

Regional Conference on Child Marriage
held on 4-5 January 2018 at Bhubaneswar, Odisha

A Regional Conference on “Child Marriage” was organized by the National Human Rights Commission on 4-5 January 2018 at Bhubaneswar, in collaboration with the Department of Women & Child Development and Mission Shakti, Govt of Odisha. SAIEVAC and IACR were actively partnered in the Conference. It was held under the Chairmanship of Shri S.C Sinha, Hon'ble Member, NHRC, with six participating States, viz. Assam, Bihar, Chhattisgarh, Jharkhand, West Bengal and Odisha and was attended by the senior Government officials, members of State Commission for Women, State Commission for Protection of Child Rights, police officers, legal experts, Resource Persons and representatives of around 35 NGOs/CSOs/HR organisations and academic institutions.

2. The objective of the Conference was to raise awareness amongst all the stakeholders for protecting the rights of children, to ensure effective implementation of the existing legislations prohibiting child marriage, to review the challenges that lie in effective enforcement of laws and finally to arrive at the recommendations for implementation by the state governments so that the menace of child marriage is curbed and ultimately eliminated from the society.

3. The Conference comprised of panel discussions, open house discussions and thematic presentations by the working groups. There were five technical sessions besides the inaugural and valedictory session as under:

| Session | Theme/topics of the Session |
|----------------|---|
| I | Child Marriage: A reality check of Present status, Issues and Challenges |
| II | Policy Framework: Programmatic and Legal aspects of Child Marriage |
| III | Dynamics of influencing factors Including Social, Cultural, Economic and Environmental Aspects of Child Marriage: Preventive measures |
| IV | Human Trafficking and Child Marriage: Issues, Challenges & Road Ahead |
| V | Deliberations/ Making of Recommendations: Preventive Measures for Ending Child Marriages (Working Groups) |

Inaugural Session

4. **Smt. Chithra Arumugam, Commissioner-cum-Secretary, Department of Women & Child Development and Mission Shakti, Government of Odisha** welcomed Shri S.C. Sinha, Hon'ble Member NHRC, Shri Ambuj Sharma, Secretary General, NHRC, Shri Aditya Prasad Padhi, Chief Secretary, Government of Odisha, Shri Asit Kumar Tripathy, ACS, Home, Government of Odisha, Dr. Rinchen Chopel, Director General, South Asia Initiative to End Violence Against Children (SAIEVAC), Ms. Razia Ismail, (IACR) CSO Coalition to End child marriage in India, Dr. M.D.S. Tyagi, Joint Director (Research), NHRC, and all the officers/representatives/delegates from the participating states, resource person/panellists, NGOs/CSOs, invitees and other participants and stated that the child marriage is a complex issue in India, where 26.8 per cent women get married before they attain the age of 18 years. In 1992-93, the percentage of child marriage in the state of Odisha was quite high at 45.5, but it has declined in 2015-16 to 21.3 percent as per the National Family Health Survey-4.
5. **Dr. Rinchen Chopel, Director General, South Asia Initiative to End Violence Against Children (SAIEVAC)** while mentioning about the objectives, setting up of SAIEVAC and its journey, elaborated on the cross cutting issues that the organization deals which include Child Marriage, Child Labour, Corporal Punishment, Trafficking, Sexual exploitation, Child participation, Disability and Gender. He further mentioned that the SAIEVAC's work on the issue of Child Marriage started in December 2012 and the first regional conference was organized by SAIEVAC in November 2014, wherein South Asian countries participated and discussed the ways to move forward in strategic negotiations.
6. **Shri Asit Kumar Tripathy, Additional Chief Secretary (Home), Government of Odisha**, expressed his gratitude to National Human Rights Commission for choosing Odisha as the venue of the two-day Regional Conference on Child Marriage. He said that the discussion on the issues of prevention child marriage

even after 70 years of India's independence lends a huge urgency to address the problem. He highlighted that in Odisha, still 21 percent marriages are underage marriages and it is high time now to reduce this illegal social practice proactively.

7. He informed that the State Home Department has taken several initiatives to address the issue of violence against women by setting up **Mahila and Sishu desks** at every police station and designating one woman police officer for facilitation of complaints. He further stated that **Reception centres** at every police station have been established to provide assistance to the survivors of child marriage. Shri Tripathy apprised that the State has **37 Anti-Human Trafficking Units (AHTUs)** that deal with women and child trafficking issues. Every district in Odisha now has a special unit to investigate crimes against women. These cases are now treated as **Red flag cases** and provided with Special Public Prosecutors.

8. **Shri Aditya Prasad Padhi, Chief Secretary, Government of Odisha** initiated by stating that in Odisha, child marriage rate is 21.3 per cent and is more prevalent in southern and western districts of the State. He apprised that even though Prohibition of Child Marriage Act (PCMA) as legal instrument is available, cases of registration are quite low. He stated that by recognizing the issue, government has started a massive initiative of tribal girls' hostels where more than half a million girls from tribal communities reside to study up to class 10th. He mentioned that this initiative would ensure that these girls are not married before the age of 18 years.

9. He also talked about the **Bi-cycle Scheme** for the girl students and **Mamata Scheme** for the mothers only above the age of 19 years. Further, for skill development, a campaign has been started with the objective to increase the number of girls to at least 50 per cent over the next couple of years in the ITIs (Industrial Training Institutes). He hoped that these schemes will have a positive impact upon the girl children to stay in education and look for jobs which will indirectly help them to stay out of the early marriage.

