed as setting normative goals globally. It denies legal validity to marriages involving underaged persons, regardless of circumstance or choice or risks arising from it, and has been endorsed by the South Asia Initiative to End Violence Against Children for adoption by member countries.⁶ In India, Karnataka is the first state to have amended the Prohibition of Child Marriage Act to declare all underage marriages as void, setting an example for the central and the state governments.⁷

Can policy responses to early marriage neglect differentiating between forced, arranged and choice marriages or turn a blind eye to the wishes, capacities and agency of older adolescents? Can solutions to child and early marriages afford to be divorced from the contextual realities, within which capacities develop and agency is exercised? Failing to acknowledge, let alone factor in, self-arranged marriages as a trend has grave consequences.

Many grass-roots organizations struggle to protect girls in elopement cases or in consensual relationships from the wrath of their community and their family. After the legal age of sexual consent was increased from 16 to 18 years in 2012, these challenges compounded that struggle. The law views all consensual relations between or involving adolescents as sexual abuse, including non-coercive relationships between peers. This places young couples not only at risk of parental backlash but also of criminal prosecution for child abuse, with the boyfriends and husbands branded as sex offenders. The proposed child marriage amendments would deny legal status to run-away marriages, in addition to exposing them to charges of “promoting” and “participating” in child marriage.

Driven by these concerns, this study was undertaken to understand the material, social and legal concerns within which underage self-arranged marriages occur and how these issues might weigh

5 The South African Development Community developed the Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage for its member States to adopt. This is the globally favoured approach to law reform and has been endorsed by the South Asia Initiative to End Violence Against Children. See <http://bit.ly/2Y4gInP>

6 The South Asia Initiative to End Violence Against Children, an intergovernmental regional body in South Asia, with its secretariat in Nepal, has conducted successive conventions to take measures regionally and nationally towards ending child marriage through a legal framework.

7 In 2016, the Karnataka State government amended the Prohibition of Child Marriage Act (2006) to declare all child marriages to be void; see <http://bit.ly/2LxIWI>. Following this, the central government, considered adopting the same approach. See <https://bit.ly/2YT2bZD>.

in on the child marriage discourse. This study aimed at providing evidence of and drawing attention to self-arranged marriages, without seeking to displace or undermine concerns related to other forms of child and early marriages or the need for commensurate legal responses. It set out to make a case for differentiated responses that factor in the contexts and specificities of different trends and the intersecting concerns that accompany them.

1.2 Scope and objective

This report is based on a qualitative study of 15 girls aged 15–20 years who had been in a consensual romantic relationship. Some of these relationships resulted in self-arranged marriages. All 15 cases in this three-city study were chosen because they featured some form of “external intervention” by social workers, counsellors, police, shelter homes and/or Child Welfare Committees. These interventions were sought either by the girls’ families, the girls themselves or the boyfriends and for a range of reasons. While in some cases the purpose of seeking the intervention was to take punitive legal action against the boyfriend of the girl, in others support was sought during the pregnancy of the girl or by the couple, especially to seek protection against retribution by the girl’s parents.⁸

This careful selection of cases was undertaken to understand (a) the social and material conditions that drive girls in romantic relationships into (early) self-arranged marriage; (b) the impact of legal regimes of child protection on the lives of adolescent girls in romantic relationships;⁹ and (c) the views of individuals in agencies that are tasked with child protection on the subject of criminalization of adolescent sexuality.

To fully understand the socioeconomic drivers within which legal regulation is most active and its impact on the lives of girls, the study mapped four broad aspects of their lives: (a) the context within which a romantic relationship developed, including each girl’s relationships in the natal family; (b) the opportunities and resources available to each girl within her socioeconomic setting; and (c) the events unleashed on discovery of the romances by the girls’ parents, creating a crisis necessitating the intervention of external agencies; (d) each girl’s retrospective understanding of the impact of that crisis on her romantic relationship and her life. In addition, the study documents views of personnel in agencies tasked with crisis intervention in cases of teenage romances and elopements on aspects related to adolescent sexuality. The inclusion of perspectives of diverse

8 This implies that the girl and/or her partner, individually or as a couple, sought protection or help from an external agency for security. Or, she and/or her partner had to appear before the external agency on account of a complaint against him or them. There are two possible scenarios. One, in which a punitive response had occurred or was threatened and that led them to run away or go into hiding and then seek external support. In this case, they may have eloped or were on the run because the family or police were on the lookout for them (irrespective of whether a first information report was registered). Two, they had to appear before an external agency because of a complaint, either by the family or the police.

9 Specifically, the impact of the Protection of Children from Sexual Offences Act (2012) that was enacted to protect children from offences, such as sexual assault, sexual harassment and pornography.

actors, such as social workers, who had direct involvement with these girls and young women and their circumstances, further enriched the study. Such a wholesome understanding of girls' lived experiences helped triangulate the findings and facilitate a refined appraisal of the context.

The study focused on the adolescents' psychosocial frame of reference via their first-person account of their situation. It was designed to fill a substantive gap in our understanding of intimate settings and the structural dimensions that shape young people's agency. It is necessary to explain why despite being based on accounts of 15 girls, this study cannot be treated as anecdotal. The study did not set out to be quantitative, as no sample size would convincingly represent India's largest demographic group, the youth. It is qualitative by design, involving in-depth interviews of the girls, conducted through social workers and counsellors who by virtue of being central to the crisis intervention in their lives, have their trust and are intimately familiar with their worlds. The study was guided by an advisory group of experts who served as an informal ethics committee that approved the methodology, periodically reviewed the findings and then peer reviewed the report.

1.3 Methodology

Research that involves sensitive and socially disapproved behaviour, such as adolescent relations and sexuality, is a fraught exercise, especially for adolescents who could be potential participants. Establishing contact with them is challenging, especially with regard to girls whose mobility is often restricted and who have never spoken to a stranger about their experiences. Screening them for participation in the research and then recruiting them to talk about difficult personal experiences that are intimate and taboo at the same time can be intimidating and uncomfortable. From the perspective of the researchers and the research, the exercise can be problematic because of such issues as rapport, trust and authenticity of that data. In recognition of these considerations, the methodology of this research was given keen attention and then adapted to suit the particular contours.

Data collection

To ensure that encounters with the adolescent participants were empathetic and that the findings could be triangulated or verified, considerable care had to be taken to recruit field interviewers. The interviews were thus conducted by social workers and counsellors who were connected with local organizations that had a supportive role for girls in the crisis related to their romantic relationship. It was hoped that if the girls were approached by individuals who were familiar and trustworthy, the interviews could take place in an environment of ease and confidence. This meant that it was appropriate to conduct the study through partnerships with local organizations. It was also decided to conduct the interviews with the girls in the presence of trained counsellors. This approach was expected to help garner reliable information and interpretations around issues of socioeconomic status and inter-community dynamics.

Research partners

Seven organizations (henceforth, “research partners”) working with adolescent girls and youth were short-listed on the basis of their perspective and in-principle agreement to collaborate on this project: Stree Mukti Sangathan and Women’s Guidance Cell Sakhya in Mumbai; Global Family Charitable Trust, HAQ Centre for Child Rights and the YP Foundation in Delhi; and Mahila Salah Evam Suraksha Kendra and Vishakha in Jaipur. The organizations were chosen from three states to provide more inclusive and varied contexts and narratives. In their respective states, each organization facilitated the screening and selection of the respondents for the study and deployed their own social workers and counsellors, who had carried out the crisis intervention in the lives of the girls, to conduct the interviews.

A total of 15 girls were chosen as interview participants: three in Delhi (from Global Family Charitable Trust), five in Mumbai (three in Stree Mukti Sangathan and two from Women’s Guidance Cell Sakhya) and seven in Jaipur (three in Mahila Salah Evam Suraksha Kendra and four from Vishakha).

In addition, personnel from 27 agencies mandated to respond to children and adolescents in a crisis were also interviewed by the research partners. The personnel included doctors, health care providers, counsellors, Child Welfare Committee members, shelter home staff and the police. In addition to the research partners, the research team encompassed the staff of Partners for Law in Development and a multidisciplinary resource pool of experts: Aparna Chandra, Assistant Professor of Law from National Law University Delhi; Anuja Agrawal, an associate professor with the School Department of Delhi University; and Jaya Sharma, an activist on gender and sexuality issues. This resource pool served as the informal ethical committee that guided and approved the methodology, periodically reviewed its findings, and subsequently, peer reviewed the study.

Period under study

The research team looked for cases in which external interventions in romantic relationships or self-arranged marriages had occurred between 2010 and 2016. This was done to capture the period just before and after the enactment of the Protection of Children from Sexual Offences Act (2012), which increased the age of sexual consent from 16 to 18 years. Most importantly, this time frame factored in a sufficient distance of the participants from the period of their crisis to ensure that the related trauma was behind them when the interview was conducted. All field research was completed between 2016 and 2017.

Selection of cases

Most of the girls and young women chosen for the study had entered into a romantic relationship when they were aged 12–19 years. This age group was chosen to span the minor years to adulthood, with most girls younger than the age of consent at the commencement of their relationship and at least one person who was an adult at the time. This age span helped explore the continuum in

circumstances that exacerbates vulnerabilities of girls and parental responses towards girls in the context of sexuality and marriage, regardless of the legal age of consent. Viewing this period as a continuum is useful to investigate the value of a strict, age-specific measurement of the capacity to sexual consent as well as the motivation behind parental disapproval and backlash.

Documentation of data and findings

Because primary data collection was central to the study, detailed interviews were followed by extensive case documentation of the accounts of adolescents who were in a romantic relationship (many of which had become a self-arranged marriage). The girls were asked to narrate their stories in their own words, and the interviewer noted facts and encapsulated their perspectives through quotations that are woven into the report. This anonymized documentation included a detailed narrative of the case that was drawn from records of the external agency that intervened in their lives—the case records of the social worker or shelter homes (if available with the social worker), data from the first information report and medical records.

Interviews were also conducted with a range of specialized and front-line external agency personnel, such as representatives of the police and Child Welfare Committees, as well as counsellors and medical practitioners. Their participation was valuable because they had engaged with and closely supported the girls during their respective crisis. Their insights shed light on the prevalence of adolescent sexual activity, the impact of punitive laws on the girls or couples as well as on the nature and extent to which these agencies could extend support to the girls.

After the documentation was completed and information gaps filled, the data were tabulated and the findings were analysed.

Ethical concerns

A qualitative study is interested in understanding the meanings of human behaviour in social interactions and their socio-cultural contexts. The challenge is to avoid tinkering with or disturbing this meaning-making exercise and yet simultaneously safeguard the participants' safety, privacy and dignity. This is particularly so with adolescents who have faced challenging and, perhaps, life-altering circumstances of stigma or social shaming and had encounters with the police and/or the law. The girl participants in this study were highly vulnerable to further harm or stigma by their parents or community because of their total dependence on them. Keeping in mind these difficult contexts of the girls and their families, the study was built around ethical principles that steered the interview process.

To begin with, the selection of cases was an important determinant. The girls who were recruited for the study were only those who had **passed the crisis period** of their case and the related external intervention (by the police, NGO, counsellor, social worker and/or Child Welfare Committee) had

been concluded. This ensured that each participant was not being engaged in the research during a particularly trying and vulnerable phase of her life. This also required that there was a period of time between the crisis and the interview, which would allow the girls to reflect on their decisions and its implications.

All interviews with girls were conducted only after their **informed consent**. They were briefed about the subject of the research, its methods, the broader and specific objectives, the final output and possible outcomes. Their consent was also sought for the audio recording of each interview as well as for anonymous reporting of their case for publications, such as this report. It was also explained to them that, despite their consent, they retained the right to not answer questions that they found discomfiting and the right to withhold information they did not want to part with.

The girls were assured of **confidentiality** and told what it implied—that the information they provided would be shared with others only via a fictitious name that would truthfully reflect markers of caste and religion so as to factor those in the analyses.

The design of the questionnaire was mindful and sensitive about the details it sought. It **excluded questions about physical intimacy or sexual history**. Even when such information was shared voluntarily by a participant, it was not recorded. The study was meant to only document the context within which a girl enters into a romantic relationship with a boy, the responses their relationship attracted, the immediate and long-term impact of those responses on the girl and her romantic partner or husband.

Lastly, every participant who had to travel to the community organization to participate in the research was **reimbursed for transport expenses**.

Representing diversity

Because the research partners had dealt with several cases of romantic relationships and self-arranged marriages among adolescent girls and young persons, finding participants was not particularly difficult. However, it was important to showcase a range of cases that reflect and speak to a wider canvass of individuals and their distinct contexts. Diversity in relation to age, marital status, socioeconomic and educational backgrounds, inter-community and intra-community relationships, among others, guided the selection of cases by the research partners in Delhi, Jaipur and Mumbai.

To illustrate a variety of age and relationship-related pathways and experiences, a spectrum of participants were chosen with the following criteria: (a) girls aged 12–19 years who had been romantically involved with a boy and married him, as well as those whose relationships did not end in marriage; (b) girls whose families were anxious, disapproving or threatened violence; and (c) an external intervention initiated by the girls or their family for reasons that included seeking retribution against the boyfriend, protection from parental backlash or any other support or crisis

intervention services. The criteria that applied uniformly to all cases was that the girls' accounts must consistently confirm that they were in consensual romantic relationship, without any obvious element of coercion, such as a marked difference of age or power and status between them and their partner.

In terms of parameters, such as age, caste, faith and education of the girl and her partner, care was taken to include participants from diverse socioeconomic backgrounds. For example, the sample of participants includes cases of intra- and intercaste and interfaith relationships, boyfriends who were older and younger than 18, and girls who had completed or dropped out of senior secondary school as well as those who had dropped out of school at the primary stage. Married couples (including those who had customary or symbolic marriages) and couples who did not want to get married or had not married were also included in the research study. Although greater diversity in social and class backgrounds of the respondents was sought, those identified under the thematic scope of the study were primarily from weaker socioeconomic backgrounds.

1.4 Structure of the report

The report is divided into five interrelated parts that are laid out in a chronological sequence from chapters 2–6. The second chapter introduces the girls within the world they inhabit; the third traces the development of the romantic relations; the fourth chapter looks at the elements that define the crisis that changed the course of the romantic relationship; the fifth chapter provides an introspective gaze into the girls' lives after their crisis; and the sixth chapter draws out the views of service providers and police, referred to as “external agency personnel”, who attend to many such cases, on how best to understand and address concerns related to adolescent sexuality. Each of these parts traces and contextualizes the subjectivities of the material, social and perceptual realities that shape the trajectories of the girls' lives so as to generate a closer reading and a more realistic interpretation.

The seventh chapter brings the concerns that emerged from the findings of this study into dialogue with the larger narrative on child marriage and the policy proposals to be promoted to fulfil the SDG goal of eliminating child and early marriages along with recommendations to speak to policy discourse on child marriage and adolescent sexuality.

In addition to disrupting the flat narrative of forced, custom-propelled child marriages with evidence of a growing trend in self-arranged marriages by girls, this study questions some of the fundamental assumptions made about the underlying causes as well as the value of uniform responses that seek to nullify underage marriages and punish those who arrange them—without regard to context and circumstances. The qualitative insights offer a grounded counter-narrative that makes a compelling case for replacing punitive responses with transformative interventions that alter life choices and differentiated responses that acknowledge the contexts, evolving capacities, agency and sexuality in young persons.

CHAPTER 2

GIRLS AND THEIR WORLDS

This chapter introduces the protagonists of this study—15 girls from three cities and their respective socioeconomic contexts. It maps their biographical details along with some of the most crucial components of their lives, such as their immediate social space. This space encompasses their familial relationships and friendships, social and material circumstances, their school environment, their interests and the opportunities, resources and rights available to them.

Exploring these dimensions highlights both the apparent and less visible factors, including the underlying contexts of their perceptions, feelings and behaviours. It reveals the environments within which romantic relationships assume considerable significance and how some relationships culminate in marriage, despite familial opposition (threats of), violence and personal and social risks. By juxtaposing the accounts of romantic relationships within a particular context, this chapter exposes the interplay of social opportunities, material conditions and barriers arising for the individuals involved.

2.1 Profile of the girls in the study

Age

Because (chronological) age is the pivot of the debates on child marriage and the age of consent, it is important to first dwell on this aspect. This section refers to the

“By juxtaposing the accounts of romantic relationships within a particular context, this chapter exposes the interplay of social opportunities, material conditions and barriers arising for the individuals involved.”

age of entering into a relationship (preceding the discovery of the relationship and the events that followed, including marriage). The age of the girls at the time of interviews is more, as the interviews were conducted several months to a year or more after the discovery of the relationship.

Of the 15 girls, 14 were “older” adolescents—five were aged 17–19 and nine were aged 15–16 at the start of their relationship (table 1). The only participant from the “younger” adolescent category was a girl in Jaipur, who was 12 years old when she met her boyfriend (later her husband).

TABLE 1. AGE OF GIRL AT THE START OF HER RELATIONSHIP

Younger than 15	15–16	17–19
1	9	5

While table 1 reflects that most girls were in older adolescence at the beginning of their relationship, two of those within the age group 17–19 years, had attained majority (18 years) at the time of entering the relationship. The girls’ parents were unaware of the relationship at this stage of involvement. The age range (mostly legal minors and two majors) is relevant in understanding whether attaining the legal age of consent (18 years) makes the outcomes of the girls any different from those who are legal minors, in relation to their parents, the law and the state machinery. The references to age in this study is in relation to the age at which they began a romantic relationship.

Economic status

Almost all the girls in this study came from resource-poor families. For purposes of categorizing the economic status, the broad categories adopted are: lower income, lower-middle income and middle income. The lower income refers to slum-dwelling families with irregular daily income earners; lower-middle income refers to households in poor localities with steady sources of income; the middle income represents families with assets and secure jobs or businesses. The counsellors who conducted the interviews determined the economic background based on these criteria.

Among the 15 participants, seven girls came from lower-income families, five girls represented the lower-middle income group and only three were of the middle-income category. Many girls’ parents were engaged in daily wage work, such as construction, agricultural labour, domestic work or driving (table 2). Typically, all or most members of each family were earning. In a few cases, the girl and/or her siblings engaged in paid labour outside the home. For example, Chitra, a Buddhist Scheduled Caste girl in Mumbai, had been supporting her family by grazing goats or helping her father sell fruits and working at construction sites since her younger adolescence. She reported being beaten by her father and brother if she refused to work.

The number of earning members in the family, fragile nature of jobs, and in some cases, pressure on the girls to contribute to family income, are crucial indicators of the many vulnerabilities these girls experienced, in addition to the many financial hardships linked to their and their family's low-paying jobs.

TABLE 2. FINANCIAL STATUS OF EACH GIRL'S FAMILY AND PARENTS' OCCUPATION

Income category and number of girls	Number of family members to support	Number of family members who work	Nature of work
Lower income; 7 girls	3–7 (4 girls had a family of 4 members each, 2 girls had 6–7 family members and 1 girl had 3 members in her family)	1–3 (one girl worked part time, while two others had siblings who also worked)	Agricultural labour, construction work, grazing goats, selling fruit or alcohol, domestic work (female relatives of 3 girls) and make-up artist (sister of a girl)
Lower-middle income; 5 girls	5–17 (2 girls had a family of 5 members each, 1 had 6 family members, another had 4 family members while one girl had a 17-member family)	1–3 (father, brother, mother and aunt)	Hospital assistance, auto driving, hairdressing, shop keeping and domestic work (female relatives)
Middle income; 3 girls	7–12 (3 girls had 8, 7 and 12 family members, respectively)	1–3 (father, brother and uncle)	Bus driving, police and joint family-owned jewellery shop

Parents' attitudes, say, towards their daughter's education (based on statements from the girls) likely were shaped by their own resource-poor upbringing and its subculture, which may have included lack of access to or little emphasis upon school education. Such deprivation of resources (and education) and its complementary values are intergenerational. The financial and domestic burden of the household has been passed on to the girls, albeit in different ways, as outlined further on.

