

## **Report on the National Consultation on Prevention of Child Marriage held at New Delhi on 25<sup>th</sup> May 2012**

A National Consultation on Prevention of Child Marriage was organized on 25<sup>th</sup> May 2012 by the Ministry of Women and Child Development (MWCD). The main objectives of the consultation were:

- To place the issue of child marriage high on the national agenda for children
- To build a common understanding and framework on child marriage.
- To identify approaches, methods and good practices for preventing child marriage across the country.
- To contribute towards the development of a national strategy on the prevention of child marriage.
- To promote a national partnership/working group/think tank on child marriage

Smt. Neela Ganagadharan, Secretary, MWCD presided over the Consultation and welcomed the participants from State Governments, NGOs, experts and UN bodies. She outlined that the purpose of the consultation was to deliberate on the issue of prevention of child marriage so that the collective wisdom emerging from the deliberations can lead to formulation of a National strategy on prevention of child marriage.

In her inaugural address the Secretary outlined the various dimensions of the issue. She stated that child marriage seriously impedes the development of the children, and in particular it impacts the girl child with a stronger incidence and intensity. It hampers her physical, mental, emotional and psychological development. It limits the child's freedom in decision making, access to education, life skills and therefore better opportunities in life, growth and empowerment. The girl children become especially vulnerable to domestic violence, early widowhood, trafficking and other forms of abuse. Early marriage with early motherhood also leads to continuation of inter-generational cycle of malnutrition and poverty.

Citing the data Sample Registration System (SRS) findings of the Registrar General of India, the Secretary mentioned that even though the mean age for marriage of girls in the country has improved from 19.3 years in 1990 to 21.0 years in 2010, as per the National Family Health Survey 2005-06, 47.3% of all young women aged 20-24 were married by age 18, while 16% of men of age 20-49 were married by age 18, and 28% by age 20. The incidence of child marriage in rural areas is alarming as it stands at 52% when compared to urban average of 28%. These numbers are shown to be particularly high in states such as West Bengal, Bihar, UP, MP, Rajasthan, Chattisgarh and Jharkhand.

The Secretary further pointed out that while this issue is steeped in several multi-dimensional social, economic, cultural, community related aspects which make the prevention of child marriages a challenge for the government; several legislative and programmatic frameworks

have been designed to prevent child marriages. Their implementation however needs further strengthening. She emphasized that the need of the hour is to design a multi-sectoral national strategy in this regard.

Elaborating on the initiatives taken by the Ministry of Women and Child Development, the Secretary recalled that the Government has declared 24 January as the National Girl Child Day. Moreover, the SABLA scheme of the Ministry of Women and Child is being implemented in 200 districts across the country on a pilot basis. It aims at empowering the adolescent girl child, improving their nutritional and health status and providing them various life skills. The other schemes like the Kasturba Gandhi Balika Vidyalaya (KGBV), the National programme for Education of Girls at Elementary Level (NLEGEL) have significant components which contribute to preventing child marriages by way of empowering the girl child. She emphasized on the need for greater Inter-Ministerial efforts and also on having child marriage as an element in advocacy campaigns of all Ministries.

In conclusion the Secretary mentioned that there is a need for the change in the mindset of the society which largely perceives the girl child to be a burden on the families. An enhanced role of the civil society organizations in creating awareness by way of community mobilisation is important. The Secretary also mentioned that the Protection of Children from Sexual Offences Bill 2012 has provisions which will deter child marriages.

The following dimensions of the issue were discussed and deliberated upon during the day-long Consultation:

### **Session 1: Legislative Provisions**

Presentation- Ms. Asha Menon, Member Secretary, Delhi State Legislative Authority(DLSA)

Ms. Menon gave an overview of laws and legislations related to child marriage by giving history of the legislation

- **History of the legislation**
  - Child marriage is not religiously sanctioned but situational changes have made it a custom and social norm.
  - Historical Causes of Emergence of Child Marriage ó Wars, Alliances, honour of family, female infanticide
  - In 1860 the Indian Penal Code(IPC) for the first time took cognizance of the issue and the age of consent was decided at 10 years which was increased to 12 years in 1891.
  - There was a pressure on the British Government by women's groups to bring Act against Child Marriage
  - 28<sup>th</sup> Sept 1929, Sharda Act was passed which raised the age of marriage to 14 years for girls and 18 years for boys.

