

## Marriage practices of Chepang and Tamang communities: Legal consequences and implications post-federalization in Nepal"

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World Journal of Advanced Research and Reviews, 2024, 24(03), 364–371

Publication history: Received on 10 October 2024; revised on 27 November 2024; accepted on 30 November 2024

Article DOI: <https://doi.org/10.30574/wjarr.2024.24.3.3534>

### Abstract

Chepang and Tamang ethnics are the backward communities living with substantial farming system. The marriage practice is traditional, elope, love and arrange. The legal age stands 20 years for Nepalese but estimated 40 percent in rural areas ongoing child marriage. This study aims to explore marriage consequences and legal aspects in three consecutive Rural municipalities of Makwanpur district. A descriptive study with cross-sectional analysis was taken for Chepang and Tamang respondents. The study followed the mixed method where KII, FGD and key field notes were taken. The field survey took 3 months (March to July 2023).

The age of couple during marriage is recorded as 14 to 15 years. Traditional marriage system following male and female proposals tiding into the marriage approaching by elders of the family. Whereas, love and elope marriage cases are rapidly increasing due to the uses of social networking platforms connecting youth through Android mobiles. The communication of males/ females noticed schools, fairs, social and ritual gatherings before marriage. The Chepang and Tamang customs agreed to accept all types of marriage made through groom/ bride at the end. The legal age of marriage is recorded as 20 years as per the Law and most people are well aware but still no legal cases or complaints raised in the community considering norms and values of the Chepang and Tamang cultures. The study concluded further that marriage at an early age is no doubt a child marriage and law and legitimacy are a strong factor but this is not applied rural-areas as the local customs and norms are prime factors to running the society and the local values and norms are much above than law. Policy advice to decrease the marriage age is advised.

**Keyword:** Marriage; Child marriage; Ethnics; Chepang and Tamang; Custom; Culture and Norms

### 1. Introduction

A study by UNICEF defined as a Child marriage usually called when a marriage performed before 18 years between the genders (UNICEF, 2017). About, 12 million girls in South Asian context are marriage yearly during a childhood period (UNICEF, 2017; Girls Not Brides, 2022) The literature interprets that child marriages are commonly underway by the poverty, a no education and societal views amongst numerous other factors (UNICEF, 2017). Regrettably, the significances of child marriage for the girls involved are both vast and unembellished. Existing research revealed that the child marriages surge the incidence of early pregnancies, mortalities, school dropout, and the high risk of violence (Rashid & Mughal, 2020) (Santhya, 2011).

In Nepalese context, considered as the one of the worlds' least-developed countries with nearly 30 million residents' population. The Child marriages is one the serious problems that affecting estimate 33% of girls before the age of 18 and some 8 % of girls before the age of 15 years respectively. (Girls not brides, 2017) The practice is principally noticed in the rural areas, whereas some 83 % of the populations living, and many of the origins and consequences are reliable

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with the reasons mentioned differently. Granting, Nepal's legal age for marriage is set 20 years (or 18 with parental consent), the law is barely implemented or obeyed to (Human Rights Watch, 2016).

Nepal's government has devised a 'National strategy to end child marriage by 2030' (Girls not brides, 2017). The strategy entails of 6 vital-components, including the essential to 'educate' and 'empower' girls, 'implement laws and policies', 'engage' men and communities, and 'support and offer services (Girls not brides, 2017).

In Nepal, the Chepang is an indigenous group living with 90 percent of its population living below the poverty line across. A study revealed by the District Health Office added further that some 45 to 86 percent of Chepang girls usually perform married between the ages of 12 and 15 in Makwanpur district. However, Nepal outlawed child marriage in 1963, the practice is still lush in Chepang communities of the Kakada, Bharta, Sarikhhet, Kalikatar, Khairang and Dandakharka villages, among other rural areas (Bista, 2019). A study by Chhetri and Silwal (2018) also highlighted that the Chepang are native residing in the North-Western part of Makwanpur district. The poverty signifies as a key concern among the Chepang. Agroforestry practice noticed the best and appropriate practice in communities through various mode of plantation. The lack of education, awareness and poor availability of food, income opportunity are constraints and limited within Chepang and this may be a cause of child marriage. During field executions early marriage was noticed in primary data collections, a detail study is required (Chhetri & Silwal, 2018).