10. **Shri Ambuj Sharma, Secretary General, NHRC**, speaking at the occasion, highlighted that the comparative study between the National Family Health Survey (NFHS-3) and the NHFS-4 shows a positive trend in reduction of the incidence of child marriages of girls below the age of 18. The incidence of young girls giving birth to at least one child before they turn 19 has also reduced to 8 per cent from 16 per cent. He stated that even though we have 'Prohibition of Child Marriage Act' but the implementation is still quite dismal. He apprised that in 2015, there were only 293 cases registered under this Act which shows that law alone cannot address this issue. He concluded by stating that child marriage is not a simple criminal offence but rather it has social connotation and complexity.

11. **Shri S.C. Sinha, Hon'ble Member, NHRC**, Chairing the Conference, stated that Odisha is among the endemic States where the problem of child marriage is prevalent and in some other States such as West Bengal, Assam, Bihar, Jharkhand, Chhattisgarh, the dimensions of this problem are relatively large. So, the representatives of these States besides Odisha have been invited in this Conference to discuss and deliberate on the issue of child marriage. He stated that the tradition of marrying children at an early age is widespread not only in India but in some other South Asian countries also. He stressed upon the fact that there is a linkage between the prevalence of child marriage and the level of literacy, health care system, growth and development of the country. Referring to 2009 UNICEF data, he highlighted that out of the total global prevalence of child marriages, 40 per cent of that takes place in India but the plight is that only 326 cases were reported under the PCMA in 2016.

12. Explaining about types of crimes, he mentioned that there are two types of crimes that happen in the society - one is mala in se and other is **Mala Prohibita**. The mala in se crimes are recognized by the society as wrong in itself from the beginning such as theft, murder, rape etc. On the contrary, mala prohibita crimes are such activities which are not regarded as inherently wrong by the society or the people, but have been declared to be a crime by passing of a law and the child marriage is one such crime. Due to this reason, he pointed

out, the reporting of such cases is very low despite such high prevalence of child marriage in the society. On the UN Convention on Child Rights (CRC), he highlighted that the said Convention does not specifically mention about child marriage, but indirectly it prohibits child marriage as CRC recognizes the importance of parents and families in providing the best environment for the children to grow.

13. Shri Sinha explained that the problem of child marriage is among both males and females but it has more adverse effect on the girl children as compared to the boys. Child marriage is objectionable and harmful for several reasons. He highlighted that the child marriage leads to sacrifice of education, vulnerability to domestic violence and early pregnancy. It has also direct linkage with the mother being anaemic and having complications during the child birth. A young bride is deprived of education, health, safety and freedom of choice.

14. Shri Sinha continued by stating that there is a clear association between education and delay in the age of marriage. Dropout rate of girl children after secondary education level is higher than the male children because of lack of safe spaces in schools. To curb the practice of child marriage, there is a need to create opportunities to continue education and linking them with skill development training programmes.

15. At the end of the inaugural session, **Dr. M.D.S. Tyagi, Joint Director (Research), NHRC** rendered vote of thanks to all the dignitaries on the dais, Chairpersons/Members of the SHRCs, SCPCRs & SWCs, resource persons, panellists, delegates from the States and the participants.

Session-I: Child Marriage: A Reality Check of Present Status- Issues and Challenges

16. The Session was chaired by S.C. Sinha, Hon'ble Member, NHRC, and Co-chaired by Ms. Kasturi Mohapatra, Chairperson, Odisha State Commission for

Protection of Child Rights. Ms. Razia Ismail (IACR), CSO Coalition to End Child Marriage in India delivered the key note address. In this session, presentations were made by the representatives of the six participating States namely, Assam, Bihar, Chhattisgarh, Jharkhand, West Bengal and Odisha. The State representatives (one from the State Government and one from NGO/CSO working in the State) gave presentations on the prevalence, government programs, challenges and the way ahead.

17. Speaking on the occasion, **Ms. Razia Ismail, IACR and CSO Coalition to End Child Marriage** in India expressed that the child marriage has been declared nationally as the act of human rights violation. She stated that India is home to world's largest child population and to value them, there is a need to uphold their wellbeing, security, dignity and right to be children. The prevalence of child marriage is the unfortunate grim example of exploitation of their innocence. The Sarada Act came into force way back in 1929, and now there is Prohibition of Child Marriage Act, 2006, but prohibition is not in practice. She apprised that Supreme Court has pointed out a clear linkage of trafficking with child marriages and, therefore, more caring and watchful community and supportive local government is needed along with the Anti Human Trafficking Units.

18. She stressed upon the fact that the child marriage and its fallout is not a departmental issue rather it needs collaboration of all the sectors. Registration of all births and deaths has been mandatory since 1969, but it lacks a clear mechanism. Ms. Ismail further stressed that there are hundreds of civil registers but the age of child-brides are still unknown. She pointed out that each misfortune has three faces - before, during and after. It is the before stage that needs to be targeted, i.e., a child marriage must be prevented before it happens. The 713 administrative districts in the country can help to carry out mapping. At the end she stated that the representatives of six States will share their own information and insights and this will be a learning exchange in this Conference.

A. Assam

19. **Ms. Cauvery B. Sharma, Deputy Secretary, Women & Child Department,** said, that the prevalence of child marriage in Assam is 32.8 percent while there are certain pockets like tea gardens and some minority dominated areas where the prevalence of child marriage is quite high. Recently, ABITA (Assam Branch of Indian Tea Association) conducted a survey in Dibrugarh district where one fourth of respondents said it is normal for girls to get married between 14 and 18. They are better suited because they can work in the garden and another reason is their poor level of schooling. She informed that there are more than 800 tea gardens in Assam.