- 1940- IPC raised the age of consent for rape.
- Overview of the Prevention of Child Marriage Act (PCMA), 2006
  - 3 Categories of Child Marriage (Null and Void, Voidable, Void *Ab Initio*)
  - Provides maintenance from husband and also recognizes children born out of the wedlock as legitimate.
- Suggestions by Law Commission
  - All marriages before 16 years should be *Void Ab Initio*
  - Uniform age of marriage for girls and boys.
  - Compulsory registration of all marriages to be introduced and ensured.
- Conclusion:
  - There is a need to education society about the law and its implications
  - Firm Government Action is required
  - Coordinated preventive action around auspicious days should be ensured
  - Prosecutions and Punishment should be bereft of emotive issues. For example, Panchayats and villages should be held responsible and group punishment should be given as per provisions in the Act.

**The main points that emerged from the discussion in this Session are:**

- There is a very low registration of cases. The NCRB data shows only **60** cases registered in 2010 for violation of PCMA 2006, whereas the average marriage age in sample surveys depict a completely different scenario.
- The low rate of registration of cases is mainly due to the **social sanction** given to the issue.
- **Enforcement machinery in the States needs to be in place** to ensure implementation of the act and prosecution.
- It has been observed that Public Prosecutors (PPs) are not keen on taking up cases of Child marriage. The **option of having separate PPs for all cases related to women and children** needs to be explored.
- In most cases **punishment is not given** by Judiciary, and the decision to annul marriage lies with the girl after attaining 18 years.
- Due to connivance of family and community **there is a lack of strong evidence base** in majority of cases. The lack of substantial evidence weakens the case leading to state

enforcement officials and the NGOs facing difficulty in prosecuting families involved in child marriage.

- **There are no deterrent measures for officials indirectly permitting the practice** and almost negligible cases of punishments.
- **It has been noted, however, that wherever a case of child marriage is filed, even though there may be no prosecution, it acts as a deterrent for preventing child marriages in that village.**
- There are also legislative loopholes like the provisions in Schedule VI in the Constitution which recognizes customary laws. Further there is a lack of congruence among the existing laws and acts like the IPC, PCMA, Prevention of Sexual Offences Bill, etc. There is the need for reconciliation between the various laws and a **need for declaration of primacy of the Prevention of Child Marriage Act 2006.**
- **Registration of the marriages should be made compulsory as it will act as a deterrent.**
- The option of declaring a child marriage as void ab initio was discussed. But the opinion was that it might not act as a deterrent unless registration of marriage is made compulsory. It was discussed that it might create more problems particularly for the child bride, as social security measures are not in place. A child bride might not be accepted either in her marital family or in her natal family in such a case. It was also felt that **declaring a child marriage as *ab initio* void might further harm girls** as the children born out of such marriage might not be considered legitimate.
- It was also discussed that currently the victims of child marriage are not availing State provided legal services to prosecute their perpetrators. Rather, those accessing State legal services are those who are accused of a crime. It was proposed that **awareness programmes need to be expanded to ensure that such services are also availed by victims.**
- It was also suggested that the **age difference between legal age of the bride and the groom in PCMA 2006 should be removed**, as this was also a legacy of patriarchal mindset in which brides were expected to be much younger than bridegrooms.
- A positive suggestion for prevention of child marriage was **encouragement and support to group marriages conducted by the State** as this assists in bringing marriages in public domain and ensure registration of marriages.

- There was a question on whether the State is equipped to take suo-moto action under the PCMA. It was discussed that the Government of Rajasthan has already been taking action on these lines. However, gathering enough evidence for prosecution is an issue. It was suggested that follow up studies of cases where evidence was not available should be undertaken to have a clearer picture.