The Chepang are known as Praja who are 59<sup>th</sup> groups of indigenous ethnic nationalists (Adivashi-Janajati-ethnics) that have been recognized in Nepal, they are marginalized and socio-economical deprived ethnical community depends on natural forest resources. On the other hand, Tamang are an indigenous inhabitant of the Himalayan region of Nepal, they are major Tibeto-Burmen speaking communities, they have their own distinct culture. Language and religion. Among Tamang, most of the people are marginalized and have traditional socio-cultural activity within Makwanpur (Piya et al., 2015; Chetry et al., 2018).

A review by Chetry et al (2018) highlights that the majority of Chepang may last for 5-6 months from the maize and millet they produced in self-land. For the rest of the year, they fully depend on wild food arounds that is as important as agriculture practice, as well as by hunting-fishing, perform wages earned as labourers (Chetry et al., 2018; Bastakoti et al., 2008; Timalisina & Silwal, 2024).

According to the Law Commission-Nepal has barred child marriage and the minimum age to get married is set for 20. The National Penal Code, 2017 in its section 219 (2) states, "Where any person has sexual intercourse with a woman without her consent or with a girl child below 18 years of age even with her consent, the person shall be considered to commit rape on such woman or girl child." Also, further Section 219 (3) (b) elaborates raping a girl child of the age 10-14 gets the imprisonment of 18-20 years. The GoN is committed towards accomplishing its responsibilities and duties to respect, protect and fulfil girls and women's rights in every aspect (GoN & UNHCR, 2011).

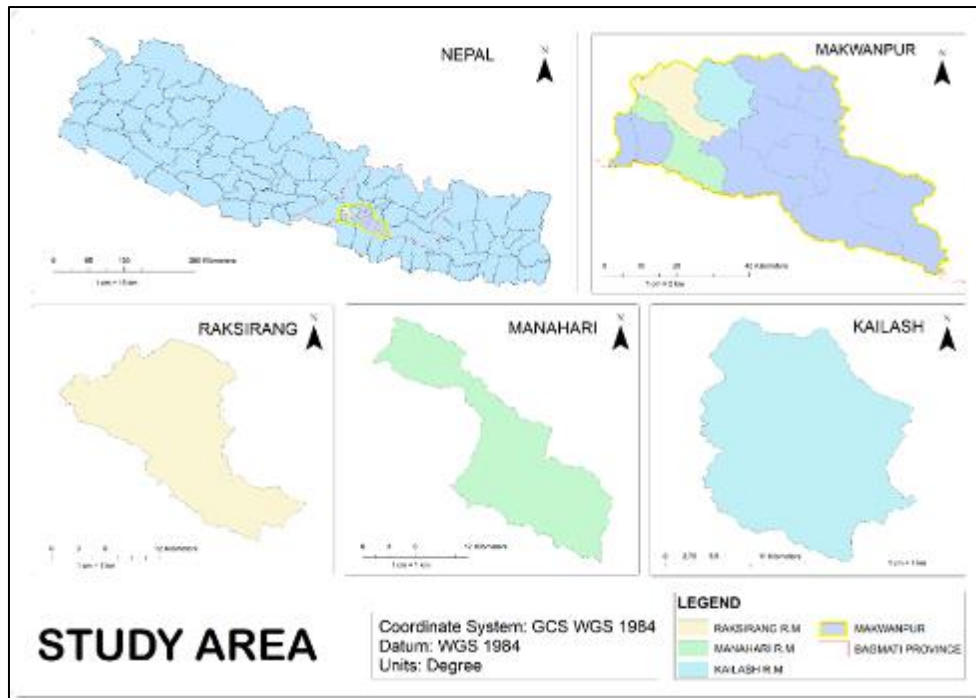
After the establishment of three tiers of Government in Nepal following Federal act, the Local Government role was useful to provide service to the people at the door steps. Apart from program and management monitoring, marriage and other social part is challenging to manage and aware among the people because culture is challenging to change.