20. Child marriage has a social and psychological impact on boys as well as on girls but it is comparatively far more intense on girls as she is required for doing domestic chores and can't take decisions. Though the State has high incidence of child marriages but it does not get registered under PCMA. She apprised that as per the National Crime Record Bureau (NCRB) data, crime against children is high but among them procurement of minor girls is the highest in Assam which stands at 1303.

21. She further stated that child protection issues like trafficking, child labour as domestic help need to be addressed. Cash incentives need to be included in the strategy and empowerment of adolescent girls have to be planned. In the tea gardens, Assam Government has formed adolescent girls' clubs and mothers' clubs where their issues are being discussed and addressed. She apprised that in one of the tea gardens a girl came up and said that her parents are forcing her to marry before the legal age. After counselling of her parents, they were convinced and allowed her to continue studies. Initially these girls were forced to marry but now things have changed slightly and they are allowed to study.

22. **Shri Rafiqul Islam of Anchalik Gram Unnayan Parishad, Barpeta (AGUP)**, Assam, stated that the child marriage situation in Assam is very bad. It is above the Indian average range 32.6 per cent. There are districts like-Barpeta, Kokrajhar, Morigaon, Dhuburi, Goalpara, Baksa, Bongaigaon where prevalence of child marriage is comparatively higher. The major problem is that there are few secondary or high schools and the ratio of teacher-student is quite low. There is no college in these areas. Explaining his village level experience, he stated, though there is no practice of dowry system in Assam but safety and security is one of the reasons why child marriages are happening in these areas. Other reasons include displacement due to river erosion, poverty, social conflict, poor health of parents and large families. He also stated that the biased local leaders help parents to search groom to marry off young girls even though they know it is illegal. They make money out of this kind of marriages.

23. Talking about solutions he said, discussions are on with district administration, police and local authorities to implement existing laws and policies. Some lawyers with the help of notary produce false affidavits to prove that the girl is above the legal age of marriage. The organization is engaged with legal authorities, civil society groups and minority students' organizations on community awareness on such activities. The challenges are with regard to convincing parents with poor level of literacy against child marriage and organisation's limited human resources and infrastructure. No Village Level Child Protection Committee and Block Level Child Protection Committee is functioning in Assam. There is a need of registration of marriages to eradicate this evil, he concluded.

B. Chhattisgarh

24. **Shri Pravin Sonmani, Childline, Chhattisgarh** stated that the percentage of child marriages in Chhattisgarh State stands at 21.7 percent. Parents in rural areas are not aware of Prohibition of Child Marriage Act. The tribals have some customs, traditions and social norms that lead to child marriage. Other reasons are lack of education, apathy of government officials or distance between

administration and people and difficulties in understanding local (tribal) languages. There are some incidences of young boys and girls eloping and getting married. Some parents marry off their daughters at an early age to avoid elopement issue. The other reasons are dowry and groom's family getting easy money to invest and later to avoid any legal complications turn these marriages into pre marriage engagement.

25. Though the State has no skewed child sex ratio issue, but people from some States where girl child sex ratio is a problem, allure young girls of Chhattisgarh for job or false promise of marriage leading to trafficking. So, there is a clear link between low child sex ratio regions and trafficking of young girls into those areas. There is a need to prepare a list of drop out children from schools and link them with skill development programmes run by government. Also, IEC (Information, education and communication) materials used in creating awareness among villagers need to be done in tribal or local languages, he opined.

26. Speaking on the intensity of child marriages in Chhattisgarh, **Shri Bhuban Lal Sahoo, Programme Manager, ICDS, Women & Child Department** stated that most of the time it is seen that auspicious days like Akshaya Tritiya and Ram Navami are preferred by parents to marry off their daughters. In this connection, State Government has launched a special drive to curb the menace during these festivals. Besides, all the District Collectors, Police officers, Government Officials, Panchayat Raj Institutions (PRI) members and Child Development Project Officers have been directed/ given advisories to stop child marriages in their areas.

27. He also informed that in the year 2016-17, the Department came to know from various sources about the child marriage being taking place and was able to stop 341 child marriages. While in 2017-18 (till November 30) department received information on 501 child marriage cases, out of which 487 have been stopped by the team. FIR has been lodged in 5 cases of child marriages which

could not be stopped even after counselling of parents. Talking about creating awareness among the villagers where prevalence of child marriage is high, he stated that a booklet has been prepared on the adverse effects of child marriage and all the Anganwadi Workers (AWW) have been asked to distribute the same to create awareness among the villagers.

C. West Bengal

28. **Shri Suprit Sarkar, Women and Child Development department, Government of West Bengal**, while explaining about prevalence of child marriage in West Bengal stated that in 2007-08 as per the DLHS (District Level Household Survey) data the incidence of child marriage was very high with 54.7 percent, but it has sharply fallen as per the NFHS-4 data. He stated that in order to curb the growing incidences of child marriages in the state, the State Government has launched a flagship programme named – **Kanyashree Prakalpa** in 2013, targeting 6.1 million girls in the age group of 13-19 years as per the 2011 census. It is a conditional cash transfer scheme for the Kanyashree girls. Through conditional cash transfer on achievement of identified milestones, the girls from socio-economically disadvantaged families are able to gain financially as well as socially. The scheme has been appreciated and many parents are willing to enroll their daughters in this scheme. Besides, **Kanyashree clubs** and **Kanyashree yodhas** have been formed to fight the social evil of child marriage, he informed.

29. Talking about effective measures taken by the West Bengal Government to prevent child marriages, he stated that Women and Child Development and Social Welfare Department is the nodal department to take up child marriage issues in the State. District Social Welfare Officer acts as **Child Marriage Prevention Officer** in West Bengal. Government has framed the Prohibition of Child Marriage Prevention Rules on December 5, 2008.