Religion and caste

Because religion and caste profoundly influence individual identities, community boundaries and social hierarchies, they also retain power as entrenched pillars of matrimonial alliances and matchmaking. The rules of endogamy entail that marriage takes place within one's own caste. When this is not adhered to, it is commonly perceived as "dishonouring" the family or community, frequently leading to forcibly separating the couple, breaking ties with them or, in some cases, perpetrating violence against them.

In terms of religious identity, the majority of the girls in the study were Hindu, with only two of them Buddhist and two Christian. In terms of caste identity, the majority belonged to a Schedule Caste or Scheduled Tribe community, with the exception of two girls who were General category Hindu. Five girls came from Other Backward Class communities (table 3).

TABLE 3. RELIGION AND CASTE PROFILE

RELIGION	CASTE				
Religion	Scheduled Caste (5)	Other Backward Class (5)	Scheduled Tribe (1)	General (2)	Unknown (2)
11 Hindu	Chamar, Valmiki, Mochi and two unspecified	Maurya, Nai, Sain, Soni and Rana Rajput	Unspecified	Bhairav and Kaushal	Christian and migrant Tamil Hindu (caste data missing)
2 Christian					
2 Buddhist					

When read with table 3, the facts of table 2 indicate a complementary relationship between a family's social location (caste) and its financial health. The participants were socially and financially on the margins, a facet that impacted their vocational possibilities, tangents of social networks and aspirations. The 15 girls lived within and acted from these adverse and challenging locations, which offered them few opportunities and choices.

Education

Completion of school education can be a decisive opportunity for a promising future for children, particularly when there is quality education. For the 15 girls in this study, their educational attainment presents a picture that is inconsistent with such prospects. In fact, the girls from marginalized and resource-poor backgrounds need additional inputs to overcome these disadvantages.

Among the adolescent girls interviewed, more than half (seven) across the three cities (Delhi, Jaipur and Mumbai) had left school after completing Class 6 or Class 9 (table 4). The reasons why they were made to discontinue their education are important to flag (table 5).

TABLE 4. EDUCATION LEVEL OF EACH GIRL

Primary (Class 1–5)	Middle (Class 6–8)	Secondary (Class 9–10)	Senior secondary (Class 11–12)	College (graduate, postgraduate)
4	3	4	3	1

The discourse on child marriage tends to present marriage as the reason for discontinuing a girl's education. Because this study looks at the overlapping concerns of adolescent sexual agency and early marriage, the interviews offer valuable insights on the reasons why each girl left school. Of the 15 girls, only Pinki in Jaipur had a post graduate qualification, having completed a master's degree in commerce. Shashi, also in Jaipur, was not allowed to sit for exams and in fact, pulled out of college, to ensure she does not turn out like her older sister who eloped. The other participants were unable to complete their middle or secondary schooling (table 5).

TABLE 5. REASONS FOR DROPPING OUT OF SCHOOL

Reasons	Number of girls who dropped out
Household chores and financial distress	5
Discovery or suspicion of a relationship	4
Pregnancy	3
Failed in school examination	2
Completed school and graduation	1

Four girls could not complete their primary education (dropped out in Class 1 and Class 2) because the wedding of an elder sister and the birth of a younger brother, respectively, required them to take on housework responsibilities. In other cases, acute financial constraints compelled an older family member to take up paid work and thus transfer housework to the girl in the study. As Sangeeta, a Class 7 drop-out in Jaipur, explained: *“My father made me drop out of school.... Responsibilities towards household chores had increased and even financially another family member was needed to support since ours was a rented house.”*

When all of her five elder sisters were married and there was no girl at home to do the household work, Sona in Jaipur was made to drop out of school in Class 10.

Suspicion of involvement with a boy or discovery of the relationship was a significant reason for dropping out of school, as was pregnancy. Seven girls were pulled out of school due to complications arising from their relationship, such as pregnancy, the discovery of that relationship or from being seen with a boy. Rosie dropped out of senior secondary school after the discovery of her pregnancy, when she was sent to live in a shelter home until the child was born and given up for adoption. On

her return home, her two married sisters (both nurses) encouraged her to resume schooling via a long-distance programme.

The taboo and shame relating to (premarital) adolescent sexuality is a common cause for dropping out of school, whether this arises from suspicions of a relationship, the discovery of an actual relationship or pregnancy. The stigma is so pervasive that a girl's pregnancy (resulting from ignorance of safe sex or lack of access to contraception) requires sending her away until the baby is born—which three girls experienced, with no prospect of resuming their studies in the same school.

Two girls who failed their exams were made to drop out of school by their parents because such failure implied lack of aptitude for school-based learning, and the parents didn't see the education as translating into economic opportunity. The sobering finding about the girls' own desires to continue their education suggests that while a majority of them said they enjoyed going to school, their yearning for education was cast aside by their parents because of the family's demanding circumstances. Clearly, girls have little or no control over fundamental matters of their life, such as the right to education. A few of them disliked school because of their teacher's rude behaviour, corporal punishment or because they had not performed well. These feelings point to the absence of quality education and stimulating environment, which motivate students, many of whom are first-generation learners. The emphasis on school education cannot be separated from the quality of learning offered at schools, especially those that cater to resource-poor, disadvantaged communities, such as those represented in this study.

The data suggest a combination of material and ideological reasons that cause girls to drop out of school. These range from financial stress to the housework the girls need to shoulder along with other adult members of resource-poor households. Equally, parental anxieties to control girls' virginity and sexuality is so powerful as to limit their development and punish them for their natural curiosity, desire and attraction. There is a close connection in this data between the girls' inability to continue their studies and the taboos relating to adolescent sexuality.

Housework

Among low-income families, such as the ones that most of the 15 girls belonged to, engaging children in household work is a necessary and common survival strategy. The burden of housework fell upon the girls as their parents were engaged in paid labour outside the home and could not hire paid help (table 6). Their parents seemed to benefit more from the immediate assistance by their daughters' (via household duties, such as cooking, cleaning or caregiving) than from the time they spent at school. With the adults' livelihoods defined by erratic income, long hours and no leave or no security of work, the housework shouldered by the girls was critical for the daily sustenance of these low-income families.

The interviews revealed that of the 15 girls, a majority of them (11) said they did all or most of the household chores. Nine girls were responsible for carrying out all the housework—mostly cooking, but also sweeping and washing clothes. Only five among the 15 girls claimed to enjoy doing housework.

TABLE 6. EACH GIRL'S CONTRIBUTION TO HOUSEHOLD WORK

Did all or most of the housework	Contributed to housework	Did not do housework	No answer
9	2	3	1

For Babita, the daughter of lower-middle income Nai (Other Backward Class) parents in Jaipur, financial distress led her to drop out of school in Class 9, like her younger sister. Because her brother and father were the main breadwinners who supported the three sisters and their mother, Babita and her older sister were responsible for housework. Babita would sweep the floor, wash utensils and knead dough while her sister cooked and washed clothes.

Prachi (Chamar Scheduled Caste) lived in a Mumbai slum, where all four members of her family were engaged in paid work. The earnings of her father (a security guard), mother (a domestic worker) and older sister (a make-up artist) enabled Prachi to study uninterrupted until Class 11. Yet, Prachi had to shoulder housework (along with her mother and sister) and also assist her mother in the paid domestic work when possible.

Shalini was from a lower-middle economic Sain (Other Backward Class) family of 17 members (two brothers and four sisters, along with the wife of her father's younger brother and seven cousins). Her unemployed, alcoholic and abusive father had made their family life rather challenging. Her mother's and aunt's incomes from domestic work and the earnings of her brother and cousin (a hairdresser) fell short. The financial strain on the family impacted Shalini's education—she was pulled out of school in Class 2. Since then, she had worked at home (cleaning and washing dishes and clothes). Even though she experienced acute discrimination and neglect by her mother and abuse by her father, Shalini enjoyed cooking dinner because of the praise she received for her cooking skills.

The financial constraints of their family's situation pushed the girls into the premature assumption of adult (full-time) responsibilities of housework or, in two cases, paid labour. From early childhood onwards, the girls started to recognize the value placed on their housework by members of their family and community. The process of identity formation for these adolescents was directly marked by what the family and community held important—a girl's domestic skills over other public roles and identities. If anything, realities such as these must compel the shifting of the focus from mere school completion to transformative curricula and quality education. It is the one arena that must influence girls' abilities to imagine more for their life, while simultaneously connecting girls with

opportunities and resources that enable them to aspire differently than what their family situation might portend.

Friendships and peer networks

Parents tend to view friendships among adolescent girls simply as bonds of leisure, with no inherent worth. Such a perception, unfortunately, misses the crucial role of friendships in the development of an adolescent's emotional and social skills. In addition to acting as personal support groups, friendships can help nurture confidence, new interests, sensitivity, self-esteem and negotiation abilities.

The 15 interviews established the absence of robust peer groups and a limited and limiting social landscape for these adolescent girls. Twelve of the 15 girls reported that they had few friends in the school or neighbourhood to play and talk with.

Nancy in Mumbai had studied until Class 12 and was enthusiastic about her school friendships. She used her father's mobile phone to keep in touch with girlfriends from school, where they still sometimes played badminton together.

Other girls, who had to drop out of school much earlier, were unable to build similar bonds. Priya had no friends to speak of—she had dropped out of primary school to do housework to help her sole-breadwinner mother and unemployed alcoholic father. She had little to share with the girls in the neighbourhood, anyway, because they typically talked of school. On the few occasions she would meet them, she usually never spoke. Champa, another primary school drop-out in Jaipur, only played with her siblings because she bore the burden of housework early in life as well as working for pay in other people's homes.

Anjali (in Delhi) was pulled out of school after completing Class 8, when her parents discovered that she had a Muslim boyfriend. In school, she had had a girlfriend with whom she talked and went to the local market. After being made to quit school and confined at home—and later, eloping—she lost touch with her girlfriend. In contrast, Pinki, who had a postgraduate degree, had kept in touch with a school friend in her neighbourhood and a classmate from her coaching class. She and her coaching-class friend would occasionally discuss studies, Pinki's feelings about her boyfriend and films.

The life and quality of these friendships was also highly contingent upon the decisions of and surveillance by family members. Delhi-based 17-year-old Neeru recalled how short-lived and fragile her social network was: *“My friend was seen on a bike with a boy by my brother. So, my brother insisted that I should stay away from her... I was told not to talk to her, not to stand in the balcony.”* Neeru had rarely spoken to boys because of her restricted mobility. In fact, five of the 15 girls

reported that the only friendship and interaction they had had with the opposite sex was with their boyfriend. Only three girls had interacted with a boy outside of a romantic relationship.

The environment for most of these 15 girls was clearly one of little or no interaction with boys. Geetha in Delhi was shifted to an all-girls school from her co-educational primary school, where girls and boys would actually play, sit and eat separately. Champa, living in Jaipur, reported that her parents did not allow her and her sisters to play outside the house; her father said that boys were a bad influence, and so she must not talk with them. If a boy ever spoke to Champa, she was called inside the house and questioned on what he had said.

When asked how their friendships with girls were different from their friendships with boys, most of the girls said they did not know. With their small peer network, minimal social interactions and the taboo against mixing with the opposite sex, it is no surprise that they were unable to respond to a question that tried to gauge their range of social experience.

Relations with parents

The place where these girls spent the most time every day was home. Their feelings of self-worth, self-esteem, security and life satisfaction were largely influenced by the relationship they shared with their parents. The parent-daughter relationship was a driver to the girls' sense of well-being and confidence.

For most girls in the study, there was barely any rapport with their parents and particularly no communication with their father. Additionally, the girls were keenly aware that censure and punishment would follow if their parents found out about their boyfriend. This is why they kept their romantic relationship a guarded secret. These cases can explain, to some degree, the girls' unaddressed emotional needs, behaviours and aspirations.

Speaking of their relationship with family members, one-third (five) of the 15 girls claimed to be close to their mother or a sibling. Only six girls felt close to both parents. And only one girl reported being close to her father, while another said that she rarely talked to her father because she was "scared" of him.

The girls' accounts of their parental relationship suggest that not only was there no affection, support or encouragement in their life but there was an emotional distance between them (especially with the father). Two girls disclosed details of exceptional ill-treatment at the hands of family members. Explained Chitra, in Mumbai: *"...everyone has treated me badly: My mother used to abuse me, and my father was not caring.... I suffered paralysis at eight and a half years of age—he did not get me treated [until] the neighbours forced him to do so. I was considered unlucky because my aunt died when I was born. So, I was seen as a bad omen in the house."*

And Shalini, in Jaipur, reported: *"I never had good relations with my family and always felt discriminated by my parents. My mother discriminated against me all the time. When my mother went with my aunt to fix my cousin's marriage, my aunt rejected the offer. But my mother fixed my marriage [at age 14 or 15] with this 35-year-old man. ... I was forcibly engaged to this man.... I left the house, after which my mother beat me up and my father abused me [he was also drunk]."*

When asked if they would like to change something about their relationship with their parents, five girls wished for more communicative, supportive and caring relations. For example, Priya in Mumbai said: *"My mother is a responsible parent; she is cooperative and talks without abusing.... But my father earns only to support his drinking addiction and does not help much at home, not even financially. I just wish that my father was more responsible. I could not study because of financial constraints."*

These accounts reflect that the girls live with a sense of isolation and rejection because of the lack of emotional fulfillment at home with regard to their parents. In the girls' subjective understanding, these relationships are not the basis of comfort and nurturing but, rather, of their unmet emotional needs for attachment and affirmation.

In adolescence, when children look towards peers to forge an identity independent of their family and explore risky behaviour to mark their entry into adulthood, the parental role must be sensitive and enabling. With enough mutual trust to keep communication channels open, parenting should foster decision-making skills rather than disabling or appropriating them.

When asked about positive or joyous moments within their family, 11 girls said they looked forward to bonding with their family over food and new clothes during the time of festivals. These occasional experiences in their family lives are special for the girls and indicative of what they seek and enjoy, both within and outside the home. Mumbai-based Priya, like many of the other participants, recalled liking her boyfriend because he talked sweetly and bought her cold drinks. This relationship fulfilled for her what she sought from relationships within the family but never experienced.

Girls' mobility

The girls' (independent) leisure-related mobility outside the house—alone or with friends—was strongly discouraged by their parents. Parents imposed strict hours for mobility and timings for when the girls were expected to return home. Most of this arose from their fear of their daughter's possible meeting up with or establishing a relationship with a boy, the risk to their reputation and "honour" as well as concerns about sexual harassment and violence.

Nine girls acknowledged that they could step out of their house alone but only within a prescribed radius. Their mobility was related to errands for the house or tasks related to their education (such as tuition classes). Although the spaces they were allowed to visit were a select few and close to

their home, they still needed permission from a parent or senior family member to go there. Girls who could venture outside the house with friends had to return home by 7 p.m. or earlier to avoid being chastised. Prachi in Mumbai reported: *“I would get into trouble for roaming around. I used to roam with my girlfriends, but I would come home before 7 p.m. I would be hit by my father when I was late. He never hit my sister because she never came home late. They [parents] did not also approve of my habit and desire of roaming outside the house for too long.”*

It is telling that for more than half of the girls, mobility-related friction with parents and family erupted only after their relationship with their male partner was discovered. With Shashi, though, her older sister's decision to elope with a man of her choice led to parental clampdown and punishment for Shashi. At that time, she was an 18-year-old college student in Jaipur with relative freedom for outings with friends. She spent time with her boyfriend, whom her parents had no knowledge of. Fearing that Shashi might follow the footsteps of her older sister, her parents forbade her to go to college or step out alone. She was locked inside the house whenever the family went out. Her resistance was beaten down, and she was forced into a marriage (without a single meeting with the groom chosen for her). Her mother insulted all of her friends, who then stopped trying to get in touch with Shashi, leaving her broken and isolated.

Far from having the desired results, such constraints break down feelings of trust and safety, pushing girls, like the 15 in this study, to seek out limited options in their fragile environments that promise them succour and freedom.

Leisure and aspirations

Adolescence is special in many ways, especially for the time it offers for imagination, play, pursuit of interests, creativity to develop mental and emotional skills and to discover one's aptitude.

The interviews revealed that the girls had multiple extracurricular interests that they were ultimately unable to pursue. Eight girls were fond of television, films and music; three were interested in artwork; another three girls preferred dance, whereas two liked being outdoors and two like being indoors. Despite their right to recreation, most of them (10 of the 15) were not allowed to pursue their interests. For some girls, these interests fell by the wayside once they dropped out of school. For example, Shalini in Jaipur wanted to learn stitching and enrol in a beauty course so she could work as a beautician, but her domestic circumstances forced her to start cleaning peoples' homes. And Anju, also in Jaipur, could never learn dance because her father did not approve of it.

These missed opportunities in the girls' lives left them with unfulfilled desires and stunted aspirations. They continued to seek such fulfillment and would grab the first opportunity they found, especially those outside their restrictive family.

When the girls were asked what they would like to do but are unable to, Prachi in Mumbai said: “[I] wanted to visit Bombay Chowpatti (beach) but could not because of the long commute.... I had to be back home by 7 p.m.”

Her response illustrates how heavy restrictions dent the exposure and aspirations of girls who are not even able to visit a local attraction within the city limits. It is also a sad reflection of their modest aspirations—only two girls said they liked being outdoors or went for outings in their leisure time.

A direct and forceful impact of the little autonomy and mobility that the girls had was that many of them had no role model. One girl reported that she had never been asked the question about role models, while seven girls said they had no role model at all. Seven girls responded to this question with names from their actual or virtual environment, such as a male relative, a school teacher, a welfare officer, an upper-caste woman in the village and a film star. With such confined childhoods and minimal exposure, the girls’ responses were expected and unsurprising. Gender shapes adolescent aspirations significantly, but is not the only influence that contributes to how the girls see their potential future role. The exposure to different worlds outside the home, to diverse persons and situations, cultural and material possibilities and value systems contribute to how girls imagine their futures. At a stage of life in which aspirations and imagination are known to be fertile, the constrained exposure, poverty and burden of housework seems to atrophy the capacity to dream, signaling an acceptance of their limited circumstances.

Access to technology and resources

An individual’s access and control over material resources is one among many factors that shape aspirations, opportunities and, ultimately, choices. In the lives of the girls that this research focused on, the mobile phone seemed to emerge as a keenly sought and cherished window to the world.

Among the 15 girls, four of them had no access to a mobile phone.

Of the 11 girls who had access to a mobile phone, five enjoyed independent use with their own phone, whereas four girls used the phone of a family member or friend when needed. But the girls with independent access to a phone were still dependent on their partner or a family member to pay for re-filling of time and data.

Shashi in Jaipur was unable to connect with her boyfriend during the few months she was pulled out of college and locked up by her parents. After her parents forcibly married her to a man living in a semi-rural town, she secretly resumed contact with her boyfriend through her husband’s mobile phone, plotting to escape her matrimonial home with his help. Much later, when she began living with her boyfriend, confined largely to his room in his parental home out of fear of being caught by

her family, the most longed for yet elusive item was a mobile phone. Although she liked watching TV, it did not replace her desire for a mobile phone.

Access to phones can imply greater communication and social interaction with people outside the immediate family. In terms of use, all the girls who had direct or indirect access to a mobile phone used it to stay in touch with their friends and partner and for entertainment (music, movies and so on). However, the ownership of and/or access to a mobile phone did not guarantee these girls the freedom to use it, which in all cases was contingent upon a family member or boyfriend. The mobile phone assumed an extraordinary value as a means of transcending the deprivations and controls that circumscribed their lives.

