**Views and Information**

**Policies, projects and measures undertaken at national and sub-national levels to eliminate child marriage**

Even though the Country has made progress on indicators related to education, health, employment opportunities the percentage of women married before the legal age of 18 still remains very high. In order to prevent child marriage, the Government brought into force a more progressive legislation namely the Prohibition of Child Marriage Act, 2006 (PCMA) repealing the Child Marriage Restraint Act (CMRA) of 1929, which prohibits child marriages rather than only restraining them. It also includes punitive measures against those who perform, permit and promote child marriage. It also provides for annulment of a child marriage and gives a separated female the right to maintenance and residence from her husband if he is above 18 or in-laws if he is a minor until she is remarried. However the State quotes” The States are vested with powers to formulate rules for implementation of this legislation and carrying out the provisions.” No follow up in done by the State.

One of the notable initiatives taken by India towards protection of children including the girl child has been the establishment of a National Commission for Protection of Child Rights in 2006 for proper enforcement of children’s rights and effective implementation of laws and programs relating to children. Policies, legislations, schemes and programmes are also in place so that the rights of the children are respected.

In order to address the issue of child marriage in a comprehensive manner a National Plan of Action defining, objectives, goals and strategies besides delineating roles of different stakeholder is required.

**How the Govt. is implementing their obligations under international human rights conventions and international human rights treaties on child, early and forced marriage at the national level**

In India child marriage is defined as the marriage of males below the age of 21 years, and females below 18 years (The Prohibition of Child Marriage Act, 2006). As per the National Crime Record Bureau (NCRB) data which is available for the period ending 2011 the numbers of cases registered under Prohibition of Child Marriage Act (PCMA) 2006 in the year 2009, 2010 and 2011 are 3, 60 and 113 in respectively. It is believed that all the cases of child marriages which are solemnized are not reported because according to the most recent data available (NFHS 3, 2005-06), it is estimated that around 46 percentage of women in the age group of 18-29 are married before reaching the legal age 18. It is estimated that there are 23 million child brides in the country, approximately 40% of the child brides globally1. While the rate of child marriage reportedly dropped to 46 percent in 2006, in some states child marriage prevalence still exceeds 50 percent, with the highest rates found in Bihar (64%), Rajasthan (58%), Jharkhand (60%), Madhya Pradesh (53%), Uttar Pradesh (52%), Chhattisgarh (51%), Andhra Pradesh (56%) and West Bengal (53%). The problem is worse in rural India as compared to urban areas, with 56 and 29 percent prevalence, respectively.

In the past decade, the incidence of child marriage has come down only by one percent per year. The age at marriage in some areas and among some communities is appalling low – 5 or even less. Though consummation takes place only upon attaining puberty, it is still harmful to the girl, and if the husband dies even before consummation, she is considered a widow, which can mean social taboos against remarriage, participation in family and community festivities, and being treated as a full member of these groups.

Action taken by govt. policies/programmes/laws – if either or both bride and bridegroom are under age, they can ask for annulment of the marriage once she/he attains majority. The Marriage Registration Act makes it mandatory to register all marriages.

The Eleventh Five Year Plan focused on legislative change and awareness raising on the issue. Platforms such as National Girl Child Day (celebrated on 24th January) and the schemes like Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA) are being used to raise awareness on the issue at various levels. During the Twelfth Five Year Plan a Girl Child Specific District Plan of Action is been proposed to be put in place with a focus on Districts/ Blocks with low CSR and high Child Marriage in about 100 non-SABLA Districts on a pilot basis. The action plan from the perspective of advancing rights of the Girl Child with measurable outcomes on increased CSR and age at marriage is proposed to be developed through partnership between civil society organizations and the local administrative machinery --.**THIS IS YET TO BE REALISED**

**Surveys, assessments and studies carried out at national and sub-national level on the prevalence of child, early and forced marriage and/or its impact on the human rights of women and girls and other affected groups**

Data on child marriage are not very accurate since though registration is mandated with age notification, the marriage is not nullified if not registered within a specific period, and so this requirement is ignored; ages are falsified if registration is done. Various other tactics are used to avoid prevention or penalties: either the marriage is solemnised informally without invitation cards, or cloaked as adult marriage, venues or dates are shifted, etc. Hence it is only in periodic surveys and censuses that themarriage status of persons is obtained, and even then the reported age at marriage is not necessarily reliable.

Action taken by govt. policies/programmes/laws – Data are collected by national surveys like the census,NFHS, DLHS etc. but these are much after the fact [surveys of age of marriage of women aged 18-24, for e.g.].

Social Action & Movements [NGOs, Media, Other] – various surveys on social issues especially focusing on women and children collect data in a limited area. These are sporadic, related to the objectives of specific projects and hence not uniform and easily comparable. They are not necessarily scientific.

**Adverse consequences on the enjoyment of human rights. Such as the right to education, the right to the highest attainable standard of health, including sexual and reproductive health.**

Child marriage is known to adversely affect all the above rights. CM is a major cause of school dropouts, early pregnancy when the reproductive system is as yet still maturing thus adversely affecting both the mother's and child's health and nutrition; in the mother's case it covers physical, mental, sexual and reproductive health; in the child's case it manifests itself as poor foetal development, low birth weight and poor growth.

Action taken by govt. policies/programmes/laws - national children's day and girl child day, saarc girl child day; kishori Shakti, kbgv schools, bhagyalakshmi scheme in Karnataka and muthulakshmi reddy scheme in TN to prevent female foeticide and infanticide and help in averting CM as also encourage education, similar schemes in other states; cmpa, marriage registration act, anti-dowry bill, joint property in woman's name, mch/rch, supplementary nutrition for pw and lms through icds.

**Harmful traditional practices, perceptions and customs that are obstacles to the full enjoyment of human rights.**

Devadasi system in Karnataka where young girls are dedicated to a life of prostitution, ostensibly in the service of god, but in reality serving priests and the rural elite. They are generally from the scheduled castes.In some areas, S.C. girls are made to perform lewd acts at festivals before they are rewarded with cash or gifts.

Action taken by govt. policies/programmes/laws – Karnataka has banned the devadasi system but the practice has not been stamped out.

Social Action & Movements [NGOs, Media, Other] – Several NGOs in the districts where the devadasi system is prevalent are active in prevention, sensitisation and rehabilitation.

**Development of the community as a whole, and that the empowerment of and investment in women and girls, as well as their meaningful participation in decisions that affect them.**

In the state, setting up of the committee and follow-up on its recommendations are very positive steps.Social Action & Movements [NGOs, Media, Other] – they have contributed through studies, observation, sensitisation, education, pro-active attempts at prevention and sensitisation, with many successes, such as alerting the relevant child marriage prohibition officers to an impending marriage, raiding the scene along with the police and CMPOs, obtaining an order from the court staying the marriage [a violation of which constitutes contempt of court and hence restrains many a parent from going ahead with a CM], sensitisation of the families, the young bridegrooms and brides through children and youth as well as any locally respected authority, moving a girl who seeks help to avoid being married early to a government observation home for some months, jathras, sensitisation of children and youth through their regular programmes, airing discussions and other programmes on radio and TV, etc.

**Steps taken and recommendations on or examples of good practices regarding possible appropriate measures and strategies to prevent and eliminate child, early and forced marriage.**

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