30. **Ms. Sharbari Das, Justice and Care (NGO)** Throwing light on various issues related to child marriage, she explained that the girls have poor learning

outcomes and the dropout rate is high among them. There is hardly any opportunity for the girls in the age group between 15 and 18. Besides, poor implementation of laws and policies lead to high incidence of child marriages in the state. She recommended that there is a need to develop implementation and monitoring mechanism to ensure child participation, to develop holistic programme for the empowerment of adolescent boys and girls and rehabilitation plan for the survivors. She also suggested harmonization of three laws viz Juvenile Justice Act, Protection of Children from Sexual Offences (POCSO) Act and Prohibition of Child Marriage Act (PCMA) to curb the menace of child marriage.

D. Bihar

31. **Shri Maheep Kumar, Bihar Voluntary Health Organisation** apprised about the prevalence of child marriage in Bihar that according to 2011 Census, there are about 2,91,000 child marriages occurring in the age group of 10-14 years in Bihar. Though the NFHS-4 data shows that the prevalence of child marriage in Bihar has declined, still there are few districts where incidence of child marriage is high as compared to other districts. Two districts of Bihar, namely, Madhepura and Begusarai, are in the list of top 10 districts in the country having high prevalence of child marriages. He apprised that the State has formulated and notified the Bihar Child Marriage Prohibition Rules, 2010, and under this rule SDOs (Sub Divisional Officers) have been designated as Child Marriage Prohibition Officers. Government has launched a campaign against child marriage and dowry system while many schemes have been developed to protect adolescents from the clutches of child marriage.

32. Talking about the gaps, he further stated that there is a communication gap among various stakeholders on ending of child marriages. There is lack of awareness among government stakeholders and communities on PCMA, 2006. Further, reporting and tracking mechanism is not in place.

E. Odisha

33. **Smt. Chithra Arumugam, Commissioner-cum-secretary Women & Child Department, Odisha** apprised about the prevalence of child marriage in the State, Stating that the percentage of child marriage was 45.5 in 1992-93, but, as per the NFHS-4 data of 2015-16, the percentage of child marriage stands at 21.3 showing a sharp decline. But still there are some districts like Malkangiri, Nabarangpur and Mayurbhanj that needs intervention. She stated that many initiatives have been taken on PCMA 2006, like notification of Child Marriage Prohibition Officers (CMPOs) and their training, gender sensitisation training for both boys and girls and certain action points in the State Policy for Girls and Women 2014.

34. On building awareness, the State Government has taken various steps including publishing of leaflets on PCMA in Odia languages, developing poster and radio jingles and dissemination by Integrated Child Protection Scheme (ICPS), mass pledge on 'No to child marriage', child marriage free village and District Child Protection Units in 30 districts. Though there are many provisions in the legal basket, enforcement is a challenge. Education is a big game changer and the viable economic empowerment of the girl and her family will go a long way in addressing the problem of child marriage. The youth need to be made strong to question the social practices which are opposed to development. In Odisha, under the flagship programme Mission Shakti, the women self help group members can undertake community vigilance on child marriage she said.

35. **Shri Ghasiram Panda, Programme Manager, Action Aid**, stated that tracking child marriages have been taken up by the local Panchayats. Gram Sabha's resolutions have been taken up for child marriage free villages. Tribal communities are resolving not to allow child marriages in their communities and are engaging children, adolescent and youth for mass pledging.

36. Some of the suggested actions, he said, are expansion of Child Protection Committees (CPC) at village level and urban locality, tracking of drop out children by checking absenteeism, enhancing the RTE age from 14 to 18 years, facilitating mechanisms within the village/community to engage with the adolescents to address the issues of elopement and trafficking, improve convergence among ICPS, ICDS, Health, Education, PRI, skill building; establishing mechanism at community level for compulsory marriage and birth registration and setting up of monitoring mechanism for effective implementation of PCMA. He also urged NHRC to recommend to the States and Central Government to amend the PCMA 2006 to make the child marriage void and to formulate special schemes for the girls rescued from child marriage, trafficking and for single women.

F. Jharkhand

37. **Ms. Kalyani Saran, Chairperson, State Commission for Women, Jharkhand** mentioned about the prevalence of child marriages in her State. She stated that sometimes parents are equally responsible for the increasing number of child marriage incidences. Mostly poverty, illiteracy and social norms are the reasons of child marriages. State Commission for Women (SCW) has tried to intervene and counsel parents on child marriage issue. Through banners and street plays, awareness is being created amongst the villagers who are ignorant on various laws related to child marriage and the health consequences of child marriage. In some pockets in Bihar state, dominated by *Bangaldeshi* refugees, child marriage is more prevalent and the members of SCW travel to those areas to convince parents about adverse effects of this social evil.

38. **Ms Abha, Gram Jyoti, Deoghar, Jharkhand**, stated that in NFHS-4 data, the State stands in the third highest position in the child marriage incidences in the country. There are about top 10 districts where the prevalence of child marriages is high, among them are- *Godda, Garhwa* and *Deoghar*. She stated that apart from poverty and low literacy rates, girls are treated as burden not as

bread earners, and this encourages child marriage. Explaining the gaps she pointed out that there is no convergence among various stakeholders, non reporting mechanism of tracking child marriages, age proof is a challenge, there is no focus on empowerment of adolescent and keeping girls in schools. She further stated that the State Government does not have any strategic plan to stop child marriages. Child Marriage Prohibition Officers are the Block Development Officers (BDOs) who are not oriented or trained regarding the relevant Acts.