2.2 Synthesis

All of the participants were adolescents and mostly aged 15–18 years at the time they entered into a romantic relationship (except one girl, who was 12). Spanning the ages of 10–19 years, adolescence refers to pre- and post-puberty stages of life, when changes within the body accompany early sexual awareness and alterations in self-image and impact the relationship with the body, with others and with the world.¹⁰ In this period between childhood and adulthood, when identity formation accelerates, there is an eagerness to discover and interact with the world outside the home. This study demonstrates that girls seek relationships, technology and other limited resources accessible to them to explore the world around them, forging intimacies and discovering new emotional textures. These changes are part of the naturally occurring physiological and psychological changes in the adolescent body and mind. The manner in which these changes catalyse life chances depends vastly on social assumptions and values connected with gender and sexuality, opportunities available, mentoring and sources of accessible support. As brought out in this chapter, the contexts of social and material deprivations pose additional challenges.

The limited biographical profiles of the girls reveal multiple deprivations across the material, social, educational and financial spheres, most of which are intergenerational.

Most of the girls' family members were engaged in menial or low-paying jobs in the unorganized sector. The girls' parents also appeared to have been raised in financially difficult conditions, with poor social mobility. Almost all the girls were from Scheduled Caste, Scheduled Tribe or Other Backward Class communities, and some were from a migrant family living in a slum cluster. These dynamics affirm the link between social marginalization and economic deprivation. The resource-poor settings of the girls point to an inheritance of deprivation and vulnerabilities, such as their parents' financial distress, limited education (if any) and lack of social mobility. The combination of structural deprivations, spatial violence and taboos related to the sexuality of women and girls

10 World Health Organization: *The sexual and reproductive health of younger adolescents: Research issues in developing countries* (Geneva, 2011).

equated their mobility with risk and therefore subjected to strict control. These circumstances explain the early burden of housework or waged labour and, notably, the lack of any aspiration that transcends their circumstances. The girls replicated the patterns of paid and unpaid (domestic) labour from an early age at the cost of other avenues of growth.

All the girls except two had dropped out of school (one dropped out on entering college). But their reasons for dropping out, do not validate the assumption that girls drop out of school *only* or *largely* because of an “arranged child marriage”. Not only did the participants enter into a relationship of their choosing, some of which resulted in marriage—but *none of them dropped out of school to marry*. The findings point to compelling reasons other than marriage that cause girls to be pulled out of school.

Discussion on education cannot be limited to completing schooling alone. It needs to encompass issues related to the educational apparatus and the approach to curriculum and pedagogy, all of which help build the agency of girls to navigate barriers in ways that their resource-poor upbringing does not allow. The data suggest that schools were neither able to excite academic interest or growth in the girls, nor did they counter the early dropping out of their students. There was no instance in this study of school officials inquiring after the girls or reaching out to their family to address the early leaving. Schools (rather than law enforcement agencies) within such fragile, resource-poor settings must assume roles beyond traditional teaching to tackle the barriers that clip the life chances of girls.

Material disadvantages, lack of opportunities, enforced abstinence and social controls are intrinsic drivers of early adulthood, as illustrated in this chapter, and early marriage, as discussed in the next chapter. Policy discourses that seek the retention of girls in school until age 18 appear to only postpone marriage by a few years while neglecting vital inputs towards enhancing girls’ capacities, opportunities and agency. The next chapter demonstrates the agency exercised by the girls (in spite of societal and State neglect in developing it) in finding some control over and validation in their life—through a romantic relationship.

CHAPTER 3

ROMANCE AND MARRIAGE

Having mapped (in the previous chapter) the familial and socioeconomic contexts that shaped the opportunities, choices and aspirations of the 15 girls, we proceed to the circumstances within which their romance unfolds against the social mandate of marriage. This exploration of the settings of their romantic relationships and self-arranged marriages will help reveal the value they assume for girls, both on account of adolescence and owing to their limited and limiting life chances. These contexts within which adolescents become compelled to make certain choices are important to understand so as to recognize individual agency, together with the structural realities that impel individual action.

This chapter also outlines the social location of the boyfriends with whom the girls were involved and the conditions, social challenges and dynamics within which their romantic relationship developed and became significant. It also traces the environment—the school, family, peers, neighbourhood and social hierarchies—within which the relationships were formed and navigated.

3.1 Biographical details of the boyfriends

Age

All the girls except one were aged 15–19 when they entered into a romantic relationship. Of them, 14 girls were older adolescents. The age range of the boyfriends

“This exploration of the settings of their romantic relationships and self-arranged marriages will help reveal the value they assume for girls, both on account of adolescence and owing to their limited and limiting life chances.”

at the start of the relationship was 16–24 years, spanning adolescence and youth. The boyfriends became involved romantically with a girl in this study mostly in their youth, with 11 in the category of young adult (aged 19–24 years), with a fewer in older adolescence, aged 15–18 years (table 7). This establishes that most of the girls and boys were contemporaries, or close in age to each other.

TABLE 7. AGE OF EACH BOYFRIEND AT THE START OF THE RELATIONSHIP

Younger than 15	15–16	17–18	19–24
0	1	3	11

In terms of age difference between the girls and the boyfriend (table 8), the boyfriends were the same age or older than the girl. Of the 15 couples, 14 were peers or the boyfriend was between three and five years older. The age gap and the qualitative data from the interviews suggest that there were no elements of obvious coercion or power dynamics arising from age disparity. The participants had consistently stated—both at the time of the crisis and during the study interviews—that their relationships were consensual.

TABLE 8. AGE DIFFERENCE BETWEEN EACH GIRL AND HER BOYFRIEND

Age difference	0–2 years	3–5 years	6–8 years
	6	7	2

In most cases, there was not only the absence of coercion but a demonstrable will and agency to be with the boyfriend. The case of Shalini deserves elaboration only because the age difference of eight years (with her aged 12 years and her boyfriend aged 20 years) when the relationship commenced leads to speculation of coercion. The girl was raised by an alcoholic father and a domestic worker mother in a large family. Her overburdened mother pulled her out of school when she was in Class 2 to help with both the household and paid domestic work. She met her boyfriend at a wedding, and he gave her his mobile number. She called him back and eventually found him to be caring. When her mother discovered the relationship, she forcibly engaged her to a 35-year-old man. Through the travails that followed, her financially independent boyfriend stood by her side. Despite the pressure Shalini faced from the family to press charges against the guy, she did not relent. At the time of the interview, she was living in a shelter home and waiting to turn 18 to reunite with him. Despite the age disparity between them, their situation affirmed, more than any other case, consent and exceptional agency by Shalini to ensure the survival of her relationship. Her boyfriend offered her support and affection, in contrast to her loveless family life.

Boyfriends' education and finances: Barriers and possibilities

The boyfriends' educational status was similar to the girls—almost half of them left school sometime between Class 6 and Class 10 (table 9). Just as the girls had dropped out of school to assume household responsibilities in their natal home, the boyfriends had dropped out to assume financial responsibilities within their family.

TABLE 9. EACH BOYFRIEND'S LEVEL OF EDUCATION

	No schooling	Primary 1–5	Middle 6–8	Secondary 9–10	Senior secondary 11–12	Graduate/postgraduate
Number of boyfriends	2	0	3	4	3	2

TABLE 10. FINANCIAL STATUS

	Financially dependent	Financially independent
Number of boyfriends	4	11

The possible explanations for their incomplete schooling can be inferred by reading the boyfriends' educational status together with their financial circumstances. Table 10 reflects that most of the boyfriends were financially independent by their adolescence, just about when their romantic relationship started. A closer reading of their vocations explains their socioeconomic position: Of the 11 boyfriends who were financially independent, four were daily wage labourers and six were in small jobs or self-employed (a salesman, worker in a fast-food outlet, a vegetable vendor, a disc jockey who had a small fireworks business, for instance). At least two of the four boyfriends who were financially dependent on their parents had a source of irregular income, albeit insufficient for sustenance. The only exception was a boy with a master's degree who worked in a bank after his marriage. Most of the boyfriends also seemed to face considerable financial constraints, including in the pursuit of school education.

This early onset of adulthood within a financially difficult context sheds light on the lives of the girls and their boyfriends. These similarities of their contexts are best seen together and not in isolation of each other.

Religion and caste

The other similarity that the boyfriends shared with the girls was their religious and caste affiliations. Of the 15 boyfriends, there was one Buddhist, Muslim and Christian each, while the rest were Hindu. Most of them belonged to a lower caste: two were Scheduled Tribe, six were Scheduled

Caste, three were Other Backward Class and three were from what would be called the general category (one boy was uncertain of his caste). The data on caste and faith (discussed further on) reveal that all relationships were either intercaste or interfaith, which had aggravated the parental disapproval the couples had faced.

As was the case with girls from lower-caste families, their boyfriends or partners, too, were at the margins of socio-cultural hierarchies, evident in the jobs they had. Thus, the girls and their boyfriends' lives should be seen via the miscellaneous disadvantages they lived through.

3.2 The relationships: How they began and other social dynamics

With parental restrictions on the girls' mobility and their lean network of female friends, their chances of meeting boys were slim. It was inevitable then that the girls each met their boyfriend within the narrow world they inhabited and with whatever their limited resources allowed. This section lays out the circumstances within which the relationships were initiated and the social risks under which they were navigated.

Girl meets boy

Most of the girls (10) met their boyfriend in the neighbourhood, a local market, a tuition or coaching class (outside school), a wedding or through a friend. For example, Shashi fell in love with her neighbour. It was with him that she encountered the first taste of freedom by going out to eat or watching a film. She would meet him after she finished college classes for the day.

A female friend of Rosie shared her photo with a boy, who then initiated the conversation via telephone. Long before they ever met in person, they spoke on the phone and texted each other. To be able to talk, they would wait for their family members to go to sleep at night. Rosie would signal the boy with a missed call and he would call her back.

Nancy had been wooed by a boy from her neighbourhood since she was 13 years old but only reciprocated four years later, when she turned 17. She liked that he had wooed her for so long and gave in when her friends indicated that they liked him.

Shalini met a boy at her cousin's house during a family wedding. He passed on his mobile number to her, and the next day, she phoned him from her mother's phone. She asked him how much he liked her, and after she determined his interest, she began seeing him. They were from the same neighbourhood, and she had always liked him.

In all but two cases, the boy made the first move in approaching the girl, who in turn responded instantly and positively. This evidence of clear interest and immediate reciprocity is indicative of the girls' agency within their limited context and broadly of growing sexual interest during adolescence.

Most of the girls claimed to not have known any other boy except their then boyfriend. In view of the taboos attached to mixing with the opposite sex, these relationships had gravity from the start.

The girls' daily regimen of school and/or household work as well as regulated movements outside the house made it difficult for the couples to communicate and meet. Conversations via the mobile phone or secret meetings were the only possibilities. Phone conversations were contingent upon access to the phone of the parents or siblings or payment for re-fill of time by the parents or the boyfriend. The girls (and their boyfriends) were also keenly aware of the need for secrecy, given the social stigma around mingling with the opposite sex. Some girls, like 20-year-old Priya in Mumbai, were luckier in terms of meeting up with her boyfriend: *"We were neighbours, so communication was easy. We met every day. The boy's aunt had a house where no one lived. We both met in that house, alone. There was no risk or challenge. No one was at home to keep watch on us, plus, access to the space was easy."*

Eighteen-year-old Geetha and her boyfriend lived in the same Delhi slum colony, so they had to sneak away to meet. Their venue was an abandoned house by the railway track that bordered the slum. Although they would manage to meet three to four times a week, their encounters had to be rushed and short. Geetha would leave home without informing anybody and had to hurry back so that her absence was not noticed.

While she was in senior secondary school and then junior college, Rosie would take the local train to meet her boyfriend at the beach, far away from where she lived. They would spend time together, secure in the knowledge that no one in that vicinity could identify them. Because the beach was frequented by many young couples, it shielded them from prying eyes and acquaintances.

With many of the boys and girls neighbours, a terrace served as the first place of contact for some and a safe spot to connect across homes and streets. In a slum in Mumbai, for instance, Neeru connected with Shyam from her terrace. Once love was expressed between them, they began talking on the mobile phone. For Champa in Jaipur, the terrace allowed her and her boyfriend, Kailash, to gaze at each other. She talked to him via a mobile phone that he had given her and met him secretly with the help of landlady (of his family's rented premises), at her house.

These shared neighbourhoods also allowed some girls to meet the boyfriend while out on errands or on their return from school.

Pinki went to the same tuition/ coaching class (to prepare for entrance exams for higher studies) in Jaipur as Mohit, her boyfriend. After the class, they went to her friend's paying-guest accommodation to spend time together.

Crucially, most girls reported feeling drawn to their boyfriend because of the attention, affection and care he offered, including via the occasional gifts he bought for them. One girl said she liked

the attention her boyfriend gave her when she was upset. It was special, she said, to have a person express concern and to care about her well-being. Another girl mentioned that the boy bought her medicines and attended to her when she was sick. It is important to recall here that many of these were qualities that the girls yearned for but did not find from their family members, as noted in the previous chapter. Some girls admired their boyfriend's good habits, such as not looking at other girls, respect for elders, wearing decent clothes or having a nice smile. For all these girls, their boyfriend seemed to embody the refreshing change they desperately needed from their stifled life of domestic drudgery and uninspiring school education, if at all.

Unsurprisingly, most girls said they had not disliked anything about the boy (young man) during their courtship, as is often the case in the first flush of romance. It is also reasonable to infer that the lack of affection and companionship in their life made them less critical of the boy (young man). A few girls mentioned aspects about their boyfriend that they had come to not appreciate, such as drinking or smoking, short temper and unemployment, in addition to unappealing physical attributes, such as small eyes and short height. Clearly, the girls were able to know their boyfriend better as the relationship progressed and as they spent more time together.

Navigating taboos and disapproval

Because it seemed that the girls' unmet needs for companionship and emotional fulfilment were finally going to be satisfied through their romantic relationship, they were extremely careful not to disrupt this possibility for happiness. All the girls were aware that a friendship—let alone a relationship—with the opposite sex was taboo. They were sure of societal and parental disapproval and the immediate clampdown on them if anyone from their family learned about their relationship. To keep that relationship intact, they had to keep it a secret from their parents; so they talked about it only with a few, select individuals whom they could trust. For instance:

- fewer than half the girls (six) told only their close friends about their relationship;
- five girls told their elder sister or a female cousin or sister-in-law; and
- three girls told no one.

At 15 years of age when her relationship started, Champa in Jaipur knew of the immense backlash that could arise if her family ever got a hint that she had a boyfriend. She decided to closely guard her secret: *“I did not tell anyone about my relationship, except the landlady. I was scared of my father and knew that he will not approve of my boyfriend because no one in our family has had a love marriage. Even though my father and he [the boy] used to sit with each other occasionally [we are all from the same locality], he still would not have approved of it.”*

In contrast to the girls' secrecy and fears of their parents' knowledge of their relationship, the boyfriends came across as more privileged in terms of the social yardsticks for their behaviour. As many as nine of the boyfriends had told someone in their circle about their girlfriend. They seemed

to face less pressure regarding relations with the opposite sex and were less anxious about their family's knowledge of their relationship. They anticipated censure only from the girl's family, not from their family. This reflects an awareness and internalization by each couple of the societal double standards, which impose a great deal of restraint on girls' mobility, interaction with boys and sexuality, while valuing these qualities in boys and encouraging their pursuit of girls.

Given the shame around adolescent girls' premarital relations or sexuality, the secrecy implies that the girls had little or no safe space to talk about their thoughts or experiences on the subject. The adverse effect of this secrecy was that they had no access to knowledge, perspectives or even emotional resources to draw upon. The only confidants they had were people who were as young and vulnerable as they were and equally inexperienced in navigating such challenges. This compounded their isolation and helplessness.

While nearly all the girls were sexually active to some extent, only five mentioned it in the interview. Although our interviewers did not ask questions related to sex, the issue came up either expressly or was alluded to by a girl's description of the nature of her encounters, a pregnancy or of living together after running away. Of the five girls who discussed sexual activity, three said they did not use contraceptive because they were unaware of it.

In patriarchal societies, the dual standards on premarital sex weigh down heavily on girls. In this study, the girls, on one hand, were ignorant about safe sex and sexual health concerns. But on the other hand, they struggled to appear as the ideal *achhi ladki* ("good girl"). They had to balance the inequalities that thwart their desires with their need for affection and companionship. Sexuality education has few champions within the government because it is perceived as a driver of premarital sex.¹¹ The denial of information and support at the levels of the family, community and State only renders generations of adolescents more vulnerable to risk-taking and harm. Ironically, it is the stigma on premarital sexuality and the consequent lack of guidance on safe sex that is to blame for pregnancies among adolescent girls.

Understandably then, more than half of the girls (nine) expressed getting "caught" with their partner as their biggest fear, with all their energies and resources focused on meeting up with their boyfriend without being seen. Even in the slightly unusual case of Babita, whose boyfriend was the son of close family friends, where both the families (except her father and brother-in-law) were in favour of their marriage, no one dared talk to the father about it. Instead, a close circle of supporters in the family watched her father's movements to warn the couple when they were together. Explained Babita: "...we would meet at his [the boy's] uncle's place. His uncle and aunt knew about the relationship and helped by giving us a room to spend time with each other. My own

11 Youth Coalition for Sexual and Reproductive Rights: *On the lack of comprehensive sexuality education in India: Report submitted to the UNHRC for India's first universal periodic review* (New York: United Nations, 2008); ShahJahan Ismail, Ashika Shahjahan, T.S. Satyanarayana Rao and Kevan Wylie: "Adolescent sex education in India: Current perspectives," *Indian J Psychiatry*, Vol. 57, No. 4, 2015: 333-337.

landlord also helped me meet at his place. He used to take us for movies with his kids. Everyone who knew about our relationship would help us. They would call and tell us that my father was on his way back.”

Girls seemed to have much more at stake than their boyfriend, especially with the anxieties and challenges around living up to patriarchal ideals.

Magnifying risks: Crossing the fault lines of caste and faith

Caste- and faith-based social boundaries are maintained through the vehicle of marriage. Marrying within one’s own caste and faith is the social norm. Because these boundaries also define the hierarchies between and within communities, the regulation of sexual activity of girls serves to maintain their chastity as much as the purity of the caste and rank.

Even though the girls in the study were aware of these boundaries, they crossed the lines of caste and faith. As each relationship grew over time, the girls became acutely aware of the social consequences of their supposed transgressions. The spectre of violation of family honour compounded their fear and the subterfuge with which the relationship was conducted.

Each of the 15 cases studied across the three cities involved an intercaste or interfaith element. Of all the cases, four were interfaith relationships in which one person was Hindu and the other was either Christian or Muslim. All 15 cases, including the interfaith ones, involved an intercaste element as well. As table 11 shows, in each case, the intercaste aspect—sometimes intersecting with religious or regional identity—created social borders that made marriage relationships taboo between the two communities.

TABLE 11. RELATIONSHIPS ACROSS CASTE AND FAITH LINES

Couples from the same constitutionally classified category but different caste or region (6)	
1.	Two couples were from a Scheduled Caste, but all four persons were from a different caste.
2.	Two couples were from an Other Backward Class, but all four persons were from a different caste.
3.	One girl was a Schedule Caste Maharashtrian Buddhist while the boy was a Schedule Caste Hindu from Bihar (condescendingly called <i>bhaiyya</i> , a term for a migrant worker in Mumbai).
4.	One couple, both Buddhist from a Schedule Caste category (caste data missing).

Couples from different constitutionally classified categories (5)

1. Three girls from the Other Backward Class were involved with boys from the Scheduled Caste, Scheduled Tribe or General Categories.
2. One girl from the General Category was in a relationship with a boy who was from a Scheduled Caste.
3. One of the Schedule Caste girls was with a boy from the General Category.