Northwestern part of Makwanpur is considered as one of the post challenging areas from the food security, development and social and cultural perspectives due to presence of ethnic's communities. Marriage and other cultural practices are challenging to conduct, observed and empowered as this is a genuine process ongoing from the ancient time. Hence, this study set to explore the consequences of marriage and law associated with it in the various perspectives.

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## 2. Methods

This is a cross-sectional study following mixed method approach on which Chepang and Tamang communities purposively chosen for this study. Raksirang, Manahari and Kailash rural Municipality of Makwanpur chosen as a study area which are considered as the dense area for the Chepang and Tamang communities with distinct geography and consecutive Rural Municipalities in Makwanpur district. Under mixed method approach, a HHs questionnaires was prepared and conducted in communities targeting to the women respondents to delivered the house information for this study. A total of 400 HHs (Chepang-203 and Tamang-197) from the three rural municipality of Raksirang, Manahri and Kailash Rural municipality was taken purposively (Figure-1).



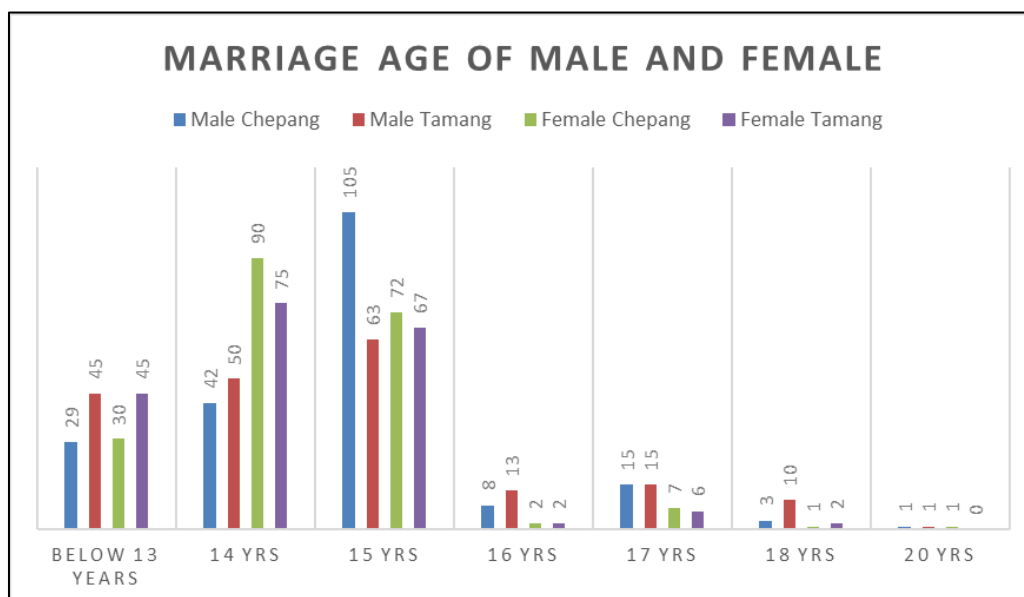
(Source: Self prepared map using GIS, 2024)

**Figure 1** Map of study area within Nepal (Bagmati Province-Makwanpur district (Three Rural municipalities: - Raksirang, Manahari and Kailash

Some 3 FGD and KII conducted in each Rural Municipalities. KII interview taken from the local NGOs, LG/ Ward representatives, Chepang and Indigenous Association members, Local School teachers, and Health officials who replied the causes and consequences of marriage within the study area.

### 3. Results and discussion

In the result section, various analysis through graphs and figure will be taken followed by other interview result to clarify the field information.