39. She suggested that there is a need to strengthen responsiveness and accountability to the problem of multiple stakeholders like civil society, local government and corporates; mass campaign on say 'No to child marriage'; promote IEC and Behaviour Change Communication (BCC) in local languages with pictorial messages; include the subject in school curriculum and awards for PRI members for making child marriage free village.

40. **Ms. Kasturi Mohapatra, Chairperson, Odisha State Commission for Protection of Child Rights** in the concluding part of the Session-I stated that early marriage leads to adverse consequences like malnutrition, maternal and infant mortality, domestic violence, HIV and violation of all child rights. She suggested prosecution against the culprits to be strengthened and all marriages need to be registered. Besides, to address the issue, convergence of all departments is needed. She stated that the Supreme Court has made it clear that POCSO Act is applicable in child marriage cases, and urged NRHC to recommend for amendment in the existing PCMA for making child marriage as void not voidable. She also stated that education can play a vital role in reducing high incidences of child marriages and suggested NHRC to recommend the Central Government to increase the age of children in the Right to Education Act from 14 to 18 years, so that the girls can continue their education and delay their marriages.

Session –II: Policy Framework: Programmatic and Legal aspects of child marriage

41. The Second Session was chaired by Shri Ambuj Sharma, Secretary General, wherein. Dr. Manoj Sinha, Director, Indian Law Institute, Shri Vikram Srivastava, Independent Thought, Dantewada, Chhattisgarh and Shri Shashank Shekhar, Advocate, Supreme Court were the Resource Persons.

42. **Dr. Manoj Sinha, Director, Indian Law Institute** stated that there are number of judgements which have to be disseminated to the public for awareness generation. The Child marriage issue has got a new dimension with the landmark judgement by the **Supreme Court on Independent Thought VS Union of India** delivered in 2017 where by the social issue case has been transferred to social legislation. He pointed out, that Right to Education is a fundamental right and every girl child should get education and that would help her to raise voice against child marriage.

43. Dr. Sinha stated that the persons working at grassroots are aware of various challenges in implementing the law, especially when it clashes with people's prejudices. So, sensitivities of the people need to be taken into consideration while implementing laws.

44. **Shri Vikram Srivastava, Independent Thought**, cited key aspects which were discussed during the proceedings of **Independent Thought VS Union of India**. He stated that two judges have pointed it very clearly that the rights of the girl child have to be recognized and any violation with a girl below the age of 18 years is not acceptable. He further stated that earlier there was protection for those men who wanted to marry minor girls but now this protection has been taken off. The Parliament through various legislations has emphatically stated that the practice of child marriage has to be prohibited. Parliament and law makers have cleared that the mechanisms have to work towards elimination of child marriage and protection of children.

45. He stated that the judges have found that some States have many Child Marriage Prohibition Officers (CMPOs) and some have few. So, it is not about merely designating people as CMPOs - rather it is about implementation. He pointed out that a child has a direct relationship with the State (Government). Even if the perpetrator is a family member, the State has to intervene in the matters of child rights violation. He also expressed his concern about complete absence of policies and schemes for the children in the age group of 14 and 18 years. The States have to build up need based programmes targeting this age group. He mentioned, Right to Education (RTE) age need to be increased from 14 to 18 years and up to class 12 at least for the girl children. He stated that during the proceedings, the judges have clearly pointed out if there is a conflict between tradition and violation of rights, then violation of rights will be taken into consideration. He said, all the states should follow the way of Karnataka state government which has nullified all child marriages.

46. **Shri Shashank Shekhar, Advocate Supreme Court**, talked about the legal provisions of IPC 375 (2) and POCSO Act. He said, POCSO Act and Prohibition of Child Marriage Act have merged at one point, while Juvenile Justice Act 2015 includes the (Child in need of care and protection) (CNCP) but PCMA does not talk about rehabilitation of survivor. A girl child and a married girl child, both are in need of care and protection.

47. He said, CNCP means the child has to be produced before CWC (Child Welfare Committee) and then taken to institutional care or non-institutional care. A married girl or survivor of child marriage also needs care and protection this part should be looked into. Talking about Child Marriage Prohibition Officers, he said, in most of the states CMPOs need to be appointed with independent charge. He urged NHRC to get a chapter added with PCMA where it can deal with dissolution of child marriage and also provide rehabilitation for married girl children. There is insufficient number of institutional care and rehabilitation homes, so alternate arrangements should be made for such children. He also urged for need to amend the existing law and to increase the legal age of marriage for girls from 18 to 21 years.

Session-III: Dynamics of Influencing Factors Including Social, Cultural, Economics and Environmental Aspects of Child Marriage: Preventive Measures

48. This session was chaired by Shri Ambuj Sharma, Secretary General, NHRC, and co-chaired by Dr. Rinchen Chopel, Director General, South Asia Initiative to End Violence Against Children (SAIEVAC). The Resource Persons/Speakers of this session were Dr. Chiranjeeb Kakoty, National Action and Coordination Group for Ending Violence Against Children (NACG-EVAC) and Ms. Sudeshna Ray, Member, West Bengal Commission for Protection of Child Rights.

49. **Dr ChiranjeebKakoty, National Action and Coordination Group for Ending Violence Against Children (NACG-EVAC)**, stated that both Assam and Arunachal Pradesh of the North-eastern part of the country, have substantially contributed to the issue of child marriage in the entire country. He further stated that child marriage relates to not only girls but boys who get married before the legal age. He emphasized that if a girl has 10 years of schooling, it has an impact on reducing incidence of child marriage.