Interfaith couples (4)

1. One Scheduled Tribe Christian girl was in a relationship with a Scheduled Tribe Hindu boy.
2. One Christian girl was with a Schedule Caste Hindu boy.
3. One Hindu (Tamil) girl was with a Christian (Tamil) boy (caste data missing).
4. One General Category Hindu girl was with a Muslim boy from Other Backward Class.

All the girls had crossed the fault line of caste and faith that otherwise separate social relations and kinship between communities, acutely consciousness of the implications. This awareness overcast the relationship, especially for the girl, with an ever-present fear of being found out and apprehension of parental disapproval and wrath.

For Anjali (Asifa, after her marriage), for example, her Muslim boyfriend's good habits, soft-spoken nature and financial independence were the decisive factors in her choice—not his religion. Yet, she knew that her mother would not approve. She was worried that this could break her ties with her small family (mother and sister), whose combined earnings from domestic work had sustained her. She would meet her boyfriend in public spaces, such as parks and street corners, but out of sight from her mother. Her sister cautioned her of their mother's inevitable disapproval of her choice of partner: *“When I was in love with Aslam, I knew she [the sister] would not like it because of his religion mainly. So, I had to keep it a secret. But when she came to know about it, she did not even try to understand my love for him.”*

These fears compounded both the guilt and, ironically, the surreptitiousness with which the girls were compelled to carry out the relationship.

Four girls reported that their relationship was rejected by their parents because it was an interfaith alliance. In Rosie's case, the boy was from the same Scheduled Tribe community, but her family was Christian and his was not. This difference in faith was one of the main reasons for the disapproval by Rosie's parents, along with the disapproval that a love, or self-choice, marriage faces anyway. Yet, once Rosie's pregnancy came to light, her parents and her boyfriend's parents were compelled to consider their marriage, especially after the counselling intervention of social workers. After giving away the baby in adoption, both sides agreed to defer marriage (again, with the intervention of social workers) until Rosie had completed her schooling by correspondence and the boy had found a job.

Babita, from the Nai Other Backward Class in Rajasthan, knew that her relationship with a Gehlot (also Other Backward Class) would not meet her parents' approval. She was right. When her family discovered her relationship, her furious brother-in-law tried to forcibly marry her off.

3.3 The inevitability of marriage

Not all the girls, or indeed their boyfriends, had consciously considered marriage at the initial stages of their friendship or, in some cases, even later. That marriage became inevitable for all of them must be understood in light of the many factors at play in their external and private worlds.

All the girls sought to formalize their relationship through marriage, and eventually, most managed to do so. Table 12 shows that of the 15 girls who participated in the study, nine of them were married at the time of the interview and two had a complicated situation. Yet, marriage was also central to the girls who had not yet married.

TABLE 12. MARITAL STATUS OF EACH GIRL

Married the boyfriend	Did not marry the boyfriend	Complicated
9	4	2

“Complicated” refers to the cases of two girls, Chitra and Shashi. Chitra, in Mumbai, eloped but was unable to sustain the marriage because of incessant taunts by her Maharashtrian and Buddhist Scheduled Caste community against her Bihari Scheduled Caste husband (who was pejoratively called *bhaiyya*). Routine insults pushed him into depression, drug abuse and finally to the collapse of the marriage. In contrast, Shashi in Jaipur was forcibly married by her parents to scuttle possibility of her love marriage, after her older sister's elopement. Failing to come to terms with her loveless marriage, Shashi sought her boyfriend's help to escape her matrimonial home. At the time of the interview, she was living with her boyfriend in his parental home but was very insecure about her future prospects because the boyfriend and his parents nurtured ideas about him eventually finding a suitable bride from their own community.

Of the four girls who had not yet married at the time of the interview, the parents of two girls (Prachi and Priya in Mumbai) had initiated matchmaking talks with the boyfriends, which failed when the boyfriends turned unreliable, disrespectful and unwilling to marry. In the case of Geetha in Delhi, the couple's plan to marry was botched early on in the relationship when her younger stepsister saw them leaving an abandoned vacant room together. Her father forced her to file a rape case against the boy and then sent Geetha away to a shelter home. In Rosie's case, the discovery of her pregnancy led to interventions by social workers with her family to help them resolve the issue with the boyfriend's parents. At the time of the interview, she had given up her child in adoption and, on agreement of both families, that once she completed her senior secondary education through correspondence school and the boy had found a job, the couple could marry.

The stigma of premarital sex is serious enough to taint a girl's chances of finding a suitable match or, sometimes, ever being married. Typically, this leaves girls with the option of marrying men who, in conventional terms, are deemed to be unsuitable for them. It is this apprehension that compelled Shashi's parents to immediately confine her (after her sister's elopement) and forcibly marry her to a man who would otherwise not be considered suitable. On the discovery of Shalini's relationship, her mother sought to forcibly marry her to a 35-year-old man for a payment of 300,000 rupees, and threatened to push her into sex work. This severe reaction led to Shalini's running away with her boyfriend.

For these girls, separation from their boyfriend after parental discovery of their relationship meant stigma, followed most likely by forced marriage, even while some of them were still minors. Almost all of them had already shouldered a considerable amount of housework, with no possibility of satisfactory paid employment. In their eyes, a self-arranged marriage seemed to be their only option for intimacy and financial security, as well as an escape from parental pressures.

Marriage is a popular litmus test of romantic commitment, even when the couple is unsure of or experiences disquiet within their relationship. It is not surprising that when faced with stigma and parental retribution, marriage becomes inevitable.

3.4 Synthesis

Revealing several links between adolescent sexuality and marriage, the findings featured in this chapter outline similarities of contexts and complementary socioeconomic backgrounds of each couple. All participants navigated their romance while conscious of parental adversity and social disapproval. This forced them into secrecy, which implied no access to informed and confidential guidance. The odd friend or neighbour who became a confidant could, at best, assist the couple's secret encounters.

Like the girls, the boys (young men) also became romantically involved during their adolescence or youth, between the ages of 16 and 24. Given the limited social and economic mobility of the girls, it is not surprising that the boyfriends belonged to similar contexts—at least half of the boyfriends had left school between Class 6 and Class 10. Most of the boyfriends were Hindu and from a Scheduled Caste, Scheduled Tribe or Other Backward Class community, while only a few of them were of Buddhist, Christian or Muslim faith.

And although most of the girls performed housework (including two who were also engaged in paid domestic work), the boyfriends had dropped out of school to contribute to their family income or to cease or minimize their financial reliance on their family. The vocations of these boyfriends convey a complementarity with the girls in terms of economic disadvantages and social marginalization. Because the boyfriends were contemporaries of the girls in age, education and other socioeconomic dimensions, obvious signs of coercion and power in their relationship can be ruled out.

These findings considerably differ from policy discourse that claims early marriage to be the cause of adolescents dropping out of school. In the case of the girls (and indeed some of the boyfriends), this study suggests links between the socioeconomic deprivations that push adolescents to assume adult roles necessary to support their family. Early school leaving is linked to early adulthood for adolescents from resource-poor backgrounds. The nature of adult responsibilities assumed is gendered, with girls taking up housework and caregiving, while the boys embark on income earning.

However, unlike the boys, the girls were pulled out of school (as described in the first chapter) on the discovery of their friendship or relationship with the opposite sex. The burden of virginity and sexual purity on girls contributes significantly in cutting short their education, restricting their mobility and, ultimately, pushing them into early marriage. Against this backdrop, this chapter compels us to ask whether the debates around early marriage can afford to be de-linked from early adulthood in resource-poor settings, stigma on adolescent sexuality and the consequent inevitability of marriage for socioeconomic survival?

The taboos around adolescent sexuality, combined with the ever-present fear of getting caught, in addition to notions of definitive one love espoused in popular culture, are also important forces at play. Because all the cases transgressed the cardinal order of caste and faith within which kinships and social hierarchies are maintained, the girls (and the boyfriends) knew that being caught would end any possibility of ever seeing each other, let alone continuing their relationship. The stigma of premarital relations, the lack of educational and vocational opportunities and the need for marriage as financial and social security for girls are aspects that need more attention in relation to child and early marriages.

As we see in the next chapter, it is the discovery of the relationships that pushed couples towards early marriage. Without marriage, their relationship was doomed, with a near certainty of the girl being forcibly married off immediately after to someone else.

CHAPTER 4

DISCOVERY OF THE RELATIONSHIP AND ENSUING CRISIS

This chapter focuses on the life-altering events that took place after each girl's relationship was discovered by her parents. The discussion asks that you look beyond the events to the underlying values. Was it the elopement or the pregnancy that constituted the crisis, or was it the taboo around adolescent sexuality and longing for intimacy? Are the outcomes of these taboos universal for all young lives or do they assume a specificity in a context of deprivation, where few opportunities outside of marriage exist for girls?

The trajectory of events spotlighted here reflect the ways in which the girls navigated tabooed love, parental backlash and a boyfriend's loyalty (or lack thereof) towards hope for safety, control and legitimacy of status. This period was also punctuated by interventions from different external agencies (government and non-government), discussed in chapter 6. The similarities between the journeys of the girls signal the convergence between the themes of adolescent sexuality and early marriage—themes that are entwined but, more often than not, viewed and addressed separately.

“The similarities between the journeys of the girls signal the convergence between the themes of adolescent sexuality and early marriage—themes that are entwined but, more often than not, viewed and addressed separately.”

4.1 Disapproval and repercussions

What is otherwise treated as natural sexual interest during adolescence was transformed into a fearful secret that required stealth to pursue in the milieu of the 15 girls in this study. Parental discovery, as anticipated by the girls, carried a volatile mix of censure, threats, abuse and confinement. As a consequence, flight and marriage appeared to be their only recourse.

This section discusses all 15 case studies under three often overlapping categories (table 13) that most closely correspond to the events that triggered the crisis for each girl, related to her romantic relationship. In some, the catalyst of the crisis was the parental discovery of the relationship, while in others it was the prospect of a forced (arranged) marriage or the discovery of pregnancy.

TABLE 13. CATALYST OF THE CRISIS

	Discovery by parents	Forced marriage	Pregnancy
Number of cases	7*	5	4*

*Note: *One case, Nancy, is discussed under two headings because both factors occurred sequentially as two distinct crises. Counted twice in the table, her case makes the total appear as 16, when it is actually 15.*

The three categories of crisis discussed are not discrete but intersecting, with some cases featuring two or all three types of catalysts. The classification is useful only to differentiate triggers of crisis and the events that followed. The fear of retribution pushes the girls (and the boyfriends) to take decisions that promise some measure of control over their life, mostly elopement. This section centres on the 15 stories to highlight the similarity of patterns in their respective crisis and its consequences. The individual accounts tease out the larger, common attempt to dignify premarital sexuality and address its stigma via marriage, which is the only permissible sexual relationship for girls.

The age of the participants at the start of their relationship—12 to 19 years—suggests that social panic is essentially about premarital relations, not underage marriage. While sexual activity by persons under 18 years is prohibited by law, premarital sex (for persons above 18 years) is not. Yet, the parental disapproval and social stigma for girls regardless of age is a reality in India. This stigma is evidenced in the controls exerted on the respondents above 18 years, and in the repercussions that follow – making tabooed premarital sex for girls/ women (irrespective of age) the “crisis”.

Discovery by parents

The discovery of a relationship by the parents (or family members) occurred under a range of circumstances. The consequences involved confinement, restrictions on mobility, taunts, verbal abuse, violence or threats of violence. In some cases, such reactions were accompanied by

the filing of a police charge against the boyfriend. It was under these circumstances—with their back against the wall—that most girls fled their home. Running away together, with the intent of marrying, was a common response in all categories of cases to legitimize the relationship, even as interventions of the police, Child Welfare Committees, shelter homes and counsellors took over the lives of the couples. Each case brings out the agency exercised by the girls in shaping their life within their restricted and adverse circumstance. The seven cases discussed in this section are those of Chitra, Neeru, Champa, Anjali, Babita, Nancy and Geetha.

Chitra from Mumbai was 19 years old when she met her boyfriend during a chance visit (with friends) to an electronics shop where he was employed. Almost immediately after their meeting he expressed interest in her and shortly after proposed marriage. For a while, they talked on the phone every second day and met once a week with their friends. For Chitra, this attention and affection was refreshing because she came from an abusive home. She recalled never getting new clothes or sweets during festival time, as is customary in most families. After failing Class 10, she had begun helping her father and brother graze goats, sell fruit and assist at construction sites. The relationship became her first experience of affection. Although her boyfriend had studied only up to Class 6 and had lost his parents in childhood, at age 23, he was financially self-reliant. When Chitra's father and brother learned of the relationship, they strongly opposed it as it was interfaith (her being a Buddhist and the boy a Hindu) and interregional (her being from Maharashtra and the boy from Bihar). To escape the family disapproval, Chitra ran away from Mumbai with her boyfriend, to her village where they married, with the hope of setting up a home peacefully. Instead, however, the community ridiculed her for marrying a migrant from Bihar. Unemployed in the village and crushed under the weight of daily insults, her husband turned to drugs and finally left her. Chitra remains estranged from her family, who treated her even more badly after her marriage.

Neeru had been pulled out of school in Class 8 by her family after being seen with a boy. When she was 16 she met her boyfriend, Shyam, a construction worker, in the neighbourhood. Her brother and father (both auto-rickshaw drivers) did not approve of Neeru's friends, her choice of clothes or her going out socially. At home, she cleaned the house and helped her mother with cooking. Due to her severely constrained mobility, Neeru connected with Shyam from her terrace. Once love was expressed, they began talking via the mobile phone. Within a short period, Neeru asked Shyam to take her to his village and marry her because the constraints at her home did not allow them to meet. Shyam, 20 years old then, was from the Dhobi caste (Other Backward Class), considered lower than Neeru's Maurya caste. His income levels were also lower than that of her family. Neeru knew her family would not reconcile with her love marriage, let alone with a boy from a different caste. So, she eloped with Shyam to his village (in Uttar Pradesh), where they were married in a temple and lived with his family.

In the meantime, her parents filed a missing person report with the police, who found Neeru and brought her back. The police warned the boy of charges and punishment under the Protection of Children from Sexual Offences Act, advising him to stay in his village. Neeru refused her parents'

pressure to file a case of rape against Shyam. On recovering her, the police produced her before the Child Welfare Committee (as required for minors under law), before whom she opted to stay at a shelter home where she had to live in detention.

Initially, Neeru's family refused to let her come back home. They changed their mind after the intervention of social workers. At the time of the interview, Neeru was waiting to turn 18 to re-join her husband. The encounter with the police made her realize that because the law did not recognize her sexual consent until she turned 18, being with Shyam would put him at risk. She hoped that he would return to take her away when she came of age. The family remained adamant about not accepting Shyam or the marriage. While the social workers counselled the couple to comply with the law for their safety, they also advised the parents against hurting Neeru. With the criminal allegations of sexual assault filed against Shyam by Neeru's parents, the social workers could not help the couple meet each other without jeopardizing Shyam's case. Apprehensive of the legal consequences for Shyam and caught between the guilt of going against her parents and the desire to resume marital life, Neeru was unsure of her future.

Champa was 15 and living in Jaipur when she met 21-year-old Kailash, a boy of the Jaatav caste (Scheduled Caste). Her construction labourer father and domestic worker mother had pulled her out of school after Class 2 to help with housework when her brother was born. With the increasing burden of sustaining the family of three daughters (Champa was the oldest) and two sons, Champa's parents asked her to work as a paid domestic helper to supplement the family income. When she met Kailash, she found a friend to talk with and rely upon in her neighbourhood. She was attracted to his good habits, decent clothes and the stability of his job. Although Champa's father knew Kailash and talked to him sometimes, she knew that her family, who were Bhairav, a general category caste, would never agree to their marrying. One night, a year into their relationship, her father found her talking to Kailash on the phone, which he did not know she owned. Outraged, he warned her against the relationship repeatedly, which ultimately compelled her to elope with Kailash.

They reached his sister's village in Alwar (also in Rajasthan), where they were married, despite the sister's objections. They returned to Jaipur and lived together for a month before the police found them and brought Champa back to her parents. Kailash was arrested on a complaint of kidnapping (under the Indian Penal Code) and rape (under the Protection of Children from Sexual Offences Act) filed by Champa's father. He was released on bail with the help of influential family members. According to Champa, her husband bribed the police to ensure that she would not be sent to her parents' home but instead to the Child Welfare Committee and then placed in a shelter. She lived at the shelter for two and a half years. Although not allowed to leave the shelter, Champa was able to talk with her husband on the phone, thanks to staff members. On turning 18, she returned to her matrimonial home. Her father remained angry, her siblings taunted her and her mother did not meet her. She occasionally met her siblings in a public park, fearing they would kill her husband

if they knew where she was living. At the time of the interview, Kailash was still fighting the court proceedings against him.

Anjali (later Asifa) was 15 years old when she was introduced by a mutual friend to 19-year-old Shahid, who lived in the same neighbourhood. Her father died when she was a child, and she lived with her mother and older sister, both of whom were domestic workers to support the household and Anjali's education. She began meeting Shahid with her friend or sometimes alone on street corners or in a park and talked to him via her sister's mobile phone. Although her sister knew of Shahid, she did not approve of the relationship. She warned Anjali that their mother would not accept her marriage with a Muslim. Anjali liked Shahid's soft-spoken nature, good habits and his job in a fast-food outlet. She accepted his marriage proposal knowing that her mother would object. Then she quietly married Shahid in a civil court with tampered documents that identified her age as 18. Soon after, Anjali changed her name to Asifa, informed her mother of her marriage and began living with her husband and in-laws.

After three months, the police arrested Shahid for kidnapping and rape of a minor (under the Protection of Children from Sexual Offences Act), on a complaint filed by her mother. Shahid was sent to judicial custody and Anjali to a shelter home (as mandated for child victims under law), after she admitted to tampering with her legal document. When her mother-in-law appealed to the court after Anjali had spent considerable time in the shelter, a bone ossification test was ordered to estimate her age. The results of such tests estimate age range rather than a fixed age, so she was deemed to be in the range of 18 years and allowed to return to her matrimonial home.

At the time of the interview, Anjali had a child and claimed to be happy and financially supported by Shahid. She could be out of the house until 4 p.m., a much-cherished freedom that was denied by her natal family. She regretted her hasty action to marry because her mother and sister no longer talked to her. Their rejection made Anjali feel guilty about the absence of a maternal family for her child.

At the start of her relationship, both **Babita** and her boyfriend, Suresh, were 16 years old. His family (of Gehlot caste) was known to her family (of Nai caste), and most family members accepted their relationship. It was kept a secret, however, from Babita's brother-in-law, who wanted her to marry his relative, and also from her father, who disapproved of Suresh. Having dropped out of school to take care of housework, Babita was not allowed to go out alone. So the couple met at the house of the boy's uncle or the family's landlord. Although the couple had decided to elope, Babita followed the advice of her sister-in-law to postpone it until after the wedding of her younger sister. Among all her family members, her brother-in-law was most resentful on finding out about the elopement and cut ties with her. Suresh's sister gave the couple refuge at her house in Agra, but they had to return to Jaipur when her father, who had filed a police complaint against Suresh, suffered a stroke, attributed to the shock of discovering his daughter's elopement. Babita's sister-in-law took her to a

crisis intervention centre upon her return, which also offered counselling to her father. Eventually, her family agreed to the marriage and withdrew the case.