## **Session 2: Child Marriage and Gender Inequality**

In the second session on Child Marriage and Gender Inequality there was a presentation by Ministry of Health and Family Welfare (MOHFW), Department of School Education and Literacy, Department of Secondary Education, International Centre for Research on Women(ICRW) and UNICEF. UNICEF shared a detailed presentation on the theme, supported by graphical and pictorial depiction of the intensity of the problem.

**The main points that emerged from the discussion in this Session are:**

- Overall figures on child marriage are useful for situational analysis but **it is essential that in every State, districts with high percentage of child marriages are identified.**
- There are very few Government programmes focusing on adolescents, even within that, very few focus on child marriage. **In the existing programmes for adolescent girls, the focus is more on reproductive health rather than economic empowerment and legal awareness. There is hardly any programmatic intervention to reach out to adolescent boys.**
- While identifying feasible and replicable solutions to child marriage, a major gap is the lack of related programmes and policies.
- Even Conditional Cash Transfer programmes which are promoted by various State Governments to incentivize birth and sustenance of girl children have not been tested and evaluated, and they too are difficult to administer and monitor.
- Another major programmatic challenge is the **hesitation of the implementers to challenge social norms related to expected sexual behaviour.**
- The poor state of public education is also a major cause of child marriage.

- In many rural areas the lack of alternative schooling when formal secondary school facilities are unavailable has contributed to higher incidence of child marriage.
  - Moreover, lack of drinking water and proper toilets for girls has also been found to prevent girls from enrolling in schools due to which they become vulnerable to early marriage between the 14-18 age group.
  - Increasing accessibility of girls to schools particularly at Secondary level and providing incentives for the same was also necessary.
- Empowering of girls through information, life skills provision and more importantly legal awareness inbuilt within the education system was also very important.
  - It was also necessary to recognize that **child marriage has serious health implications in addition to violation of human rights**. The MoHFW also shared statistics on how 9% of the Maternal Mortality Rate (MMR) is contributed by girls in the age group 15-19 years and the Infant Mortality Rate (IMR) for the age group 15-19 was 81.2. These aspects should be brought out more specifically in any IEC campaign.
  - It got highlighted through statistics presented that Governmental interventions through programmes of Social Ministries like Health or Human Resource Development were not necessarily more prominent in high intensity areas where child marriage was taking place. Hence the need for **mapping of vulnerable districts and focus on those** was once again reiterated.
  - There was a suggestion for having **exclusive secondary schools for girls especially in the Northern States** where societal norms did not encourage young girls to study in co-educational schools or travel far from home for schooling.
  - It was also essential that the educational curriculum, particularly the **syllabus was modified to include modules and box-items on legal awareness on girls/women related issues** (*action point also highlighted in a subsequent session with State Governments*).
  - A case of community acceptance of child marriage was shared wherein when the State Administration (Rajasthan) instructed indicating dates of birth of the bride and the groom on wedding invitation cards, instead of sending invitation cards, resort to traditional ways of invitations (*haldi-chawal*) was adopted.
  - The members also highlighted the crucial role the NGOs can play in this area by supplementing the efforts of the State Agencies.

### **Session 3: Presentations by the State Government:**

The State Women and Child Development Departments of Andhra Pradesh, Bihar, Karnataka, Rajasthan and West Bengal made presentation on the efforts taken by State Government towards prevention of child marriage in their respective States. The main points that emerged from the discussion are:

#### **Andhra Pradesh:**

In Andhra Pradesh the Key Strategies to Address the Issue are:

- Capacity Development of Key Service Providers
  - -Women development and child welfare department.
  - Judiciary, Police, Revenue
- Community Mobilization
- Empowerment of Adolescent Girls
- Convergence with other Departments
  - Education
  - Health
  - Rural Development
- **Registration of Marriages has been made compulsory by Gram Panchayats and they have been directed to record the age of marriage.**
- District Collector has been appointed as District Registrar of marriages of the concerned district.
- Framed rules for "The PROHIBITION OF CHILD MARRIAGE ACT-2006" on 19<sup>th</sup> March 2012.
- Appointed Child Marriage Prohibition Officers (CMPOs) at various levels.
- Designated the Nodal Officers.
- Constituted Village Child Marriage Prohibition and Monitoring Committees.
- Village Child Marriage Prohibition and Monitoring Committee constituted in every village to monitor and supervise the implementation of the Act.
- 315 child marriages stopped since 2007.
- Mass Marriages at Srikalahasti during Mahashivratri have been stopped with the involvement of various departments and Self-Help groups.
- Solemnization / proposed solemnization of more than 200 child marriages stopped in Adoni sub-division in Kurnool district.
- Finalisation of more than 1000 child marriages avoided
- Community mobilization on the issue through Kala Kalajathas, street theater, IEC material display, wall writings, Sensitization of Panchayat Presidents and members, Caste Leaders, Purohits, Marriage Hall Owners, youth groups, Adolescent girls.

**Bihar:**

- The State rules were notified on 11<sup>th</sup> May 2010.
- SDOs have been designated as CMPOs and BDOs as Assistant CMPOs.
- Women help line across the State is instructed to monitor and report cases of marriage.
- Conditional Cash Transfer (CCT) scheme in place to delay age at marriage.
- Other scheme such as Kanya Cycle Yojana, Poshak Yojana, KGVB, Kanya Suraksha Yojana, SABALA have an impact on child marriage.
- A pilot intervention -Bhagidari with support from UNICEF was initiated.
- 5933 SHGs have been reached in 20 blocks of Gaya, Nawada, Vaishali and more than 300 Community cadre capacitated to act as community resource persons.
- Training and capacity building of CMPOs, BDOs, Police Officials, ICDS co-ordinators, Mahila Help-line and DPROs.
- IEC material on child marriage developed and disseminated.
- Development of State Plan of Action on Child Marriage and Dowry Prohibition is in the process.
- UDAAN- a scheme has been drafted by Women Development Corporation to develop a community lead process for child marriage and dowry atrocities.
- Proposal to develop a State Resource Center on child marriage.

**Karnataka:**

- The State rules were notified on 6<sup>th</sup> Feb 2008.
- State Plan of action on child marriage prevention is in place.
- Child marriage prevention was a central theme of National Girl Child day celebration in 2009.
- Intensive work is initiated by State in 10 districts with high prevalence of child marriage.
- IEC material on the issue developed and widely distributed.
- Amendment to the State rules has been proposed
- Revenue department has been roped in to register marriages.

**Rajasthan:**

- Prevention of Child Marriages is one of the points of Chief Minister's 7 Point Programme. CM addressed all MPs and MLAs.
- Letter from Minister WCD to all PRI members.
- Inter Sectoral Convergence through communication and joint activities.
- Chief Secretary addressed District Collectors before Akha Teej through video conferencing.
- Media support was garnered by organizing Media Sensitization.
- Multimedia campaign has been initiated to raise awareness.
- SDMs are appointed as Child Marriage Prohibition Officers and Control Room at District and Block level

- Lead taken by Judiciary for legal literacy on the issue.
- Vulnerability mapping & tracking of probable child marriages and out of school girls.
- Orientation of PRIØs and constitution of core group
- Agenda point in Gram Sabha and Gram Sachivalaya meetings

### **West Bengal:**

- Data base of adolescent girls in every district is collected to build target specific intervention and monitoring and tracking.
- Counseling of parents and significant decision makers in the family and community.
- Formation of adolescent girls group for counseling and awareness raising on the issue.
- Active participation of police personnel has been ensured.
- Support has been provided to married girls to attend school.
- Nodal officers have been designated
- Convergence with Education, health and other relevant department has been ensured.

### **The main points that emerged from the discussion in this Session are:**

- Need for convergence with programmes of Human Resource Development and Health Ministries as well as programmes of the Ministry of Women and Child Development like SABLE or ICPS
- Need for vulnerability mapping of districts, blocks and villages
- Greater use of Multi media campaign.
- Need for undertaking research on impact of conditional cash transfers
- Need for including the subject of child marriage in the curriculum in school, colleges and training institutes of police and judiciary.
- Need to promote community group marriages (regulation and subsidy) (*action point also highlighted in an earlier session*)
- Need for capacity building of Child Welfare Committees, Juvenile Boards/Police units, relevant field functionaries, Public Representatives etc.