50. The quality years a girl spends in school, empowers her to raise voice against child marriage. He pointed out that sometimes misinterpretation of religious scriptures lead to child marriages in society. Besides, displacement and climate change have also impacted on the increasing number of child marriages in the country. Safety and security factors also force parents to marry off their daughters at an early age. He suggested that there is a need to strengthen the existing laws rather to make a new one.

51. **Ms. Sudeshna Ray, Member, West Bengal Commission for Protection of Child Rights**, stated that there is a need of a huge campaign and statutory warning in every single serial that gets telecast that child marriage is injurious to mental and physical health'. She emphasized that both birth and marriage registrations have to be made compulsory. Talking about "**Anwasha Clinic**" in West Bengal where both men and women counsellors talk to people about their health and hygiene, she stated that boys and men also need to be taken

aboard and made aware of the child marriage issues. The issue of good touch and bad touch has to be made understood to the young children in schools to protect them from sexual exploitation. She also highlighted about **Sishu Shree award** for journalists who write on the child rights issues.

52. **Smt. Chithra Arumugam, Commissioner-cum-Secretary, Department of Women and Child Development, Govt of Odisha**, focusing on the preventive measures, said, that the Department is now working on to create e-pragati software' where the name of every child will get listed. This would provide a clear picture about their present status, enrollment, dropout and their movement through single or group migration. With the support from other two Departments i.e., School and Mass Education and Panchayati Raj Department, the list can be prepared. For the drop out children, she stated that there are plans to provide meaningful bridge courses and vocational training for a viable livelihood and empowerment of young girls. There is a need to further streamline and monitor the existing schemes such as Sabla'' especially for adolescent girls.

53. She also pointed out that the Department would emphasise on tracking of marriages at gram panchayat level. Besides, incentivisation and penalty have to be instituted for Gram Panchayat (GP) on making the village/ panchayat child marriage free or on occurrence of child marriage. An award, say as Rs 1 lakh per village and Rs 50,000 per habitation, can be given for making child marriage free village/ panchayat for a year. Also one common number should be displayed on the GP walls so that anybody may dial for any child marriage incidence.

54. She also stated that some of the districts in Odisha need special programme where the child marriage prevalence rate is high. To reach out all the school children, she said, one chapter in the school curriculum in local language on the social evils and life-skills module can be included. Mass pledge of the students against child marriage may also be held. To generate mass awareness, the department has planned to reach out to people through theatres and radio programmes in different local languages and dialects. She

also stated that steps would be taken to intervene at the point of vulnerability especially during flood, cyclone or any kind of disaster. During this time there is a pressure on family to marry off their daughters at an early age. In some districts the girls are forced to marry persons from outside the state and there is a need to break this trafficking network.

Day -II

55. The Second day of Regional Conference on Child Marriage started with Session-IV on Human trafficking and Child Marriage. The Session was chaired by Shri S.C. Sinha, Hon'ble Member, NHRC and Co-chaired by Ms. Razia Ismail (IACR), CSO Coalition to End Child Marriage in India. The Speakers/ Resource Persons of the session were Shri Ranjan Kumar Mohanty, Secretary, People's Cultural Centre, Bhubaneswar, Shri Asheet Kumar Panigrahi, IG (Police), Government of Odisha and Shri Adrian Philips, Legal Counsel, Justice and Care.

Session –IV: Human Trafficking and Child Marriage: Issues, Challenges & Road Ahead

56. **Shri S.C. Sinha, Hon'ble Member, NHRC**, threw light on the issues of trafficking in the country. He stated that there are two aspects of trafficking: one is response to trafficking and the other is prevention. Emphasising on the need of tracking mechanism, he suggested that record of the persons who migrate for work should be kept at the village level and be compiled on monthly basis. The information should be shared with the districts officers to know about their current situation.

57. **Ms. Razia Ismail (IACR), CSO Coalition to End Child Marriage in India** shared her experience during an earth quake in Nepal. She mentioned that children are more vulnerable during such situation and thus there is a need to emphasise on their safety and focus on risk awareness. The girl child is exposed to multiple risks that include child marriage leading to trafficking. The children

with disability are equally vulnerable and it is important to address their vulnerabilities.

58. **Shri Ranjan Kumar Mohanty, Secretary, People's Cultural Centre** stated that there is a need to understand child trafficking from a child's perspective and not from an adult's perspective. He said that the reporting is very less in case of human trafficking and procurement of minors. While talking about the issues and challenges, he pointed out that dropout rate is very high at the secondary level. In order so to retain girls in the schools, age under the RTE should be increased to 18 years. He further stated that "trafficking of person's: prevention, protection and rehabilitation Bill" which is yet to come up should be taken forward by NHRC for public discussion and feedback. There is a need to identify and map the source, transit points and destination of trafficking of children for various purposes such as child marriage, bonded labour, etc. He stressed for a need of setting up of the functional child protection committee both at the village and also at community level. Along with this he further stressed on formation of children clubs to combat both trafficking and child marriage.

59. **Shri Asheet Kumar Panigrahi, IG (Police), Government of Odisha** stated that in police stations, the human trafficking cases are generally avoided to be recorded because the place of crime in such cases is not static. Such cases moves from one place to another, block to district headquarter, outside the state and sometimes outside the country. The investigation of such crimes involves lot of manpower, time and expenditure and, therefore, often many times small culprits are caught while the big mafias go scot-free.