Nancy's case involved elopement and pregnancy, events that were triggered by confinement and threats by her father after discovering her relationship with a Hindu boy. Sunil, a daily-wage labourer who lived in the same slum as Nancy, had been wooing her since she was 13 years old. She consented to a relationship when she was 17 (and in Class 11) and he was 19. They would meet on her way to and from junior college, along with their friends. Sunil was a Class 7 drop-out and had worked since a young age. Nancy advised him to restart his education, give up tobacco and alcohol and so on. This continued until her father discovered the relationship. He insisted that he would only marry her to a Christian. Then he pulled her out of college and did not permit her to leave the house. Sunil was adamant that he would only marry Nancy. In rebellion, the couple ran away and lived together for a little more than three months, at which time she became pregnant. Although her father filed a complaint with the police, Sunil was not arrested because he claimed to have a marriage certificate, although he was only postponing marriage. Finally, when he ran out of money and realized the implications of Nancy's pregnancy, he disappeared. Distressed, Nancy could neither go to her parents nor the police. She sought the help of her friends to approach a crisis intervention centre. The parents of the boy and the girl did not respond to the centre's messages to participate in resolving the police complaint, but Sunil did. After months of counselling, the couple married, before the baby was born.

Geetha, 16, a migrant Hindu (Tamil), was brought up by her father after her Bihari mother left them. In time, her father married again, and she lived with her father, stepmother and stepsister in a Delhi slum. Geetha liked going to school and was talented at singing. She dreamed of becoming a professional singer or dancer and took singing classes. Beyond that, her mobility was restricted, and she was not allowed to go out on her own. When she walked home slowly or loitered after school, her stepmother scolded her.

Geetha's life changed when she met Richard, a 17-year-old Christian, Class 10 drop-out who worked part time. Richard lived in the same neighbourhood as Geetha and used to visit her house with his father, who was a friend of Geetha's father. Geetha liked the boy for his respect of his elders. The two began meeting secretly after Richard expressed interest in marrying Geetha, continuing to meet over a period of five to six months. To avoid getting caught by their family members, they would meet briefly, often for a sexual encounter, at an abandoned house near the railway track. After one such meeting, Geetha's sister spotted them leaving the abandoned house and reported to her father who almost immediately, pulled Geetha out of school (she was in Class 8), and threatened to no longer keep her at home if she didn't file a complaint of rape against Richard. Not wanting to be thrown out of home, Geetha relented to file a case and submit to a medico legal examination, after which she was sent to a shelter home by the Child Welfare Committee. Richard was arrested as charges of rape and child sexual abuse, although he also was younger than 18

years. It was only when Geetha claimed in court that she had consensual sex that Richard was released on bail after two to three months in jail.

After 10 months in a shelter home, a bone ossification test determined her age to be around 17–18 years and Geetha was sent back to her parents. But Geetha's father sent her to live in a friend's house so that she would not come into contact with Richard and to shield his younger daughter from Geetha's influence. After Geetha was ill-treated by that family, she was sent to an aftercare shelter, where she completed Class 8 through an open school and worked in the office of the shelter.

At the time of the interview, Geetha was not in touch with Richard. She regretted the relationship because it had alienated her from her family, but she was glad she spoke the truth in court about the consensual sex. What worried her most was the fear of being abandoned and not being able to live with her family again.

Recognizing the tabooed nature of their relationship, young couples go to great lengths to conceal it from the girl's family. This secrecy is not without reason because parental discovery typically brings on separation and other reprisal. It is not surprising then that girls muster the courage to flee and marry—it is the only socially legitimate way of sustaining the relationship with the boyfriend and cementing long-term commitment to support her. The crisis in the circumstance is not the elopement but the crushing consequences of censuring premarital romance for girls, regardless of their age. As the cases show, the fear and consequences for an underage girl is the same as for someone aged 18 or older, which is the age of majority and consent. The consequences of being outed are gendered, in law as in society—with the girl shamed and most likely consigned to a shelter, while the boyfriend is likely prosecuted for rape and kidnapping (at the behest of the girl's family). This makes the State complicit in perpetuating societal stigma of adolescent sexuality, for it treats consensual sexual activity involving persons under 18 years, on par with non-consensual, criminalising both.

Forced Marriage

In the following five cases, Anju, Pinki, Meeta, Shashi and Shalini each faced the prospect of a forced marriage, despite their unwillingness and protest. The parental concern in most cases was not about early or underage marriage but that the boy their daughter was in a relationship with was not of their choosing and/or not from their caste or community. The parents were upset because of their daughter's appropriation of the role culturally assigned to the father to ensure endogamy (marriage within the caste group). Aware that their parents were not going to accept their love marriage, much less with a boy from a different community, the girls in these five cases had little option but to escape the forced marriage by fleeing their home (natal or matrimonial).

At the age of 16, **Anju** met an 18-year-old boy, Prem, at a family wedding through her cousin, who was close to her. Anju and Prem exchanged phone numbers and started their relationship via telephone chats, until he returned to India after working abroad. When Anju heard that her father was matchmaking for her, she confessed her love for Prem to her mother and asked that they be allowed to marry. In response, her father forbade her to keep in touch with him and insisted that Anju marry the person he chose.

When Anju's father fixed her marriage, Anju and Prem eloped, marrying in a temple. When her father filed a missing person report, the couple appeared at the police station within a month. Anju agreed to return to her natal family on the condition that her father would organize a formal wedding for her and Prem. Despite agreeing to do so, her father filed a case of abduction and rape against Prem after Anju returned home. Distraught on hearing that Prem was taken into custody, Anju ran away from home again. This time she went straight to the police station and refused to go home. Anju was shifted to a shelter home, where she discovered she was pregnant. Prem was eventually let out on bail but continued to fight the case against him. Anju lived in a shelter home with her year-old baby boy and waited to turn 18 to re-join her husband. Her parents considered her dead, she said, and had cut all ties with her.

Pinki's case is exceptional because she was the only postgraduate participant in the study, besides being from a middle-class family. Her father, grandfather and uncles ran a jewellery business in Jaipur. Pinki met Mohit, her boyfriend, at a coaching class when she was 18. They went on outings (with her cousin) and talked on the phone after classes. Soon, they also started meeting privately at a common friend's paying-guest accommodation. Pinki was aware that marriage with Mohit would be difficult because he was a Kumawat, a lower caste than her Soni caste. She remained quiet about the relationship until she learned that her father was looking for a husband for her. As expected, the family turned against her once she disclosed her feelings for Mohit. Pinki had no choice but to elope with him. They married in a temple and sought help for mediation from a One-Stop Crisis Centre. At the centre, the girl's parents promised to host a public wedding for the couple and took the daughter back home, only to lock her up. They pressured her to change her mind. When Pinki fell into depression, she was sent to her grandmother's house, but she refused to relent. Finally, her parents sent her back to the One-Stop Crisis Centre, where she re-joined her husband. Since then, Pinki's parents have cut all ties with her.

When she was 15, **Meeta** met her boyfriend, who worked in a factory that manufactured iron almirahs. He was the only person she talked with outside the house after she was pulled out of school for housework and had lost touch with her friends. (The housework was previously managed by her elder sister, before she married). Her boyfriend gave her a mobile phone to remain connected. When she heard that her parents were arranging a marriage for her, she broached the subject of her boyfriend. Because both families were of a different Scheduled Caste—she a Mochi and he a Meghwal, the match was unacceptable to her parents. When Meeta persisted, her parents placed a condition, that she either marry a man of their choice or ensure that her boyfriend's sister married

into their family, as per the customary practice of *satta batta*.¹² To avoid this forced marriage for herself or her boyfriend's sister, she decided to elope.

In retaliation, her parents filed a case of kidnapping against her husband. Being underage (lacking legal capacity to consent), Meeta was required to appear before the Child Welfare Committee. She opted to live in a shelter home until she turned 18. Her in-laws were supportive of her through this period. Her husband fought the cases against him and asked for a bone ossification test to determine Meeta's age. Once Meeta attained majority, she went to live with her husband and in-laws. At the time of the interview, her parents had yet to accept her marriage and continued to harass her. On the rare occasions she met them, they still tried to persuade her to end the marriage.

Shashi and Raj were neighbours in Jaipur. Their fathers worked in the same government department. Raj was a school drop-out and began wooing Shashi once she entered college. He would meet her at college, and they would go out for a film or to eat, offering her a sense of freedom she enjoyed. When her sister eloped against the parental wishes, her parents forced Shashi to drop out of college and confined her at home to nip any similar attempt by her. Shashi was not even allowed to use the phone and was forcibly married within weeks, despite her protests. Suddenly, her life changed—she moved from the city to a rural area and from a large, bustling family to the solitude of a nuclear one with only a sister-in-law who sometimes visited. She could not come to terms with this situation. Her husband felt frustrated with a reluctant bride and turned violent. Finally, Shashi called Raj—her boyfriend—to rescue her. He did so at great risk to himself.

When they returned to Jaipur, her boyfriend approached a crisis intervention centre to help Shashi find a room in a shelter. After a brief stay at the shelter, which Shashi found difficult to adjust to, she demanded to stay with Raj, who lived with his parents and siblings. Although Raj agreed, coaxing his parents to take her into their home, they had to be careful in not letting her be seen to be living with them because Shashi's family lived in the same neighbourhood. The issues of stigma associated with a daughter who fled her matrimonial home to live with her boyfriend, combined with the caste differences, they feared would fuel honour-related violence. Shashi had to hide in Raj's home, rarely going outside. Staying in the house, without being married to Raj, also caused embarrassment to his family, who felt unable to introduce her to their relatives.

At the time of the interview, Shashi still lived in hiding with Raj and his parents, whom she treated as her husband and in-laws, respectively. There was no clear acknowledgement of this relationship from them. She feared being killed by her Rana Rajput (Other Backward Class) parents as well as never being accepted as a daughter-in-law by Raj's Meena community (Scheduled Tribe).

12 This expression means barter or exchange. A *satta batta* marriage is therefore a traditional form of matchmaking whereby two extended families exchange their daughters in marriage for their respective sons.

Shalini was 12 when she began a relationship with a 20-year-old neighbour. In her large family of 17, Shalini did all the housework. She also cleaned other peoples' homes to support the family after she was pulled out of school (after Class 2). Given her hard life, she valued her boyfriend's care and sensitivity towards her. He was educated, worked as a disc jockey and had a small fireworks business. When her family discovered the relationship, they opposed the intercaste match: the boy was Mathur and Shalini's family was Sain.

Shalini was forced into an engagement to a 35-year-old man, who paid her parents 300,000 rupees. To avoid the marriage, Shalini ran off with her boyfriend. She was brought back by her family and publicly humiliated by her mother, who asked her to slap her boyfriend. When she refused, she was stripped and abused until her boyfriend's mother and sister came to her rescue and draped her in a shawl. As part of the continuing disgrace for having eloped with a man and lost her chastity, Shalini's sister tried to push her into sex work.

Shalini ran away again, the second time eloping with her boyfriend; they were married in a temple and lived together for three months. Shalini's mother continued her resistance and filed a police complaint, for abduction, against her daughter's husband and his male relatives. She again tried to force Shalini to file a complaint of rape, but Shalini held her ground. Because of her mother's police complaint, Shalini was sent to the Child Welfare Committee and moved to a shelter home, where she was to stay until she turned 18.

The participants in these cases were doubly harassed: Their love marriage was rejected and a marriage against their choice was forced upon them. They did what they could to escape their dismal fate. However, without marriage, the girls would invite further disgrace and shame, in addition to the fear of an uncommitted relationship. The lifelong stigma of premarital sex is a strong trigger for early marriage—indeed, for all marriages—given that at least two of the girls were 18 (an age at which the law recognizes capacity to consent). The child protection discourse needs to distinguish agency and capacity to consent from sexual abuse in relation to adolescents, rather than deny older adolescents the capacity to consent until age 18. Setting the bar on sexual consent so high for a population that is sexually curious, aware and likely to be active disempowers them while bolstering parental authority, anxieties and taboos around premarital sex in relation to girls.

Pregnancy

The relationships of Rosie, Priya and Prachi were each revealed by their pregnancy, which could not be hidden from the parents after a period of time. In Nancy's case, however, the pregnancy followed disclosure of the relationship; when her parents rejected her marriage with a non-Christian, Nancy ran off with her boyfriend. In all four cases, the pregnancy pushed the question of marriage to the fore, yet in each case, a different type of resolution was found.

Priya, a lower-income Scheduled Caste (Buddhist) girl living in a Mumbai slum, had virtually no schooling. She was the daughter of an unemployed, alcoholic father and a mother who earned the only income for the household. She barely had any friends and spent all her time on housework and her younger brother's care. When she was 19, Priya met a 24-year-old boy, a construction labourer, at a neighbour's house. He stayed in touch with her via secret conversations (through the mobile phone of Priya's mother) and meetings at his aunt's vacant house. He promised her marriage, but when he received another marriage proposal with a larger dowry, he changed his mind. In the meantime, Priya's pregnancy was discovered by her mother, who talked to the boy's family about their marriage, even conceding to their demand for dowry. When the boy's family abused and threatened Priya's mother, she registered a police complaint against the boy's mother. On being taken into custody, the boy's mother lied, agreeing to the marriage in the presence of the police only to secure her release and buying time to give the boy an opportunity to flee to their native village. After several failed attempts at a resolution, Priya's family withdrew the case and sent Priya to a shelter until the delivery and adoption of the baby. Interviewed while in the shelter, Priya planned to move on with her life after the baby was given up for adoption, hoping for an arranged marriage and a job.

Shortly after breaking up with a boy in school, 16-year-old **Prachi** became involved with her neighbour and childhood friend Amit, then 18. The boy's repeated declaration of love and his sense of humour had charmed her. Although they mostly met with other friends in a mall or public place, sometimes they met alone at his house. Prachi recalled being hit by him after he suspected her of infidelity. She refused to see him anymore but relented when he wooed her back. They had not discussed marriage, but then Prachi discovered she was pregnant. Amit asked her to keep it secret until he informed his family about their relationship, but he could not bring himself to do so. He advised her to colour sanitary pads with *kumkum*¹³ to fool her mother.

Prachi's parents had kept a watch on her after they had spotted her with Amit once. They knew little else until Prachi's mother rubbed oil on her daughter's achy stomach and grew suspicious. She immediately took Prachi to a doctor who confirmed a four-month pregnancy. She reached out to Amit's mother to discuss marriage, but the latter turned hostile. Prachi's parents approached the women's police unit. Amit denied being the father of the unborn child and asked for a paternity test. Prachi's family subsequently learned that he was seeing other girls and had even previously proposed marriage to their other daughter.

Prachi's low-income family were of the Chamar caste, while Amit was of the higher Maratha caste. Yet, it was not caste but his attitude towards Prachi and his response to the crisis that ended the relationship. Eventually, Prachi's family dropped the cases filed against Amit and his mother. To keep it all confidential, they sought help from the crisis intervention centre to move Prachi to a shelter until the delivery and adoption of the child.

13 A red pigment used by Hindu women to make a round mark on the forehead.

When **Rosie** was an 18-year-old student, she met a 19-year-old boy through a mutual friend. After texting and talking on the phone, they started meeting secretly at remote places. Rosie bought herself a phone on the sly because her parents would not allow her to have one. As the relationship deepened, they also developed a sexual relationship. When Rosie realized that she was pregnant, she confided to the boy that she had been raped by her employer, so she was uncertain about the paternity of the child she carried. This matter was discussed by their parents, and the boyfriend's family refused to accept the child or have him marry her. Rosie's sisters approached an NGO, which directed her to a shelter, where she was asked to choose between abortion or giving birth. She opted to stay in the shelter until the delivery of the child, who was given up for adoption, and Rosie then started her life afresh.

After returning home, she resumed her senior secondary education. At the time of the interview, she was to finish her correspondence schooling, then she would find a job and marry her boyfriend. In the intervening time, the boyfriend and his family had agreed to marriage only after he found a job and she completed her education.

In **Nancy's** case (as discussed previously), her pregnancy was the consequence of living with her boyfriend for three months after they had run away together. Although her plan was to marry him, her boyfriend disappeared when their money ran out. Unable to return to her parents, Nancy turned to a crisis intervention centre for help. Counsellors there talked with the boyfriend, who then agreed to marry Nancy. Their parents refused to be part of the process.

Premarital pregnancy in all these cases converted the mutual intimacy and disregard for social taboos in young lives into evidence of public disgrace. The realization brings with it feelings of fear, helplessness and a survival impulse, which manifests in gendered ways, with the girls seeking the social sanction of marriage and the boys responding with fight, denial and flight. Its enormity in social terms for the girls is tangible enough for the family, police and social workers to merge efforts to push for marriage as the first option. Rather than raise concerns about safe sex information, stigma-free access to contraception and abortion or ability of the girls to negotiate safe sex, pre-marital pregnancies turns into shame, grave enough to sometimes set aside caste or faith differences that otherwise might have made the match unacceptable.

4.2 Manifestations of the crisis

As the previous chapter pointed out, girls go to great length to hide a relationship from parents because they anticipate severe disapproval and backlash. This section turns to the consequences and how the girls' fears were borne out.

Domestic abuse. Some of the girls were pulled out of school after being seen with a boy. The discovery of the relationship led to severe consequences for all, including forced confinement,

denial of mobile phone use, barred from any contact outside the home, violence, verbal abuse and threats.

In all cases, the discovery of the relationship by the parents was followed by immediate confinement, threats and warnings. In six of the cases, the girls were subjected to violence and verbal abuse, and in nine cases, criminal complaints were filed by the parents against the boyfriend or husband. Being “found out” caused the girls to lose the little leverage and agency they exercised in a life of considerable hardship and isolation (with exception of the few middle-class participants).

Elopement. Most of the participants felt they had no option but to flee their home. Faced with forced confinement, domestic abuse, the prospect of losing contact and relations with the boy and/or a forced marriage, escape seemed like the only option. Nearly 10 of the 15 girls chose elopement only in response to the intense disapproval and repercussions following the discovery of their relationship, marrying their boyfriends without parental consent/ knowledge. Shashi ran away from her forced marriage and matrimonial home.

Forced marriage. Regardless of whether a girl was a minor or older than 18, the nature of parental displeasure encountered was not directed at early marriage but at a love marriage, with differences of caste, community and faith aggravating the situation. With some exceptions, the first impulse of most parents (when confronted with the discovery of their daughter’s relationship or marriage) was to quickly try to marry her off to resolve the crisis at hand. In seeking to marry off the daughter, the issue of suitability of match seemed less relevant than the timing or haste, as the stories of Shashi and Shalini illustrate.

Pregnancy. In almost all the five cases in which the girls (voluntarily) disclosed to the interviewer that they had been sexually active, they had no information on contraception or access to safe and quality health services. In all four cases in which a pregnancy occurred, it was carried to full term. The baby was given up for adoption in three cases in which marriage did not occur; but in the fourth case, the baby was kept after social workers counselled the boy, who then opted to marry his girlfriend. In Rosie’s case, the pregnancy and adoption process gave enough time for the social workers to work with both families and secure a promise of marriage once the boy found a job and the girl completed her senior secondary education. That three of the four girls had no access to safe and confidential abortion within the time allowed by law and had to carry their pregnancy to full term underscores the need to address taboos around sexual activity and the need for safe sex options, contraception and abortion as part of sexual and reproductive health information and services for adolescent girls.

4.3 Synthesis

When strung together, the case studies cease to be individual accounts and emerge instead as a pattern of struggle for agency in resource-poor adolescent lives. The multiple vulnerabilities and deprivations of girls push them into early adulthood in ways that are socially ordained (housework, care work and paid labour) and legally proscribed. Their relationship became more than what they might otherwise have been because of social stigma and parental opprobrium, which was common across the resource-poor contexts of this multi-city study.

What exactly constituted the “crisis” in these cases? From the lens of the family and society, it was the young romance, the crossing of a caste boundary, sexual interest and youthful desire for independence. This was eventually manifested through elopement or premarital pregnancy. For the young couples, the crisis led to an overburdened and joyless life, social and emotional isolation, parental disapproval of ties outside the home and other punishments. From the legal perspective, it was any act of physical intimacy involving an underage person, pregnancy and early marriage. Each perspective focuses on events as they occur—rather than underlying causes—that inadequately answer or address what might be the real crisis these cases reveal in relation to adolescence.