- Sensitization of village level Government functionaries for tracking of adolescent girls in the village, particularly those that are out of school, in order to prevent child marriage.
- Need for empowerment of adolescent girls through continued State interventions
- Instituting Awards for Panchayati Raj Representatives who help in prevention of child marriages
- Strengthening enforcement of Right to Education for girl children.
- Providing incentives to informers of proposed child marriage.

#### **Session 4 - Promoting change at the community level**

##### **Mamta- Health Institute for Mother and Child**

- The strategies Mamta adopted were community mobilisation, advocacy and creating an enabling environment. The activities carried out were:
- Engaged adolescents and families by forming parents groups and network in order to create awareness on this issue.
- Targeted key people such as the health workers and religious leaders.
- Created safe spaces for adolescents such as youth information Centres etc.
- Engaged with the State and district Government on this issue.
- Built network of likeminded organisations and engaged with the media.
- In another project which was carried out in three districts of Rajasthan Mamta worked at three levels. First, in the community level, where they engaged with adolescents and provided information on issues that affected child marriage. The second level, they engaged with the nodal Departments, Panchayats and health workers in order to strengthen the system. At the third level, they carried out advocacy through media and IEC materials.
- Mamta advocated that a key strategy for preventing child marriage could be to strengthen local partners (NGO) and work towards building an environment where the community itself can be motivated to take action against child marriage.

## **Art of Living (AOL), Bihar**

- Art of living specialises in behavioral and attitudinal changes.
- The issue of child marriage was included in AOL workshop modules.
- The methodology adopted was
- Youth leader training.
- Nav Chetna Shivirs - where people were made aware of the importance of stopping child marriage and the legal provisions regarding the same.
- Padyatras were conducted where the Guruji addressed large gatherings on this issue.
- Similarly Satsangs were also carried out which focussed on the issue of child marriage.
- Orientation programmes for religious leaders such as pundits , maulvis and others were carried out.

## **Banglanatak.com, West Bengal**

- Prior to designing any programme there is a need to identify the recipient group that any Advocacy group is trying to address, assessing the level of awareness amongst the target group and only then appropriate programmes should be designed.
- The NGO gives a lot of focus to awareness generation and the medium used is theatre, posters, leaflets and rallies.
- Through these mediums, the NGO tries to focus on equality, education and registration of birth and marriages, dowry, domestic violence and other similar issues.
- In the assessment of the NGO, people do know about the legal age of marriage, but are not aware of the health implications of early marriage. many of them are also not aware about legal provisions of dowry, what constitutes domestic violence and are also not aware of who to approach in case of problems related to marriage.
- For advocacy through community movement, the NGO advocated that it was important that perceived assumptions and prejudices are accommodated in the script itself, leaving no chance for second guessing and afterthought.

## **The main points that emerged from the discussion in this Session are:**

- There is a need for a geographic mapping on the prevalence of this issue.

- The Law needs to be more effective.
- There is a need to adopt a multi- pronged approach of both carrot and stick.
- There may be a need to link registration of marriage to entitlements from the Government.
- There is a need for convergence of vocational training, education and health for maximum impact.
- In most cases CMPO are officers with additional responsibilities. While it is recognized that it may not be possible to dedicate specific human resource, there is a need to see how the existing platforms can be strengthened.
- Advocacy campaigns need to be designed in such a way that they reach the masses and are effective in delivering the message across.
- An important takeaway was that there was no need to formulate any dedicated specific programme on the issue of child marriage alone. Programmes need to be designed in such a way so to address a number of issues affecting the social malaise involving girl children and women.