60. From his own experience on dealing with the trafficking issue, he stated that unless the root cause is addressed, trafficking will not stop, and it will continue. Police has to identify chain of middlemen and take strong legal actions against them. Every district has dedicated Anti-Human Trafficking Units and they should work relentlessly in co-ordination with NGOs to track and see that the guilty is caught and punished. Talking on the issues of prevention of

trafficking, he added that rehabilitation of trafficked child in the family is needed. Due to poverty and illiteracy, people in the remote villages are ignorant about different developmental schemes run by the government, therefore, the NGOs working at the grassroots should make them aware and link them with these development schemes.

61. **Shri Adrian Philips, Legal Counsel, Justice and Care** pointed out that most of the time rescued girls languish in shelter homes with no education, no dreams, and no follow-up of the case because they are the only witness of their cases. He pointed out that, in India, internal trafficking from one State to another is massive. He stated that there is a need to break the network of traffickers, because today if 100 children are rescued, another 100 children will be in their net within two days. He also pointed out that there is lack of data linking child marriage with trafficking. Talking about the children born from the young mothers who are trafficked, he pointed out two things happen to them - either they are sold out after birth or groomed for trafficking. So, there is a need to look into this aspect too.

Session-V: Deliberations/Making of Recommendations: Preventive Measures for Ending Child Marriages (Working Groups)

62. This Session was chaired by **Dr. Rinchen Chopel, Director, SAIVAC**. The participants were divided into four working groups to make the recommendations and to suggest preventive measures for ending child marriages.

Topics of the four working groups were –

| Working Group | Subject |
|----------------------|--|
| I | Child Marriage: A reality check of present status, Issues and Challenges |
| II | Policy Framework: Programmatic and legal aspects of child marriage |
| III | Dynamics of influencing factors including social, cultural, economic and environmental aspects of child marriage : Preventive Measures |
| IV | Human trafficking and child marriage : Issues, Challenges and Road Ahead |

Recommendations

Working Group-I: Child Marriage: A reality Check of Present Status, Issues and Challenges

1. **Strategic Planning by the States:** States should design the State Strategic Plan and Action plan to address the age-old menace of child marriage which would be executed by various departments, development partners and all concerned stakeholders.
2. **Inclusion of the issue of child marriage in Gram Panchayat Development Plan:** The state must ensure that the Gram Panchayat Development Plans (GPDP) that are being prepared by Gram Panchayats to synchronize with SDGs must include 'campaign against child marriage' as one of the initiatives to achieve gender equality and to empower all women and girls and must review the status of incidence of child marriage in their jurisdiction regularly.
3. **Village level child Protection Committee (VLCPC):** Village level child protection committee should be responsible for child tracking and reporting to combat child trafficking and to prevent child marriages.
4. **Linking of marriage registration with AADHAAR:** There should be compulsory registration of marriage linked with the unique identification number i.e., Aadhaar, to keep a check on child marriages.
5. **Ensuring implementation of registration of births:** Registration of birth is an effective antidote to social evils like child marriage, bigamy and gender violence. Therefore, it should be ensured that all births are registered.
6. **Inclusion of child related laws in schools' curricula:** There should be convergence with MHRD at national level and Department of Education (DoE) at the state level to incorporate the laws relating to gender equality,

child marriage, child rights other related issues in the course curriculum and also in the teacher training module.

7. **Convergence in departments:** States need to ensure facilitation of interdepartmental convergence on the issue of child marriage.
8. **Engage community and religious leaders:** Religious and community leaders are the decision makers in communities where early or child marriage is prevalent. Engaging and educating these powerful men is key to changing the attitude of a community on childhood marriage. There is a need to focus on engaging religious and community leaders and educating them on the harmful effects of traditions such as child marriage on communities as a whole.
9. **Obtaining detailed data from frontline workers:** Data capturing is done by the frontline workers through maintenance of several registers which are updated periodically. In this regard, detail data should be obtained from these frontline workers (such as ASHA,AWW etc.) on age, education and health.

Working Group-II: Policy Framework: Programmatic and Legal aspects of Child Marriage

1. **Amendment in the PCMA:** (Offence) make it simplicitor criminal case: Bring an amendment in IPC.
2. **Three levels of Child Marriage Prohibition Officer:** The states must ensure that as per the provisions of sub section (1) of section 16 of the of Act 2006, Child Marriage Prohibition Officers (CMPO) are being appointed at State, District, Taluk levels who should report the statistics of the incidence of child marriage to the Secretary, Women & Child Development.
3. **Mandatory reporting clause on child marriage:** There is need to include mandatory reporting of the child marriage in PCMA similar to Section 19 of the Protection of Children from Sexual Offences (POCSO) Act.
4. **Community policing:** There is a need to introduce community based policing in every State for strengthening the police effectiveness in preventing child marriages as this would help in police officers and private citizens work together in creative way. One such programme in this direction is AMA Police Project introduced by the Odisha Police.
5. **Dedicated children courts:** States to have dedicated Courts for children and the cases pending at various stages under the POCSO Act need to be brought under childrens' courts.
6. **Children's group:** Associate with PRIs. (Schedule XI of Constitution)
7. **Role of RTE** - punitive action against parents who are not sending their children to schools, increase RTE age up to 18 yrs and upto class 10.
8. **Defining role of Panchayat Raj Institutions:** In order to address the issue of child marriage at the grass root level, it is important that the role of Panchayati Raj Institutions (PRIs) should be defined in the Prohibition of Child Marriage Act, 2006 (PCMA) itself.

9. **A child marriage dissolution law:** As child marriages are not automatically void and require divorce to terminate, it is recommended that there should be child marriage dissolution law.
10. **Speedy adjudication:** There should be speedy adjudication and dispose of cases concerning child, using provisions under all relevant Acts (PCMA, POCSO, Juvenile Justice Act and IPC) concerning child.
11. **Rehabilitation of rescued children:** There is need to have effective usage of various support schemes of National Legal Service Authority of India for rehabilitation of the children rescued from child marriage rehabilitation or have suffered exploitation or abuse of any kind.