(Source: Field visit, 2023)

**Figure 2** Marriage age of Chepang and Tamang couple

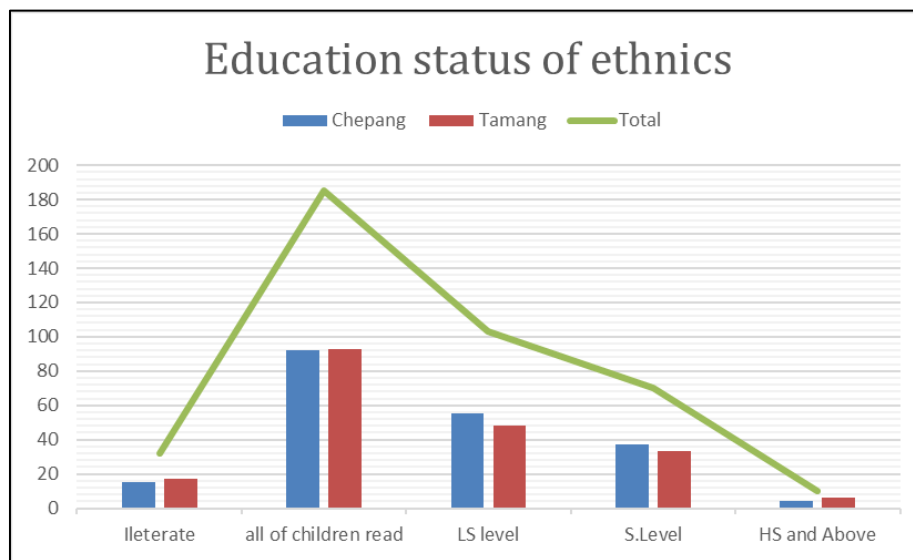
The majority of respondents answered that the marriage age of Chepang and Tamang comes in between 14 to 15 years in the surveyed area. Whereas the most sensitive data shows that still below 13 years marriage performing in the study area. Figure-2 also indicating that after 18 and 20 years the marriage practice is seen but very insignificant numbers.

The whole phenomena indicating that the marriage between male and Female performing at the early age and this is child marriage and the reason behind this marriage is essential to analysis.

Community people during interaction added further-the trend is common now a days for the marriage, young couple usually meet-interact and finalized the marriage at the early age and marriage takes place.

Local School teachers added similar fact that-The Chepang and Tamang both communities usually agreed such married because they have distinct culture and norms, if couples agreed and elope, they bound to bring them back and celebrate marriage accordingly.

Local ward representative added that farming and other livelihood factors is one of the main reason, farming is the prime occupation for the people and engaging couple in farm land make sense to starting of new institution and handing over the power by the older peoples in a family.



(Source: Field visit, 2023)