The underlying factors that emerged through the stories suggest (for adolescents from resource-poor settings) an acute lack of opportunities and support systems that would have enabled the girls to transcend their intergenerational deprivations. They also indicate the inability of schools to stimulate, retain and follow up with children who drop out. The inevitability of housework and marriage for girls (before or after age 18 years), regardless of education and aspirations, is a conspicuous dimension.

Most importantly, it is the societal and legal failures in acknowledging the reality of adolescent sexuality, which in the context of patriarchal double standards have differential outcomes for girls and for boys. Regardless of being underage or an adult with legal capacity for sexual consent, the only legitimate sexuality for girls is within marriage, pushing the marriage question front and centre in their lives. In the cases in which the boy refused to marry, the girls endured shame and disgrace, particularly if there was a pregnancy or the lasting cruelty of forced marriage. The stigmatizing of premarital sexuality makes the journey very different for girls—who go to great length to keep a relationship secret, have little to no capacity or access to safe sex information or abortion services and must choose between forced marriage, a break-up or a panic marriage to escape backlash within their natal home. The boyfriends who stand by their girlfriend and marry them will most likely face criminal prosecution at the behest of the girl’s parents to assuage “honour”. The law, unfortunately, lends itself to this, especially since 2012, when the age of consent for girls was increased from 16 to 18 years.

CHAPTER 5

AFTERMATH

What becomes of girls in the aftermath of a crisis, once an immediate event and panic subsides? What do the lives of girls become once they find a resolution to their “transgression”. In this study, how did the lives of the girls change for those who found closure and normalcy through a self-arranged marriage and those who were unable to? In what ways did the crisis influence opportunities or vulnerabilities that continued to trail them, for the better or for the worse? And, do the realities align with the policy discourse on early marriage, which typically view underage marriage as compounding the vulnerabilities of girls (in relation to domestic abuse, maternal mortality and loss of education and potential livelihood chances)?

This chapter uses these critical questions on the impact of a crisis on girls’ lives to discuss how life turned for the girls in this study as well as their longings and regrets.

5.1 Girls’ lives, vulnerabilities and resources post-crisis

The data in this section distinguishes between the girls who married after their crisis and those who did not. This distinction helps relate the findings to the early and child marriage discourse. Of the four girls who were not

“How did the lives of the girls change for those who found closure and normalcy through a self-arranged marriage and those who were unable to? In what ways did the crisis influence opportunities or vulnerabilities that continued to trail them ? And, do the realities align with the policy discourse on early marriage, which typically view underage marriage as compounding the vulnerabilities of girls?”

married at the time of the interview, two could not marry because their boyfriend rejected the idea, and the father of the third girl prosecuted the boyfriend for rape and confined her to a shelter. In the fourth case, the girl resumed her education after the birth of her baby, with the understanding that marriage with her boyfriend would follow. The girl who lived with her boyfriend (after having run away with him from her forced matrimonial home) is treated here as married.

This section also takes stock of the post-crisis status of the girls in relation to their location or residence, education and pregnancy or children. None of the girls had adequate or partial economic independence and continued to depend on either the parental or husband's income or a shelter home. Only one participant was employed in what she saw as a less-than-ideal job.

The girls' location

Of the four *unmarried girls*, three lived in a shelter for the duration of their pregnancy and then returned to their natal home. The fourth girl was placed in a shelter because her father wanted her under strict supervision after she was seen leaving a vacant railway structure with her boyfriend.

Of the 11 *girls who married*, five lived in a shelter home after their crisis. Although one was older than 18 at that time, she was sent briefly to a shelter because she had fled her husband's home and moved into her boyfriend's parental home. The other four (minor) girls in a self-arranged marriage were "recovered" by the police in pursuance of their parents' complaints of kidnapping or missing person. Thereafter, they had opted to stay at a shelter home to avoid abuse and harassment by the parents. Of them, one returned to her natal home eventually because she was apprehensive of not being allowed to re-join her husband on turning 18. The other six girls who were in a self-arranged marriage became homemakers and lived with their husband in their matrimonial home. One of them had already remarried because her husband had left her after suffering caste-related abuse and taunts from her community.

Schooling and education

Of the four *unmarried girls*, only Rosie continued her senior secondary education by correspondence (open school) after the pregnancy. Prachi regretted not being able to complete her schooling while at the shelter during her pregnancy (she was five months pregnant at the time of the interview) but felt her mother's income was not enough to cover household expenses and her education. The third girl, Priya, was pulled out of school much before the crisis because of her family's financial constraints due to her father's alcoholism and unemployment. At the time of interview, Geetha lived in a shelter home, where she helped out in the office and pursued Class 8 through open schooling. Because her father had not wanted her to return home, Geetha at first moved to the home of a family friend but went to the shelter due to the treatment she received. Her father visited her in the shelter.

Of the *married girls*, only one held a postgraduate degree (and worked in a private school). The rest of the girls had dropped out of school for various reasons prior to the crisis—housework, academic failure, the discovery of their relationship or pregnancy. Their schooling remained incomplete, although two of them wished they had finished school and hoped they still could (in vain, they said). Except for the postgraduate participant, none of the other girls were employed in paid work. Arguably, her relatively higher class and caste status enabled this achievement, while the other girls, whose milieu lacked these elements, inherited the intergenerational disadvantages (which they retained within their marriage).

Pregnancy or children

Of the four *unmarried girls*, three dealt with pregnancy by moving to a shelter home until delivery, and giving up the child for adoption. None of the three were aware of safe sex or had access to any sexual health information or services. Of these three, two did not want to carry their pregnancy to full term but had no access to an abortion within the parameters allowed by law. One of them had opted against abortion due to her religious faith.

Of the 11 *married girls*, four had children at the time of the interview—two girls had a child each, while the other girls had borne two children each. Of the four girls who had children, one of them became pregnant prior to her marriage, with the delivery following the marriage.

5.2 Mobility and relationships post-crisis

A common trail of events that followed the discovery of a romantic relationship was panic leading to a hastily conducted self-arranged marriage to legitimise the relationship and evade separation. These developments altered the lives of the girls (and the boyfriends) in many ways. This finding is revelatory and, most importantly, counter the global narrative that frames child and early marriages in terms of harmful traditional practices. The cases in this study challenge that narrative on many counts. Not all the underage marriages were child marriages but are best described as early marriages. There is no single type of practice describing underage marriages, just as there is no single description of adult marriages; the cases in this study are illustrative of marriages that were self-arranged almost invariably as a final recourse to avoid stigma and separation. If anything, the premarital romantic involvements and the self-arrangement of marriage were transgressive of customary norms and practices. Underage marriages are neither part of a static, singular practice nor linked to customary practice. Surely then, a generalization of impact of early marriage cannot be made. The impact was shaped by the context, means and opportunities as well as the complex causes leading to the marriage.

In the context of self-arranged marriages, the most striking commonality among all the girls in the aftermath of the crisis was the mistrust and the loss of communication with their natal family. They

also faced greater restrictions than their routine-curtailed mobility. For example, of the 15 girls, 14 spoke of restrictions on their mobility after the crisis.

The girls who remained unmarried

The most inflexible and stringent restrictions were in the shelter homes, where two unmarried girls (Geetha and Priya) and two married girls (Rosie and Prachi) were living at the time of the study.

Geetha was there because her father wanted to prevent any possibility of her meeting her boyfriend again and wanted to shield his younger daughter from Geetha's influence. Although she agreed to register a case of rape against her boyfriend on her father's urging, in exchange for permission to return home, her father and stepmother refused to allow her to come home, fearing her influence on the younger daughter and the boy's attempts at reconnection. After a short stay in the shelter home, Geetha moved to the house of a family friend, where she was not treated well and thus chose to return to the shelter.

Priya was expected to stay at the shelter for the duration of her pregnancy, after which she hoped to return to living with her mother, who was hoping to get her married to someone other than the boyfriend.

Both Rosie and Prachi lived with their parents (after a period of stay at a shelter home during their pregnancy) but were no longer allowed to leave the house, except when accompanied by a family member. They were also denied access to a mobile phone. Both had to pursue schooling via correspondence.

These extra restrictions reflect the breakdown of their parents' trust in them and the corresponding guilt and shame of the daughters. For example, although Rosie's father was always strict, she felt he no longer respected her and almost never spoke with her after the crisis. Her mother was friendly and loving previously, but she, too, no longer trusted her.

The girls who were married

At the time of the interview, seven of the 11 married girls were living with their husband in their matrimonial home. As young wives, they were expected to manage housework and leave the house only if required, for groceries, for instance. Because their parents had cut communication with them, they had lost the chance for customary visits to their natal home during festivals and births. This also implies that they could not seek support from the natal home in times of difficulty. In addition, most of the girls feared running into their parents or acquaintances because they felt this might provoke them to inflict honour-based retaliatory harm.

Anjali (Asifa) converted to Islam after her marriage and was in a shelter home for a considerable time. Only after a bone ossification test created ambiguity around her age was she able to re-join her husband in the marital home. *"I am allowed step out for household chores, but I have to be back home by 4 p.m.,"* she reported. After her mother broke all ties with her, Asifa felt isolated, especially when she was denied the customary stay at her mother's house at the time of her daughter's birth or during festivals. She felt rejected by and bereft of her natal family, even as her husband continued to fight the criminal cases filed against him by her mother.

Babita had two sons by the time of her interview, explaining: *"In my marital home, I am not allowed to go out for work. I can take stitching and tailoring jobs at home. All the outdoor work is done by the men of the house."*

Meeta was troubled that her parents continued to seek ways to break up her intercaste marriage, including by pursuing cases they had filed against her husband. If it were not for her in-laws, the couple would not have been able to find a lawyer to fight the cases. After she was placed in a shelter home, initially her parents pressured her to end the marriage. Once she turned 18, her in-laws helped her get out of the shelter home. At the time of the interview, Meeta could not leave the home without her in-laws or her husband: *"I am not allowed to go out much in my marital home. I have to keep my head covered always and seek permission to leave the house."*

By the time Nancy was interviewed, she had two children. Due to counselling by the crisis intervention centre, her boyfriend had agreed to marry (after they had run away and lived together for more than three months). Because her father opposed marriage with a Hindu boy and did not respond to the crisis centre's reconciliatory efforts, Nancy grew more fearful of his anger. As a result, she rarely left her husband's home because her father lived in the same neighbourhood. After her baby's birth, however, her parents accepted the marriage. After the birth of her second child, her parents resumed communication with her, although Nancy still felt deeply guilty for marrying outside her faith and hurting her father.

Champa had eloped with Alwar, but when the couple was found by the police, her husband bribed them to ensure that she was taken to a shelter home and not to her parents. Even after the couple re-joined to resume marital life, Champa remained fearful of her parents' anger, exercising caution by meeting them only occasionally and in a public park. She suspected that if her family knew her address, they would kill her husband.

Chitra's marriage did not last because her husband left her due to the incessant bullying by her family. Pregnant at that time, she was left with a baby and a natal family that did not accept her. She approached a crisis intervention centre for help and had re-married, although against the advice of the counsellors. At the time of the interview, she was seeking help from the crisis centre once again, this time for domestic abuse in her second marriage. Her natal family's complete rejection and harassment towards her not only broke down her first marriage but left her isolated

and alone, leading her to seek refuge in a second marriage that turned out to be abusive. The crisis centre was the only consistent source of support, helping her address the domestic abuse, while shielding her child from upheavals by placing her in a residential school.

At the time of the interviews, the two underaged married girls were unable to join their husband because their case was before the Child Welfare Committee. Neeru was “recovered” by the police after she eloped and was sent to a shelter home in Delhi for six months, after which she was sent to her parents’ home. Neeru described her situation at her natal home as “house arrest”. Her husband continued to live in his village because he had been warned of criminal prosecution by the police if he attempted to contact her. Neeru’s father and brother continued to be angry with her and did not support the recommendation of the Child Welfare Committee that Neeru be allowed to pursue a vocational course. Neeru was worried that her parents would not let her join her husband after she turned 18.

In contrast, when Shalini was found by the police after her family filed a missing person complaint, she refused to go back to her parental home. Instead, she insisted on living in a shelter home until she could re-join her husband when she turned 18.

For Shashi, who ran away from her husband’s home with her boyfriend, the situation was delicate, allowing no mobility. At the time of the interview, she lived with her boyfriend in his parental home, which was in the same neighbourhood as her natal home. Her tenuous, non-wife status in the boyfriend’s home meant she could neither be integrated within his extended family life nor step outside his house for fear of being seen by her parents, who were capable, according to her, of inflicting honour-related retaliation for the shame she had brought to them.

5.3 Reflections and regrets

For all the girls, the discovery of their romantic relationship by their parents and the subsequent events had irreversibly changed their lives and that relationship. With parental ties and trust considerably damaged, if not broken, they felt emotionally impoverished and vulnerable. Many girls felt overwhelmed with regret and guilt, even though they were satisfied with their marital life. They felt deprived of a natal family and home, especially for their children, and acutely missed being able to leave the matrimonial home to celebrate festivals and marriages with their natal family. A few girls refused to be wistful about the past, while most expressed varying degrees of regret.

Unmarried girls. Among the four unmarried girls, one of them (who was living in a shelter home at the time of the interview) regretted the relationship with her boyfriend. Yet, she defended her decision to not file a police complaint against him, despite the pressure to do so from her father: *“I did the right thing to speak the truth about my sexual relations and prevent the boy from jail, but I still lost my family.”*

Two girls were let down by their boyfriends—one doubted the paternity of the unborn child and the other opted for another girl with more dowry and within his caste. These two girls regretted being naïve and ignorant and wished they were educated and wise enough to practise safe sex and be more discerning about boys. Explained one of them: *“Had I known about contraception, pregnancy and abortion, I would not have been in this position. I could have taken steps earlier instead of getting to this point.”*

And the other girl admitted: *“If I knew that relationships can go this wrong, I may not have been involved before marriage.”*

The fourth girl did not want to think about her past and waited to marry her boyfriend, as agreed by their parents. She was dismayed by the strained ties with her family and the loss of affection, especially with regard to her father.

Married girls. In their own ways, many of the married girls tried to rationalize and come to terms with a splintered life: the before and after of romance or marriage. For girls whose affectionate parents had cut off communication with them, these two parts were irreconcilable and a cause of immense regret. When asked to recollect, they grappled with emotions and thoughts around how the loss could have been avoided.

As Anjali (Asifa) explained: *“I want to live a happy life and I want my mother to accept my husband and me with our child. Mujhe thoda intazaar karna chahiye tha, shaadi toh ho jati par abhi toh maine apni mummy aur behan ko kho diya (I should have waited it out, I could have still gotten married, but now I have lost my mother and sister).”*

Anjali wants to be a friendly parent to her daughter. Differences in faith and love marriages do not bother her, she said, yet, she would not want her daughter to go against the wishes of the family. She hoped to teach her daughter about right choices. Although Anjali’s in-laws and husband are supportive, she said: *“I wish my mother could have supported me. I am completely rejected by my family, especially my mother. Yeh sab achhe hain, par mummy bhi hoti toh achha rehta. (They are all good, but if mummy was around, it would have been good.)”*

Neeru felt torn. As an underaged wife, she had to stay with her parents as per the order from the Child Welfare Committee. She felt guilty about the anger and hurt caused to her parents but also dearly missed her husband. She did not see any wrong in her actions but wished that the legal age of marriage was lower and intercaste marriages were socially acceptable. Because she was helplessly trapped within a larger, complex web that she had no control over, she yearned for a different and more humane social setting.

The postgraduate participant, Pinki, had been helped by a crisis intervention centre to reunite with and marry her boyfriend. Having to go against her parents’ wishes took a toll on her. She suffered

intense depression, feeling betrayed when her parents turned against her instead of publicly celebrating her wedding as they had (falsely) promised. Her parents severed ties with her. Although she reported being happy in her marriage, she nonetheless missed her siblings and family. She hoped that her siblings would restore their relationship with her once they were married.

A few girls seemed to disavow the childhood abuse and neglect as well as the crisis-related trauma caused by their parents, while others were more conflicted. In retrospect, some girls even wondered if they should have made different choices, such as marrying someone from the same caste as theirs.

5.4 Future concerns and aspirations

In terms of the aspirations of the 15 participants, there were distinctions between the married and unmarried girls as well as a sense of wistfulness about education and paid employment.

The *unmarried girls* hoped to find a good husband because some of their immediate fears related to the adoption of their unborn or newborn child, a family and home (especially for those who lived in a shelter home and had been rejected by their family). They longed to complete their schooling and find a meaningful job; some aspired to be beauticians, designers or have an office job.

Many of the *married girls* wanted to complete their education but recognized the impossibility or difficulty of fulfilling this desire because of their domestic responsibilities, including childrearing. Except for the postgraduate participant, who was already employed (and hoped for a better job), most of the other girls thought of learning vocational skills to improve their financial health and achieve a degree of financial independence. Stitching, sewing, beauty and make-up, driving auto-rickshaw and joining the police were possibilities these girls thought about. It is important to recall here that many of these girls had been pulled out of school, not because of their relationship but for other domestic reasons (as discussed in chapter 2).

Based on their own experiences, the girls hoped to provide their children with a good education and responsible upbringing. Some were deeply concerned about how the conflicts between their marital and natal families would impact their children—specifically, answers to their children’s questions about their maternal family and the effect of their own past on the values of their children.

5.5 Synthesis

As stated earlier, much time (one year, at least) had passed between the relationship- or marriage-related crisis in the lives of these 15 girls and this research study. This passage of time is evidenced by developments in the girls’ lives, such as the birth of more children. What is striking,

however, is that their parents' disapproval and anger continued to simmer and cast a shadow over their young life and their future.

This continuing rejection of the girls by their natal family is telling of the role marriage has in maintaining caste purity and status within the social hierarchy. In exercising sexual- and marriage-related decisions independently of their family, the girls disrupted the social balance of caste or community and paid the price dearly for it. In a context in which marriage is compulsory and arranged marriages of underaged girls common, the betrayal felt by the parents can only be explained in terms of the disruption of custom, caste and patriarchy. As seen in this chapter, there seems to be no scope for or easy transition to "normalcy" in these lives that become partitioned into past and present, and us and them.

Moreover, as the previous chapter narrated, couples were prematurely pushed into choosing marriage. The catalyst was the girls' apprehension of permanent separation from their boyfriend (after the discovery of their relationship by their parents). At work were twin anxieties that feed each other: the stigma of premarital female sexuality and the desire to legitimize a relationship through marriage.

While the self-arranged marriage broke down the girls' ties with their natal family, their economic dependence after marriage was no different from what it might be if the marriage had been arranged by the parents. The economic dependence of a girl on her husband was unlinked to the timing of her marriage, it being self-arranged or traditional, or her level of schooling. The girls' regret about their incomplete education seems to be founded more on societal ideals about education as a key to success. The harsh, empirical reality is that dismal infrastructure, unmotivated teachers and disinterested parents co-create poor, public schooling. Quality education has been privatized and "profitized".

Within the marginalized and deprived contexts, there is pervasive unemployment. Non-viable livelihoods, at best, are for young men who, as the case studies show, manage a living wage through mixed and erratic sources of income drawn from family assets and individual enterprise. For the girls, the conversation on livelihoods and economic self-sufficiency had yet to begin. The arguments that blame incomplete schooling and loss of economic opportunities on early marriage fail to account for the quality of education in poor communities and the lack of opportunities in the labour market for women. Retaining girls in school in the child marriage discourse serves to delay the age of marriage rather than seriously engage with the question of economic self-sufficiency.