Working Group-III: Dynamics of influencing factors including social, cultural, Economic and Environmental Aspects of child marriage : Preventive Measures

1. **Registration of births within 21 days:** Births should be registered within 21 days which could be through Primary Health Centre (PHC) involving key players such as Anganwadi workers, ASHAs etc.
2. **Universalization of marriage registration:** Marriage registration should be universalized.
3. **Creating awareness:** In order provide information, education and communication (IEC) on the effects of child marriage, the PCMA, avenues for reporting, there is a need to ensure usage of all kinds of medium like- television, radio, print, WhatsApp, Facebook, school workshops, street plays, posters, slogan, debate and paintings.
4. **Vocational training for high school students:** There should be institutions on vocational training for students completing high school. Child participation platform need to be activated. Further, life skill education should be made mandatory in schools and there should be one male and female teacher each devoted to this.
5. **All school children should be given a tag to put on their bag with saying "child marriage is injurious to health".**
6. **Role of business houses:** Business houses to help by using the tagline of against child marriage in their communications.
7. **Workshops for elected representatives:** Workshops should be organized for elected representatives at state, district and gram panchayat level to be strong advocates against child marriage

8. **Rewarding Sarpanch for preventing child marriage:** There should be provision of rewards to *Sarpanch* for making a village child marriage free village. Further, in case too many child marriages take place in a village, the Sarpanch should not be allowed to contest in next elections.
9. **Rewarding children:** Children who have acted in a socially responsible way by advocating for and achieving an end to the practice of child marriage, trafficking etc. in his/her community should be rewarded by the States.
10. **Awareness building of schemes:** Poverty is one of the main drivers of child marriage. There is need to create awareness about various welfare schemes aimed at uplifting the poor, empowering women and youth and for those people under below poverty line.
11. **Extending Right to Education from 6 years to 18 years:** Central Government should increase the age of children in RTE from 14 to 18 years, so that girls can continue their education and marriages could be delayed.
12. **Mobilization of funds under Corporate Social Responsibility:** Rope in corporate bodies and foundations to mobilize their funds under CSR for mainstreaming programmes related to improving the education standard of young boys and girls in the country.
13. **Installation of complaint boxes in schools:** There is need to install complaint boxes in all schools to help students air their grievances which may also be useful in preventing child marriages.
14. **Mobile App to connect to police control room:** There is a need to put in place a mobile app that is directly connected to the police control room.
15. **Maintaining drop out list of students:** School dropout lists should be maintained with reasons so that early intervention can be made to bring the child back to school.

16. **Quick response team at all levels:** Quick response team in panchayat, block and district level to address children's issues.
17. **Increase legal age of child marriage:** The legal age for marriage is 18 for women, 21 for men, according to the Prohibition of Child Marriage Act (PCMA) of 2006. It is recommended that legal age of marriage for a girl should be increased from 18 to 21 years.
18. **8th “phera” during solemnization of marriage:** There should be 8th “phera” during solemnization of marriage where an oath be taken by the couple on 'No to sex detection' and 'No to child marriage'.

Working Group IV: Human Trafficking and child marriage : Issues Challenges and Road Ahead

1. **Awareness Campaigns** should be initiated for victims, families in order to disseminate information on law, punishment and redressal procedure. People in remote villages should be made aware of various development schemes run by the government and efforts be made to link them with these schemes.
2. **Mainstreaming sections on social issues** particularly child marriage and human trafficking in school curriculum and teacher training.
3. **Social Media campaigns should** spread awareness on issue of child marriage and the various drivers that cause child marriage, in order to promote sensitive reporting and upholding rights of the child, and counter false information.
4. **Maintenance of Registration registers:** Registration registers need to be maintained at village, panchayat and block level for registering births, marriages and the movement of individuals especially children, foreign individuals and placement agents.
5. **Redressal mechanisms for children affected by marriage:** A complaint redressal system with a child helpline numbers has to be displayed in public places to keep check on child marriages and trafficking.
6. **Convergence of government** stakeholders, CSOs doing rescue, follow up and rehabilitation of victims has to be established.
7. **Appointment of Special Public Prosecutors** needs to be done.
8. **Modern investigative techniques** should be used including forensics.
9. **Appointment of support persons** for victims is needed.

10. **Creation of guidelines and SOPs:** There is a need for developing guidelines and Standard Operating Procedures to Facilitate the Protection of Trafficked Persons.
11. **Rehabilitation of rescued child:** There is hardly any attention been paid to the processes that facilitate return of the trafficked children to a life of dignity, therefore in this regard, it must be ensured by the States that after rescuing trafficked child, he/she is linked with skill development, vocational training in order to create employment creation through CSR.
12. **Incentivizing positive actions taken by stakeholders:** There should be creation of awards for police, public prosecutor and other stakeholders for positive action taken by them to stop child marriages, as this may further encourage them to continue their efforts/actions in preventing such social menace.
13. **Residential Schools for trafficked children:** Residential schools must be set up by every State for the children rescued from trafficking and child marriage.
14. **Dedicated research:** There is a need to conduct dedicated research to ascertain whether forced child marriages may be argued to be a form of child trafficking.
15. Persons with disabilities may be particularly vulnerable to either forced child marriage or are victims of trafficking for child marriage. This aspect needs to be looked at.
16. **Identification and mapping of the transit routes:** There is need for identification and mapping of the source, transit and destinations of children trafficked for child marriage or any other purpose.
