

Gone girl

The recent Supreme Court verdict provides rare relief to the female victims of early marriage. The verdict says a man who has sex with a wife less than 18 years can be charged of rape. Thus, the debate and confusion over the age of marriage for girls and the age of consent for intercourse have been set to legal rest. Whether this clarity makes an impact on the phenomenon of child marriage is another matter.

Compared to 1929 when it was first outlawed, matters are better today, one can say, but the decline in child marriage is hardly impressive. Reliable statistics are not available, for record keeping is poor, but surveys indicate that pre-18 marriage accounts for well over a third of all married women in India. Census data also show the continued prevalence of child marriage. Old discourses that described it as a "social evil" have lost their appeal. In states as different as Bengal and Rajasthan, marriage of girls as young as 14 is far from rare.

We can seek some comfort in the fact that now 18 is regarded as the closure of childhood, not 12, 14 or 16. How far this extension of childhood has brought dignity and security to the lives of girls is a difficult matter to judge. Rape during childhood, even early childhood, is so much in the news that we don't know how to compare the present with realities when marriage below 12 was common and raising the legal age of marriage to 14 was considered too radical a measure for society to comply with. Well, society has taken its own time to delay girls' marriage, and the struggle between state and society continues on this score.

The state has been aware that its role in making, implementing and interpreting the law concerning child marriage will not suffice to curb the practice. Nothing expresses this awareness better than the law itself. By placing the onus of nullifying a child marriage on the bride and the groom themselves, the law ensures that it will not succeed. Proof has accumulated over generations to say that no child bride can take the risk of complaining against her own marriage. Despite revisions, the law against child marriage has remained ineffective. The slow decline in the incidence of child marriage and the equally slow increase in the age at the time of marriage must be attributed to the general processes of social change. Has this change been guided by awareness of gender equality or conscience? I wish one could answer this question with clarity and confidence.

The reason why we cannot be confident is that girls' childhood continues to be shaped by attitudes and behaviours that are exclusively addressed to them. In normal parlance, one would call such attitudes "discriminatory". The problem is they are so deeply implicated in the process of gendering itself that it serves no purpose to isolate them and label them as discriminatory. Our society upholds its asymmetry in gender relations by defining and organising girls' early life sharply differently from that of boys. If we were asked to define childhood, many common elements - such as freedom and spontaneity - would seem somewhat irrelevant or inapplicable to how girls are expected to behave even when they are of primary school age.

Social anthropologist Leela Dube delineated the gradual immersion of girls from early childhood onwards into a body-centric self-consciousness. Dube's meticulous portrayal of girlhood also reveals the deep implantation of anxiety and self-abnegation. Dube's description also shows how girls internalise matrimony and motherhood as the ultimate purpose of life. Most important among her observations is the preparatory aspect of marriage. Girls may be getting married later today than five decades ago, but their childhood still constitutes a long preparation for being given away in marriage.

The main instrument available to the state for intercepting the culturally governed cycle of girls'

upbringing is education. Had the Indian state given sustained attention to the role of education in the context of gender, things would have shed some bleakness by now.

But education has remained a neglected area of social policy, and that is why cultural continuities in gendering have proved so tenacious. A break came in the late 1970s, marking the relentless struggle waged inside the state apparatus by the late Vina Mazumdar and her associates. Remarkable work was started at women's study centres in many universities.

I wish it had spread to the thousands of colleges affiliated to India's universities. But within a couple of decades, post-welfare state policies took over, coinciding with the era of unabashed marketing of patriarchal sexuality. Education did, of course, continue to nibble the edges of gender asymmetry, producing female Abhimanyus as I have argued in my study, *Choori Bazaar Mein Larki*. Government schemes like the Kasturba Gandhi Balika Vidyalaya began to make a modest dent in the poorer rural strata, but this initiative too fell victim to the financial starvation.

The Supreme Court's verdict has achieved two potential breaks in the steady flow of cultural norms. By stating that marital sex with a child bride will constitute rape, the court has dissociated matrimony from reproduction. As a comment on social norms and the life-vision they underscore, this is no small change. Secondly, the verdict seeks to establish an extra benefit for girls in the general framework of laws that define child rights. Laws pertaining to children, including those covering child marriage and juvenile justice, have so far been gender-neutral, ignoring the greater vulnerability of girls. For the first time, positive discrimination has been shown towards them. Hopefully, this change will mark a beginning in making social policy more tuned to social reality.

Legal progress, however, can hardly change the general policy scenario, especially its financial aspect. When the Right to Education (RTE) came into force, hopes had risen for funding of school education. But even when the growth rate of the economy was high, education was maintained just above the starvation level. Now, when growth is said to be slackening, we cannot expect our malnourished system to develop the wherewithal to struggle proactively on the gender front.

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