CHAPTER 6

PUNISHING THE INNOCENT: PERSPECTIVES OF EXTERNAL AGENCIES

To relate the findings of the qualitative study, interviews were conducted with personnel working in external agencies mandated to respond to adolescents in situations similar to the 15 girls who participated in this study. These front-line agencies intervene and take up a coordinated role in cases of adolescent girls in relationships with boys, including those who are sexually active or pregnant, as part of the child protection system. The state child protection system consists of different mechanisms to respond to children (including adolescents) who are “in need of care and protection”, such as the Child Protection Units, the Child Welfare Committees, health-related agencies, special police units, shelter homes and crisis intervention centres. For the purposes of this report, we refer to all agencies mandated to respond to adolescents in crisis, whether they are state or non-state, as “external agencies”.

With the legal age of sexual consent at 18 years, the law equates voluntary consensual sexual activity by adolescents with sexual abuse, requiring that this, too, be reported as an offence. So, while offering their services, the health agencies, counsellors and support persons are

“The legally enforced abstinence is clearly at odds with the natural condition of puberty and adolescence, and lends weight to notions of shame associated with sexuality. Its punitive force fuels caste-faith-class prejudice within Indian society, while casting adolescents as criminals or delinquents.”

obliged to inform the police when an adolescent is suspected to have been abused. Because adolescents in consensual relationships are the focus of this study, with a view to reviewing the societal and state responses to them, the interviews with external agency staff were limited to understanding the prevalence of such cases and their perspectives on adolescent sexuality, age of consent and the criminalization of consensual relations among adolescents and young persons.

6.1 Overview of the agencies interviewed

For each of the 15 girls who participated in this study, two or more external agencies had a role in her situation. Table 14 provides an overview of the number of agencies involved in each case. Counsellors (from NGOs, crisis centres or shelter homes) were involved in all 15 cases, and this is why the girls were interviewed primarily by them.

TABLE 14. NUMBER AND TYPE OF EXTERNAL AGENCIES INVOLVED

	Shelter home	Police	NGO**	Child Welfare Committee	Counselor	Medical services	Adoption services
Number of cases	13 *	9	12	10	15	4	3

Note: *Includes one case where the girl stayed at the One Stop Centre for a few days, not in the shelter.
 **NGO refers to crisis centres, including One-Stop Crisis Centres. The three cases in which an NGO was not involved were sourced directly from a shelter home.

Until 2012, the Indian Penal Code set the age of sexual consent at 16 years, meaning that sexual intercourse with a girl younger than 16 (regardless of her willingness) amounted to statutory rape. In 2012, with enactment of the Protection of Children from Sexual Offences Act, the age of sexual consent was increased from 16 to 18 years. Corresponding changes in the Indian Penal Code in 2013 aligned the two laws to deny adolescent girls and boys the capacity to engage in non-coercive, consensual sexual activity with peers. In other words, the law ceases to distinguish between wilful sexual relations from exploitive or coercive sexual abuse, treating sexual contact per se as dangerous, offensive and harmful to persons younger than 18. Because all sexual relations involving adolescents are declared a serious sexual offence, the Protection of Children from Sexual Offences Act requires that information relating to sexual contact involving underaged persons must be reported to the police. Failure to report such a case is a legal offence. Due to the provision of mandatory reporting in the Protection of Children from Sexual Offences Act, when an adolescent (or her parents) discusses a personal matter with a school teacher, counsellor, representative of a crisis centre or even a medical doctor, that person is compelled to breach established professional confidentiality and report the case to the police.

While the Protection of Children from Sexual Offences Act is necessarily applied to cases involving underaged girls (and boys), it is not the only law applicable. In the 15 cases on which this study is based, the following criminal provisions were invoked to address the act of elopement, cheating and sexual intercourse (which is treated as rape even if it is consensual).

TABLE 15. PENAL PROVISIONS USED AGAINST THE BOYFRIENDS

Sections	What the offence says*
Protection of Children from Sexual Offences Act	
Section 3	Defines penetrative sexual assault on a child (punishable from 7 years to a life sentence, with fine)
Section 5	Defines the conditions that constitute aggravated penetrative sexual assault. These include when penetrative sexual assault results in pregnancy of the child or when it is carried out more than once or repeatedly. (punishable by rigorous imprisonment of 10 years to life sentence, with fine)
Indian Penal Code	
Section 354	Assault or use of criminal force on a woman with intent to outrage her modesty. Punishment can be extended from one to five years imprisonment with fine.
Section 376	Stipulates that the punishment for rape to be not less than seven years, extendable to life imprisonment with fine; and punishment for aggravated rape to be not less than ten years extendable to life, with fine.
Section 420	Cheating and dishonestly inducing delivery of property. Punishment can be up to seven years imprisonment and a fine.
Section 363	Kidnapping any person from lawful guardianship, punishable up to seven years imprisonment and a fine.
Section 366	Kidnapping, abducting or inducing a woman to compel her to marry. Punishable up to ten years imprisonment and a fine.

**The above punishments correspond to the law as in 2017, the period of the study. It does not reflect the increased sentencing introduced by later amendments.*

It is also pertinent to mention that the Medical Termination of Pregnancy Act (1971) vests the decision to terminate pregnancy (less than 20 weeks) in the case of an underaged girl with her parents. When approached by an underaged girl or her parents, the agency is obliged to report the matter to the police, which will require the girl to go before the Child Welfare Committee, which decides whether she needs to be placed in a shelter home or can remain with her family.

6.2 Responses of the external agencies and the police

To understand the extent and prevalence of cases involving adolescents in consensual relationships and the concerns arising in the context of its criminalization, this section lays out the opinions of 27 representatives of external agencies interviewed for this study—18 being staff or officers from shelter homes, NGOs, Child Welfare Committees, counsellors, health care service providers and adoption services and nine police officials.

TABLE 16. EXTERNAL AGENCY PERSONNEL INTERVIEWED

Type of external agency	No. of personnel interviewed
Police	9
Shelter home staff	7
Counsellors, Childline, Protection Officers	6
Health care professionals and gynaecologists	3
Child Welfare Committee members	2

The personnel interviewed were approached through channels of familiarity and trust to obtain forthright and genuine responses, as opposed to cautious or evasive ones. The interviews were carried out via local partner organizations, who interact with these agencies routinely in relation to case work. All interviews were conducted with the help of a standard questionnaire.

The responses and perspectives of the external agencies and the police are clustered under themes and concerns related to adolescent sexuality and its criminalization.

Prevalence of romantic relationships among adolescents

A police official in Delhi said that in his jurisdiction, one so-called “love” case is registered every four to five days, while another police station in Delhi reported that they get four to five cases every 15 days. Overall, based on estimates from interviewed officers in seven police stations in Delhi, Mumbai and Jaipur, roughly 30 such cases are registered annually in each police station. Given that many adolescents and their families are affected by the punitive impact of this law across each of the cities every year, the issue needs to be treated with gravity.

According to an official of a *balika greha* (girl’s shelter home) in Bikaner, Rajasthan: “We get about 36–40 cases in a year, mostly of girls in the age group of 14–18 years. Almost 90 per cent of these are love affair cases and those of right to choice [in marriage]. We call these *bhagwaiyya* [elopement] cases.”¹⁴

14 Elopement cases in this report refers to couples who run away and secretly marry (without consent of the girl’s family). Yet in this chapter the use of the term elopement by external agencies is more a colloquial usage - implying cases of runaway couples or “love cases” whether or not they marry.

The majority of the love cases that a shelter in Delhi receives involve girls aged 12–15 years.

A Child Protection Officer in Mumbai reported annually handling 70–80 cases of sexual assault, eve-teasing (street sexual harassment), promise to marry and love affairs, as related to the Protection of Children from Sexual Offences Act. Of them, the majority are love affairs and breach of promise to marry cases. According to the officer, there has been an increase in the number of cases registered under love affairs.

A Child Welfare Committee official in Delhi reported having seen a similar trend: *“In the 14–18 year age group, we get approximately 40 per cent of elopement cases, 10 per cent of trafficking cases, 40 per cent of child labour, and the remaining 10 per cent includes missing and found persons, drug addiction, physical abuse, etc.”*

Causes of adolescent love and elopement¹⁵

Although the nature of cases filed against or involving 14- to 18-year-olds involve a range of issues, such as sexual violence, property, child marriage, child labour and elopement, representatives of external agencies observed that the cases of supposed elopement had risen considerably in the past few years. It is a distinct trend that in some cases, constitutes a large percentage of what comes before the police.

Police personnel as well as representatives of other agencies reported that elopement of adolescents (runaway couples whether or not they marry) across cities, particularly in urban and semi-urban contexts, is widespread. The relationships between girls and boys during that age, albeit secret, are a common phenomenon. When combined with the influence of the media, cinema and technology, this was expected, they stated. According to them, it is a natural outcome not an aberration. As a doctor in Jaipur, Rajasthan, acknowledged: *“These days there is too much exposure and sexual activity, it cannot be stopped. The young girls are exploring their bodies and relations.”*

Television and social media are not going away. Children and teenagers have easier access to information today than they ever had before. But because they lack scientific and reliable information on sexuality, they turn to unreliable sources for satisfying their natural curiosity.

Another cause of vulnerability to elopement by girls, according to a child protection officer in Mumbai, is lack of family bonding—conversations between parents and children. *“In such circumstances, the adolescents are more inclined to peer influence. Instead of unregulated social media, there should be compulsory sex education for children.”*

Many of the service providers, counsellors and medical professionals interviewed said that the harsh reaction of the families and parents, through scolding, beatings and confinement, prompts

15 Ibid.

girls to run away. It is the intercaste cases that the parents oppose most vehemently, often resorting to criminal complaints.

Commenting on the phenomenon of girls running away from home with a boyfriend, a staff member of a Delhi-based shelter home explained: *“Girls and boys are having relations from a young age. Issues arise when there is an intercaste or interfaith element and parents do not accept it. In some cases, girls have no freedom at home to go around, and so they run away to get independence.”*

The counsellor in the girls shelter home in Bikaner, Rajasthan noted: *“Disagreements from the families is usually because of caste and class differences. If the girl is from a lower caste and boy from an upper caste, or vice versa, then parents don’t give permission. If there is class difference, then, too, the parents don’t agree, or when the boy doesn’t earn anything. Sometimes, parents beat the girl, forcibly confine her in the home, which creates insecurity in the girl, forcing her to leave her parents’ house.”*

Profile and context of adolescents and their families

A particularly significant finding from the interviews is that most girls and boys whose elopement or love cases enter the child protection and criminal justice systems are from poor or low socioeconomic backgrounds (as corroborated by the case studies). The representatives of external agencies from all three cities were of the opinion that the law is mostly being used against the most marginalized persons because their counterparts from the high-income groups do not access government or NGO-run services and have other means of redress. A counsellor from a shelter home in Delhi relayed details on the profile of these adolescents: *“Nearly 80 per cent are from poor backgrounds...most families are uneducated; parents are not living together, [there is] violence in the family, parents are not giving time to their daughters, so they come in contact with boys as they need emotional support and care.”*

A staff member from the girls shelter home in Bikaner, Rajasthan, also validated this opinion: *“Most of them [adolescents] are uneducated and uninformed.”* This corresponds with the finding that many girls were pulled out of school much before the crisis occurred, for reasons that include lack of tangible benefits of school education, parental fear about their daughters’ sexuality and relationships and the burden of household labour in resource-poor homes.

Impact of criminalization of consensual relationship on the girl and the boy

Nearly all the external agency officers interviewed noted that girls felt compelled to leave their home due to severe parental opposition to their romantic relationship or self-arranged marriage and the subsequent threats and/or violence. This opposition, they said, increased when the boy’s caste, class or faith were different from their own. Often parents coerce their daughters into pressing criminal charges against the boy and sometimes his relatives as well.

All representatives of the police and external agencies believed that a Protection of Children from Sexual Offences Act case has a very negative impact on a girl and her boyfriend, leaving a shadow on their future lives. They felt this law increased vulnerability by criminalizing natural inclinations of puberty and inflicts severe emotional turmoil. A legal counsellor with a Mumbai-based NGO said that both the girl and her partner become “branded as criminals”. The girl is either compelled to live in a shelter home or with her family who is “already very hostile” towards her. The boy is sent to jail, where he is “severed from social support”.

Counsellors reported that some of the girls in shelter homes would turn aggressive and violent with the staff; many girls suffered from depression, while some contemplated suicide.

The months or years that girls spend in a shelter home are largely a period of confinement. Representatives from shelter homes confirmed that girls are not allowed to leave the home without permission and can only do so under supervision by an authority, for an occasional picnic, recreational activity, health check-up or meeting with parents (with the permission of the Child Welfare Committee).

According to the counsellors, sexual health awareness, reproductive rights and vocational training are important for the girls; yet, these are not available to them. In better-managed shelter homes, information on sexual violence may be given, but contraception and abortion may not. Low-paying vocational skills, like sewing and stitching, are provided, but without the availability of resources to set up and market the skills. The inputs received in the shelter homes do not enhance girls’ agency or skills beyond the domestic and traditional arenas.

The trajectory for boyfriends (husbands), however, is somewhat different. They are sent to the juvenile justice system (if they are younger than 18) or the criminal justice system (if 18 or older) to face penal proceedings, leading to incarceration. The boyfriends (husbands) are charged for grave offences of rape (under the Protection of Children from Sexual Offences Act or the Indian Penal Code) and sometimes aggravated rape (a relationship translates into repeated rape in the law or when there is pregnancy).

Some participants pointed out the anomaly between the written law and its implementation. Although the Protection of Children from Sexual Offences Act is a gender-neutral law for addressing child sexual abuse, the statute treats both a girl and a boy in a consenting relationship as victims of abuse: In its implementation, the girls are treated as being “in need of care and protection”, while the boyfriend is treated as “in conflict with the law”. This translates into sending the girl to a shelter home and treating the boy as a juvenile offender.

Even when such cases end with acquittal, boyfriends (husbands) spend a couple of months to a year in custody; and adult youth could spend anywhere from a few months to a few years in detention. When there is a conviction, the minimum sentence stipulated under the law is seven

years (amended in 2018 to 10 years) and could go up to 20 years in aggravated rape cases.¹⁶ Frequently in such cases, the couple or their parents may agree to marriage or enter into an out-of-court settlement. Regardless of whether they marry or whether the boyfriends get bail, the criminal proceedings impact their reputation and future employment prospects.

An assistant inspector with the Mumbai police shared her concerns that, regardless of their view on the merits of the case, the police must register a case under the Protection of Children from Sexual Offences Act even in situations of consenting adolescents: *“In cases of minors, the police have to file a complaint in all cases, no matter what the truth of the incident is. Under the Protection of Children from Sexual Offences Act, there is a rule that makes the police an accused if they had knowledge of a crime and failed to report it. The biggest problem is the legal problem encountered by the police. The other major problem is that the parents of the girl or the boy become hostile towards the police.”*

A representative of a Delhi-based shelter home stated: *“It [Protection of Children from Sexual Offences Act] is a tool in the hands of parents to punish boys. Boys are punished even when girls choose to run away. It has more negative impact on boys. Girls also suffer when they are in shelter home, but their suffering is for a short term, as opposed to the boys.”*

Because the girls and boyfriends from lower-income communities are most likely to be caught in the web of criminalization, it further undermines and taints their self-esteem and future opportunities: in the case of girls, their marriage prospects and for boys, it affects employment.

Responses that are necessary for addressing adolescent sexuality

All personnel from external agencies interviewed, including the police, were against criminalization. They were firmly of the opinion that the criminal law ought not to be applicable in cases of consenting relationships.

The police officials who were interviewed said that the age of consent should be reduced from 18 years to 16 years (as was the case before the Protection of Children from Sexual Offences Act). An assistant commissioner of police in Mumbai believes that it is unfair to punish adolescents for their relationships or marriages and that the solution is to lower the age of consent: *“Adolescents cannot be pressured to not have sex, especially if they have exposure about it through media.... It is the parents who should understand, communicate and try not to see such acts through a criminal lens. They should first go for counselling [or take an informed decision on whether or not to file a complaint against the boy]. It should definitely not be seen as a crime; once the complaint is made, the police become duty bound.”*

16 2018 amendments.

All the medical doctors who were interviewed believe that sexual activity among adolescents is common and natural. What adolescents need is access to reliable information about sexual and reproductive health. Criminalizing their actions, they stressed, neither helps them learn better nor act differently. It may create an association of shame with sex and the body; it may increase the guilt, silence and apprehensions on the issue—but it certainly does not stop young people from expressing their sexuality.

A child protection officer in Mumbai was emphatic that the Protection of Children from Sexual Offences Act is not the right tool to address consensual adolescent relationships or marriage: *“Consensual relationships should not be criminalized. Society needs to change its outlook and engage with children to teach them the right things. Families should respect their children’s choices and engage with them.”*

The most widely recommended intervention that was deemed appropriate for adolescents who were in relationships (and self-arranged marriages) was counselling, sexual and reproductive health awareness, rights awareness in relation to sexual and domestic violence, sexual harassment at the workplace and so on, in addition to skills and vocational training.

A member of a Child Welfare Committee in Delhi suggested that restorative justice approaches should be followed in such cases: *“Leave the boy outside and let them get married after 18 years of age.”*

A staff member of a Jaipur-based shelter home emphasized dialogue: *“Children hide their experiences from fear of criminalization, which is not always the right thing, as they start being ashamed. It makes them increasingly vulnerable. There needs to be more dialogue.”*

6.3 Synthesis

This chapter encapsulates the perspectives of criminalized adolescent relationships from the vantage point of a range of service providers and other agencies that are at the forefront as these cases unfold and culminate. From their vast experience, up-close knowledge and observations, their unanimous perspective is that the legal dispensation for adolescents in consensual relationships is misdirected, harmful to the group the law seeks to protect and therefore detrimental.

The legally enforced abstinence is clearly at odds with the natural condition of puberty and adolescence, and lends weight to notions of shame associated with sexuality. Its punitive force fuels caste-faith-class prejudice within Indian society, while casting adolescents as criminals or delinquents, and shifting attention away from the range of responses that are necessary, yet missing, in relation to adolescents.

Agencies and experts most closely associated with adolescents who enter the child protection system recommend support, information on sexual health and services and inputs that help girls and boys develop their agency and capacity in navigating sexuality, gender relations, power differentials in society while making available other opportunities for growth. Shame and criminalization are harmful and end up weaponizing patriarchal and caste hierarchies against adolescents.

CHAPTER 7

CONCLUSIONS

What do the findings of this study offer to the discourse on child and early marriage? In focusing on adolescent girls in a consenting relationship and its intersection with child and early marriage issues, the study spotlighted concerns that, although important, are missing from the narratives on underage marriage.

The evidence of self-arranged marriages, with its surrounding complexities, prompts questions regarding the policy solutions that promote punitive measures that treat underage marriages as a homogenous forced practice and all underage parties to marriage as lacking agency in relation to their future. Such assumptions lay the basis for proposals that deny the legal validity to all marriages, without seeking the views of the involved underage parties or, indeed, a focus on “age of marriage”, without equal attention to the intersecting concerns, like the criminalization of sexual consent.

This concluding chapter highlights concerns emerging from the study within the context of the dominant global and national narratives on child marriage for the constructive purpose of complicating, questioning and nuancing the nature of the problem and the policy responses proposed.

“The evidence on self-arranged marriages turns many assumptions about child marriage on their head. It takes away issues of forced, customary and traditional but harmful practices ... it replaces them with intergenerational poverty, marginalization with attendant burdens of household labour, curtailed mobility and opportunities, poor education and early pregnancy for girls.”