**Figure 3** Education status of the study area-Couples

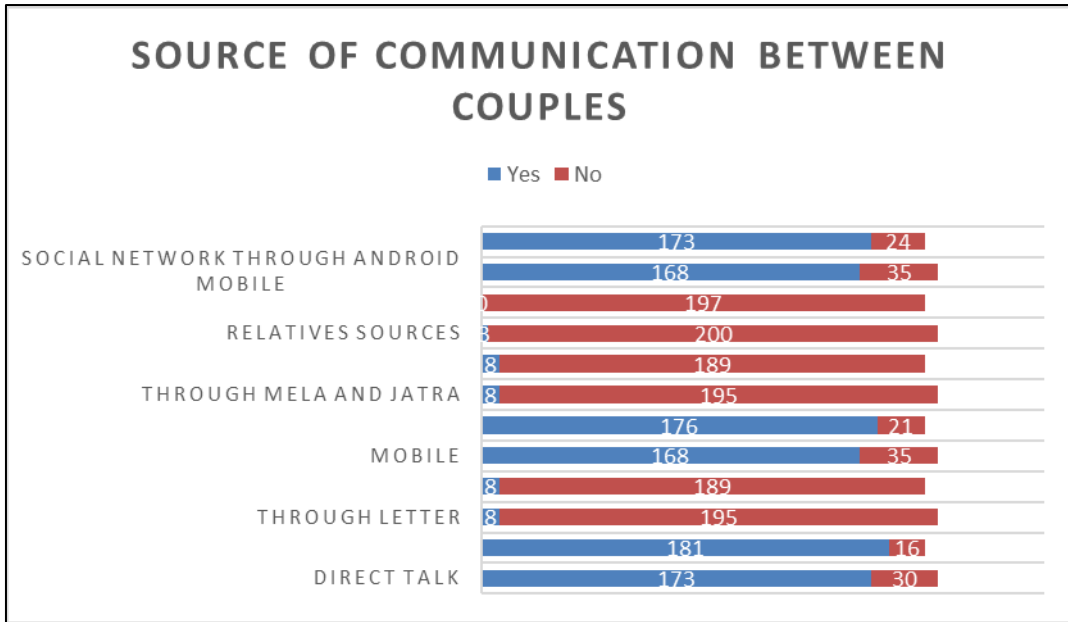
According to Figure-3, the education background of the surveyed couples seen that most of the majority are able to read well (Chepang-92, Tamang-93 Houses)-formal education means have been to school for 1-3 years. The education up to Lower Secondary-LS and Secondary levels are minimal. Where as still very rare couples have higher secondary level of education (Chepang-4 and Tamang-6 houses) and above in the surveyed houses.

The lack of education is the common fact in the surveyed areas. To validate this many FGD and KII was done and found that

Farming and livelihood priority is first for the ethnics in the study are and education priority is least in the area because to survive food is essential followed by shelter and after that education take places-Head Master of the Government schools.

Food security is a primary concern for Chepang and Tamang as the area is not sufficiently producing food from the own production as a result they spent more time in earning-NGOs.

Food security is a serious issue in the indigenous mainly in Chepang communities of Makwanpur as seasonal farming does not generate enough food to survive, hence earning is most priority, for this people do migrate to other part for earning, Henc education priority is less (Chhetry & DMello, 2022).



(Source: Field visit, 2023)

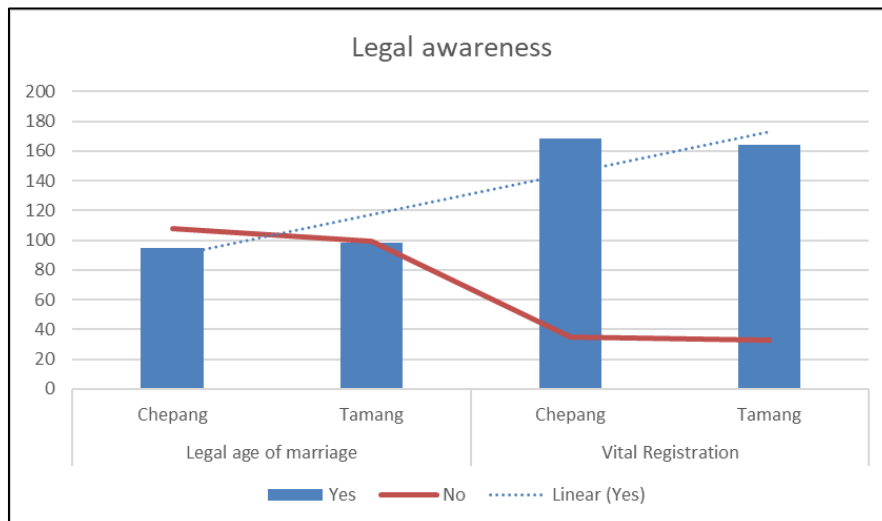
**Figure 4** Source of communication between youth before marriage

Figure-4 clearly indicates that social networking and mobile played a leading role in the connectivity of male and female in the study areas. This applies to both Chepang and Tamang communities. A direct talk also played a role of communication in between pairing, for this school, local areas and nearby places are the best to meet interact and share each other feelings obtained from the field visit.