**In the closing session, Secretary MWCD concluded the day’s proceedings, highlighting the following for further action:**

- Vulnerability mapping and focus on certain geographical areas with high prevalence of child marriages was important, and in this, the States would play a proactive role for focussed action.
- On the legal side, the recommendations of the Law Commission need to be looked up by the Ministry of Women and Child Development.
- The Ministry should also review the implementation framework for the PCMA. Inter-alia the suggested amendments in PCMA, e g. all marriage before the age of 16 years to be void ab-initio, difference between age limits of girls and boys to be done away with, and Prescribing a minimum punishment for abetment of child marriage may be further considered in future for amending the PCMA, whenever such an exercise is taken up.
- The Ministry would issue advisories to the States for considering compulsory registration of marriage, and for preventing elected representatives and Government officials from attending child marriages.

- The importance of involving civil society needs to be acknowledged for mobilizing key actors on the issue, and States might consider working with the civil society and chalking out a common action plan.
- It chalking out the common action plan, the focus needs to be on improving the status of women in order to ensure maximum synergy of efforts, rather than addressing merely the symptoms of the deep rooted social malaise of low status of women in society, e.g. just child marriage.
- Similarly, the Ministry would write to the various Central Departments and Ministries on the importance of coordinated inter-departmental action. The advisory would also underline the importance of strengthening existing platforms and facilities like Mahila Samakhya, Anganwadi workers, Nehru Yuvak Kendras, Panchayati Raj Institutions etc. and involving them strategically.
- Ministry of Women and Child Development will write to the Ministry of Panchayati Raj urging for increased involvement of Panchayats in:
  - Village Child Marriage Prevention and Monitoring Committee
  - Involving SHGs/Women's Group/Aasha, ANM, etc for identification and tracking of vulnerable girls.
  - Holding Panchayats/village responsible through group prosecutions.

There could also be awards/recognition for PRIs/Child Marriage Free Villages, on the lines of Nirmal Gram Puraskar.

- The States might consider using the provisions of the Prevention of Child Sexual Offences Bill, 2012 appropriately also as an instrument and deterrent for Child Marriage.
- It requires to be insisted by the States that the functionaries associated with PCMA at various levels have no choice but to implement the laws of the land, bereft of any emotive issues that they might have in personal capacity, or face penal action for dereliction of duty.
- The States could consider granting incentives to informers of proposed child marriage without revealing identity of the person.
- Judicial administration at various levels could consider appointing separate public prosecutors for women and child related cases, and State Legal Services Authorities could have awareness programmes with focus on the victims so that they come forward to avail themselves of such legal services rather than the accused as is felt to be the case

at present. MWCD will write to the Ministry of Law, Ministry of Justice and to the National Legal Services Authority accordingly.

- All advocacy/media/IEC campaigns aimed at children whether from Education, Health or Economic perspective need to have an element of Child Marriage built into it.
  - Convergence between health (RH) and Prohibitive IEC.
  - Convergence with other issues - dowry, child sex ratio, etc.
- Instead of conditional cash incentive schemes targeted at facilitating marriage of individual girls on attaining the legal age, the States could consider supporting group marriages of such persons, as this assists in bringing marriages in public domain and ensures registration of marriages.
- Planned interventions for economic empowerment of **adolescent girls and adolescent boys** needed to be thought of in a bigger way, by both the Central Government and the States by bringing in opportunities through legal awareness, life skills and employable skills with remunerative returns. This is the crucial target group which can question and stall decisions on their own marriage taken by elders. Involvement of youth-youth groups can be change agents.
- Chapters in school curriculum/textbooks could discuss about the socio-legal issues related to status of women and the issue of gender equality, which would include information on child marriage etc. as well.
- In particular, **a focus on secondary education** could make a huge difference. State investment in building schooling infrastructure, addressing the safety concerns for girls as well as providing for toilets, improving accessibility to schools and also incentivizing school education through more scholarships and hostels for girls could help.
- The States could consider holding regular sensitization and trainings for the following groups:
  - Child Welfare Committees, Juvenile Justice Boards, Police, Public Prosecutors and Judiciary
  - Those who facilitate marriage and provide infrastructure support (jewellers, barbers, pandits, etc)
  - Elected Representatives at all levels- Parliamentarians, Legislators, PRI/ULB members, etc.

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