7.1 Early marriage: a more appropriate description of the trend in India

Even as age diversity was sought out in the selection of the participants for the study, there was only one person in the early adolescent cluster (younger than 15). The largest number of participants were in the age range of 15–16 years, followed by 17–19 years. The appropriate description for older adolescents entering marriage is “early marriage”, not “child marriage”. These findings echo the macro trends in India, as reported in the third and fourth National Family Health Survey findings.

The fourth National Family Health Survey results indicated a decline in marriage before the legal age of 18 years, which, at 27 per cent for women aged 20–24, was much lower than the 46 per cent for women aged 45–49. This data points to an increase in the median age at marriage for women, noting that for those aged 20–49 years, it was 17.2 years in 2005–2006 but had increased to 19 years in 2015–2016.¹⁷

The age group of 0–18 years, considered the age of a “child”, consists of distinct cohorts with varying capacities that evolve with age and context. Adolescence, according to UNICEF, refers to the 10–19 age period, which is a distinct phase bridging childhood with adulthood. This cohort is further divided into young adolescents (aged 10–14) for the purpose of distinguishing their developmental stages and capacities from older adolescents (aged 15–19).¹⁸ Because the child marriage discourse in India originated in the wake of betrothal of babies, it is not only appropriate but also necessary to refer to the exact cohort among which marriage is prevalent today. The findings of this study correlate with the National Family Health Survey data in showing prevalence of marriage among older adolescents, and thus more aptly uses “early marriage”.

Popular representations of little girls in bridal finery masks the evidence of declining child marriage and the shift towards early marriage and distracts from the need to investigate the reasons for this shift to see how it can be accelerated. Instead, they promote stringent punitive solutions.

7.2 Self-arranged marriages: a distinct reality within early marriage

The distinction between forced and self-arranged marriages is as vital as the distinction between child and early marriage. Recognizing different trends within underage marriage helps distinguish the nature of violations involved, creating possibilities for context-sensitive responses.

17 The official NHFS data on increase in median age of marriage is not mentioned in most global platforms against child marriage in India. Rather they tend to only note that 27 percent of girls are married before the age of 18. For instance: <https://bit.ly/2FmcBXU>.

18 See UNICEF: State of the World’s Children (New York, 2011). According to the World Health Organization, the term “adolescent” is used to denote individuals aged between 10 and 19 years. The term “young people” is used to denote persons aged between 10 and 24 years. See WHO: Strengthening the Health Sector Response to Adolescent Health and Development (Geneva, 2010).

In its problem description and policy solutions, the child marriage discourse presents all underage marriages as forced, largely custom driven, it treats “age” as the primary indicator of force and harm in relation to marriage.¹⁹ The global narratives frame all underage marriages as “forced” and as manifestations of harmful traditional practices. Both these descriptions fail to describe the different trends *within* child and early marriages.

There are different types of marriages involving underaged as well as adult parties. Underage marriages involve different age cohorts (from infants to 18-year-olds) and varied contexts. The combination of capacities of the parties as well as the contexts within which the marriages occur determine whether these are forced, self-arranged or traditionally arranged. Labelling every union of a girl younger than 18 years as “forced” is neither reflective of reality nor respectful to the adolescent whom the policy responses seek to protect. The differentiations between self-arranged, forced, customary/ family arranged marriages apply to unions involving underaged persons as well as adults.

The distinct and growing trend of self-arranged marriage by girls is at complete odds with customary marriage practices. Not only did the adolescent girls in this study disregard the taboos relating to premarital sex, they crossed lines of caste and faith in their choice of companion. The decision to marry, although fraught and often in response to the backlash by parents once they discover a daughter is engaging in a romantic relationship is nonetheless a decisive course of action that girls opt to take.

The need to describe marriages involving underaged girls as forced is likely done so as to not appear to condone it or to cast ambiguity about the minimum age of marriage. It is therefore necessary to stress that an acknowledgement of agency in adolescents in a self-arranged marriage is not a statement about its legality or an argument for reducing the minimum age of marriage; rather, it makes a case for discerning coercion and force based on power, age differentials, capacities and the nature of the relationship between the parties—all of which are not new to the concept of children’s rights and child abuse.

7.3 Congruence between poverty, early adulthood and early marriage

The correlation of early marriage with poverty deserves more attention and elaboration than it has had. Far too much emphasis is placed on the prevalence of ignorance and customary practices among the population, which does not sufficiently explain the correlation with poverty. The data in this study show that poverty, marginalization and the lack of opportunities for girls (as well as boys) push adolescents and youth into early adulthood. The nature of adult responsibilities assumed are

19 According to the Office of the United Nations High Commissioner for Human Rights, child marriage, or early marriage, is any marriage in which at least one of the parties is younger than 18 years. “A child marriage is considered to be a form of forced marriage, given that one and/or both parties have not expressed full, free and informed consent.” See <https://bit.ly/2JNffqd>.

gendered, with the girls taking on housework, fully or partially, while their boyfriends are involved in tenuous low-income jobs or daily wage work.

The data challenge claims that early marriage introduces the burden of housework on girls or that it is the main cause of girls dropping out of school. Instead, the findings indicate that deprivations and poverty cause girls to be pulled out of school and pushed into housework in their natal home. Poverty and marginalization combine to cut short childhood, forcing children, in adolescence and sometimes far younger, into assuming adult responsibilities.

The common thread in the lives of the participants was their significantly limited life chances. From socially marginalized and economically deprived backgrounds and from slum-dwelling migrant families, the girls in this study bore the weight of intergenerational deprivations, lack of opportunities and scarcity of resources. This made for difficult childhoods, burdened with household responsibilities and, in some cases, even paid domestic work. Many of the girls completed no more than primary or middle school before being pulled out to shoulder household work. The schools themselves inspire little confidence, lacking follow-up systems for girls who drop out. These findings are corroborated by the fourth National Family Health Survey data, in which the two main reasons for incomplete schooling are the need for housework or family business, followed by inaccessibility of schools on account of distance and lack of transport.²⁰

The boyfriends (husbands) in the study, from similar resource-poor backgrounds but slightly older than the girls, had a marginally better record with education. They, too, dropped out to become income earners at a young age. As with the girls, it seems like poverty pushed them into early adulthood, although the nature of responsibilities assumed were gendered. The families appear to be aware that quality of education within their resource-poor context does not translate into employment opportunities. From their perspective, early marriage does not deprive them of opportunities that they otherwise might have.

Acknowledging the role of poverty, deprivations and marginalization in cutting short childhood (including through child marriage) might radically change the goal post of trying to “keep girls in schools”; shifting it instead to that of providing quality formal and informal education that develops capacities, agency and aspirations in girls within an ecosystem in which livelihood opportunities help actualize them.

20 The most common reasons for discontinuing schooling for urban females are not being interested in studies, it costs too much and required for household work; for rural females, the same reasons apply along with school too far away. For both urban and rural girls, marriage is much lower down the list. See table 2.21: Reasons for children currently not attending school, in the chapter on Household Population and Household Characteristics, p. 51, of the *Report of the National Family Health Survey (2015–16)*.

7.4 Tabooed premarital sex and the compulsory marriage for girls and women

Marriage in India is compulsory for women for multiple reasons—it secures social status, economic support and legitimizes sex. It is deeply internalized as a symbol of abiding love and security. In addition to the cultural and social stature enjoyed by marriage, it is remarkably privileged by law through the protections granted to families (founded on marriage) and by the rights and obligations required by the couple towards each other.

The stigma of premarital sex forces girls to conduct their relationships in secrecy. But once discovered, the couples seek marriage to regain respectability. The study shows that girls eloped to marry after their romantic relationship was discovered by their parents; yet, the parents of some girls who were pregnant persuaded the boyfriend to marry. Even though many of the couples in the study had hoped to marry each other, the timing of their marriage was not of their choosing. Any delay in their marriage would have meant certain separation for the couples, and the girl would have likely been forced to marry someone of her parents' choosing. Typically, the girls in the study opted for running away to marry or live with their boyfriend than face the prospect of confinement and forced marriage. Either way, marriage was inescapable.

Based on the considerable evidence of honour crimes and caste atrocities, the intensity of the backlash against a couple in an intercaste and/or interfaith relationship increases—making marriage compulsory for couples regardless of their age. For couples who are of age, the law is often insufficient and untimely in its protection. But when one or both parties are underaged, the law transforms into a punitive weapon in the hands of the girl's parents.²¹

The law criminalizes all adolescent sex without shielding consenting couples who are close in age. With the age of sexual consent increased from 16 to 18 years by the Protection of Children from Sexual Offences Act, the law aggravates the stigma connected with adolescent sex by viewing consensual relationships as abuse to be prosecuted. Under such circumstances, marriage might appear as the only shield available to a young couple. To declare all underaged marriages as void (as is strongly advocated in policy spaces), without regard to whether these are self-arranged or forced, will leave girls totally defenceless against honour crimes and/or forced marriage.

21 A substantial number of cases of kidnapping and rape are filed by parents of girls who elope or runaway, against their boyfriends. See, Neetika Vishwanathan, *The Shifting Shape of the Rape Discourse*, Indian Journal of Gender Studies, Volume: 25 Issue: 1 (2018) <https://bit.ly/2MLRkxb>; Swagata Raha, *Child Marriage and the Protection of Children from Sexual Offences Act, 2012*, Centre for Child and the Law, National Law School of India University (2013) <https://bit.ly/2TFHp47>. On backlash against inter-community couples, see Association for Advocacy and Legal Initiatives: *Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework*, Report no. 242 (2012), <http://bit.ly/2JHu5RX>. See also People's Union for Democratic Rights: *Courting Disaster: A Report on Inter-caste Marriages, Society and State* (2003), <http://bit.ly/2YT6Uun>.

7.5 Minimum age of marriage and age of consent: intersecting concerns

The policy solutions seeking to enforce the minimum age of marriage cannot be separated from the age of sexual consent. Having a uniform minimum age of marriage and age of sexual consent (as is the case in India), is not just principally flawed but also dangerous for young couples, with the law weaponizing parental backlash. Yet, ironically, the dominant child marriage discourse seeks more stringent action against underaged marriages while disengaging from the criminalization arising from age of consent, which is as high as the minimum age of marriage.

In India, where female sexuality is tabooed outside of marriage, and the age of consent is the same as the minimum age of marriage, the two issues are too entwined to be separated. Girls and the boyfriends (or husbands) both jointly suffer distinct but irreparable harms, much beyond the scope of what the Prevention of Child Marriage Act or any model law prohibiting child marriage envisage.

The justification for increasing the age of consent from 16 to 18 years was to extend protection to all “children” as defined in the Convention on the Rights of the Child (CRC). While the definition of child spans infants to older adolescents, the CRC requires that the principles of “best interest of the child” be applied in accordance with the “evolving capacities of the child” when formulating the protection of rights. In disregard of the CRC principles, the age of sexual consent was increased by the Protection of Children from Sexual Offences Act to ensure uniformity in age of consent laws across sectors, for actions as diverse as abortion, driving, sexual activity, marriage, contract and elections.

This approach flies in the face of the CRC, which views adolescence as distinct stage that transitions the child into an adult. Explained as a “stage of human development characterized by rapid brain development and physical growth, enhanced cognitive ability, the onset of puberty and sexual awareness and newly emerging abilities, strengths and skills...experience(ing) greater expectations surrounding their role in society and more significant peer relationships as they transition from a situation of dependency to one of greater autonomy.” The CRC calls upon the State to help develop capacities of adolescents as they “differ significantly from those [rights] adopted for younger children.”²² Accordingly, the CRC Committee recommends that “States introduce minimum legal age limits, consistent with the right to protection, the best interests principle and respect for the evolving capacities of adolescents.” Accordingly, the age of sexual consent must necessarily be lower than the minimum age of marriage.

22 The Convention on the Rights of the Child General Comment 20 (2016) on the implementation of the rights of children during adolescence: Adolescence is a unique defining stage of human development characterized by rapid brain development and physical growth, enhanced cognitive ability, the onset of puberty and sexual awareness and newly emerging abilities, strengths and skills. Adolescents experience greater expectations surrounding their role in society and more significant peer relationships as they transition from a situation of dependency to one of greater autonomy.

Recognizing the sexuality of adolescents, the CRC stipulates that confidential sexual health information and services be made available to young people, including abortion, irrespective of their marital status or parental consent. It also recommends support to adolescent parents.²³ Human rights standards do not envisage age as the sole factor bestowing capacities on attaining majority, nor do they divest persons between 0 and 18 years of all capacities and agency. Instead, they factor in capacities and agency of a child that are commensurate with their psychological, emotional, sexual and physical development. The age of consent laws in India are, in principle, blind to the CRC and, in practice, crushingly harsh and harmful in the way they reinforce shame of premarital sex and weaponize the honour-driven backlash by girls' families and communities.

The advocacy on child marriage cannot be undertaken without simultaneously tackling the issue of age of consent. The proposals for making child marriage laws more stringent may not stipulate harsh punishments, but they do render couples in self-arranged marriages more vulnerable to draconian prosecutions for aggravated rape, punishable with a life sentence. The child marriage campaign must acknowledge self-arranged marriages and the overlapping concerns with sexual consent.

7.6 Criminalization: its harmful and selective impact on marginalized youth

The (mis)use of criminal law by parents against daughters' lovers, as well as the prevalence of extra-legal honour crimes, has a well-documented history. The more recent trend, however, is how the increase in legal age of sexual consent has lent itself to enforcing parental and caste controls over daughters. The criminalizing of adolescent sexuality by the Protection of Children from Sexual Offences Act, without accounting for factors like consent, coercion, age differentials, relationship of trust and authority, has given rise to three serious concerns.

First, adolescents are denied legal capacity to consent at a stage of life when the natural physical and psychological changes usher sexual development in persons. This blindness of the law amounts to criminalizing the natural effects of puberty and is scientifically wrong. Two, by treating all sexual expressions without exceptions as child abuse, the law erases the necessary distinction that adolescents need to learn and experience—they need to learn to distinguish between what is positive, mutually desired, respectful and safe from what is risky, coerced and abusive. In stigmatizing all adolescent sexuality, the law reinforces the association of shame and secrecy with sex, discouraging adolescents from seeking help when in trouble. It lays the foundation for often lifelong association of shame with sex and difficulties in negotiating sexual pleasure. The third concern arises from the legal requirement to report sexual abuse, backed with penalties against

23 CRC General Comment No. 4 (2003) on adolescent health and development, at paras 28 and 16, CRC/GC/2003/04. See also General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence, CRC/C/GC/20.

those who fail to do so. This puts educators, counsellors, health care providers and social workers at special risk because they are most likely to be approached by adolescents.

The law requires that counsellors, social workers, health care providers, educators, etc.—or whomsoever a girl approaches for support and guidance—must report her as a victim of child abuse to the police. They may provide services only after the matter is reported to the police, without regard to confidentiality, trust or the consent of the girl. This reporting obligation hits adolescents from economically deprived settings the hardest because it is they who mainly access cost-free public services. This places adolescents from poor and marginalized populations at highest risk of criminal prosecution.

Although the Protection of Children from Sexual Offences Act provides gender-neutral protection against sexual abuse to boys and girls, the service providers who were interviewed reported that in cases involving an underaged couple, the girl is sent to the Child Welfare Committee as a “child in need of protection” and then be sent to a shelter or back to her parents, while the boy is consigned to the juvenile justice system as being “in conflict with the law”. In this study, the external agency personnel, including the police, corroborated the study findings, in that the girls and boys who enter the system are invariably from poor and marginalized backgrounds. The boyfriends (husbands) suffer not just the incarceration but also the blot of a criminal record, which jeopardizes their future employment and other opportunities.

This study reflects a consistent use of punitive law against couples in self-arranged marriages, regardless of whether the girl was younger or older than 18, a finding corroborated by several other studies. That is to say, the law serves the interests of those who are not concerned with child sexual abuse but who want to punish a girl’s agency and choice. Other studies suggest that it is common for parents to intentionally lie about their daughter’s age to the police so as to initiate proceedings that place a boy in custody.²⁴

All the external agency personnel who were interviewed, including the police, were firmly of the opinion that blanket criminalization, without regard to coercion, force and consent, is an extraordinarily harmful response against young persons in consensual relations. Counsellors, crisis intervention centre staff, doctors and health care workers felt that the legal obligation on them to report to the police severely obstructs their ability to discharge duties in accordance with their professional code of ethics and in the best interest of an adolescent. The situation for adolescents is made worse by denial of sexuality education, reliable sexual and reproductive health information and confidential services and the right to seek abortion independently of parental consent.

24 See Footnote 21 above.

7.7 Synthesis

The evidence on self-arranged marriages turns many assumptions about child marriage on their head. It takes away issues of forced, customary and traditional but harmful practices and images of pubescent and pre-pubescent brides and of girls' schooling cut short by marriage; it replaces them with intergenerational poverty, marginalization with attendant burdens of household labour, curtailed mobility and opportunities, poor education and early pregnancy for girls. Situated within this context, girls seek out affirmation, affection and freedom, all of which their boyfriend appears to provide. That the girls flee and marry, despite the backlash and pressures (including criminal proceedings), reflects remarkable agency and will to wrest some control over events that threaten to unravel their lives.

Evidence from beyond this study confirms that self-arranged marriages are a growing trend within child marriage and far too significant to be omitted from the discourse.²⁵ Other studies corroborate the use of the Protection of Children from Sexual Offences Act by girls' parents against a boyfriend or husband;²⁶ and the converse relationship of the poor and marginalized with law—who, although most vulnerable to criminalization, have the least access to legal protection.

Global advocacy pushes model laws, such as the South African Development Community,²⁷ that seek to treat all underaged marriages, without exception, as lacking legal status—backed by punitive measures. The Prohibition of Child Marriage Act, in its current form, distinguishes between different types of underaged marriages—denying validity to those involving kidnapping or trafficking while treating the rest as valid and giving underaged parties within a marriage the option of annulling the union (within two years of attaining majority). As it stands, the differentiated responses of the law lend some protection to couples in self-arranged marriages.

It would help young people if reforms aimed at calibrating and nuancing responses to the different kinds of underage marriages and the particular harms connected with each, while simultaneously decriminalizing non-coercive sexual contact between adolescent peers who are close in age. This would protect young people from retaliation and stigma while enabling confidential access to support and sexual health services.

Yet, contrary to placing adolescent agency and capacities at the centre, there is a growing push in India for declaring underage marriages void—while sidestepping issues of age of consent. Most development interventions too, focus on reducing numbers of under-age marriages to address

25 See the Partners of Law in Development report on the use of the Protection of Children from Sexual Offences Act by the girls' parents in cases of consensual relations and its intersections with early marriage (forthcoming 2019); also see Child Marriage and the Protection of Children from Sexual Offences Act (2012), the Centre for Child and the Law, National Law School of India University, p. 2, para 8. <http://bit.ly/2JNVCRw>.

26 Supra, footnote 25

27 The South African Development Community's Model Law on Eradicating Child Marriage and Protecting Children Already in Marriage is a globally favoured approach to law reform. Supra, footnote 5.

complex structural inequalities, rather than tackle root causes that deny agency and equal opportunities to girls from marginalized populations.²⁸

In this context, this study asks timely questions. It asks how young lives from marginalized populations might be affected by laws that deny validity to all underage marriages while simultaneously enforcing abstinence upon adolescents. It questions the disproportionate emphasis on law and deterrence approaches to address gendered inequalities for girls, without sufficient investments addressing the root causes of under-age marriage. In bringing the issues of adolescent sexuality, evolving capacities, early adulthood and criminalization in contexts of poverty into conversation with the child marriage debates, the study questions the insular and narrow framing of each of these issues. If indeed the child marriage discourse seeks to protect young populations from harm, then as the study asserts, it must consider issues of adolescent agency, empowerment and the negative impact of punitive laws, together rather than separately, as is the case.

28 *Early and Child Marriage in India: A Landscape Analysis*, Nirantar Trust, (2015) New Delhi.



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