Such medium and interactions between male and female tiding marriage intentions in Chepang and Tamang communities. From this interaction and way elope and love marriage generates.

FGD added that today’s children who studying in class 6 usually found a friend of his/ her communities and this interaction they somehow prepared for the marriage and after getting marriage they drop out schools.

During field interaction (Figure-7) through FGD and KII stated that social networking like Facebook, what’s Up, Viber and other medias have connected people of the local and neighbours, through this medium also friendship network is increasing and reaching to the marriage destination finally.



(Source: Field visit, 2023)

**Figure 5** Legal awareness

From the field survey it was found that the legal age of marriage as per the Law of Nepal stands 20 years and very few respondents (Chepang-95 and Tamang-98 out of 400 surveyed houses) knew about it. Similarly vital registration like, birth and citizenship registration aware satisfactory (Chepang-168 Tamang-164 out of 400 surveyed houses) and the responded confident about this information as shown in figure-5.

LG added that for the vital registration, various awareness programs run and aware the people, in the study area, people aware of the birth and citizenship registration as these are vital to get privilege of social grant, recommendations and other requirement during opening of account. But marriage legal consequences and awareness is critical to promote because child marriage is a tradition of the communities since ancestor time and this practice is culture for them.

Child marriage or marriage at the early age is none other than engaging people in domestic activities for this custom is topmost priorities for Chepang and Tamangs because they are less educated and poor and creating awareness and law implementation is very difficult in the present context-KII,

Figure-6 is an example of marriage couple performing ceremony as they both tide in a relationship under arrange marriages. The age of bride/ groom is 14/15 and school going, this indicates that in future the school continuity is challenging for the couple in the days ahead and again social challenges from the earning and health perspectives would be critical.

Local government also initiated many educational activities to increase the awareness on education and created economic empowerment but from the sustainable point these are not sufficient to create awareness.

From the post federalizations concept many development activities have taken on priority and Chepang and Tamang benefited from the multi- sectoral activities but from the traditional practice marriage and culture is ritual and social norms and genuine practice make sense in the houses. Family enlargements, social status, prestige's and wealth is the prime reason of Chepang and Tamang to run and survive in the society. After federalizations, no doubt the development progress increased and all services are getting at the door steps but geographical, climate change, cultural variation and modernizations are such challenges. From the Law perspectives, Urban sectors are no doubt using this as a weapon but the in the Rural areas still accepting and offering of mutual negotiation and societal approval is bogger tan any law.

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#### **4. Conclusion and recommendation**

The study further concluded as Chepang and Tamang have a challenging livelihood and survival of food and shelter is prime important for them. Lack of education is the primarily cause of poverty, low development and promotion of cultural activities which is beyond legal factors. Child marriage is a consequence where primitive societies like Chepang and Tamangs area are still witnessed marriage practice between 13 to 15 years of couple which is one hand a traditional practice and highly acceptance of families and societies but such practices are challenging for the policy makers and new federal system because in the modern period development and awareness makes a sense for all. The lack of awareness, education and less knowledges about the state legitimise is the prime reason of ongoing child marriage and policy makers are advised to review the years of marriage which stands 20 years and this could be well for the Urban people who engaged in education but in the rural areas people have limited access and opportunity and many responsibilities are fact. Hence, awareness programs and educational promotion could be the best way to create awareness and slightly decrease the rate of child marriage in future.

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#### **Compliance with ethical standards**

##### *Disclosure of conflict of interest*

No conflict of interest to be disclosed.

##### *Statement of informed consent*

Informed consent was obtained from all individual participants included in the study.

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Appendix



**Figure 6** A marriage couple of Chepang performing marriage ceremony at Raksirang RM, age of couples is 14 for female and 15 for Male



**Figure 7** FGD and Interview conducting by researcher in Raksirang LGs