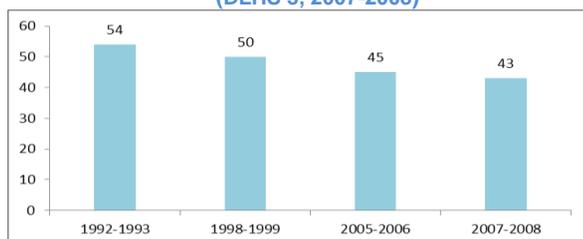


Child marriage is a major social concern and a violation of children’s rights – whether it happens to a girl or a boy – as it denies the basic rights to health, nutrition, education, freedom from violence, abuse and exploitation and deprives the child of his/her childhood.

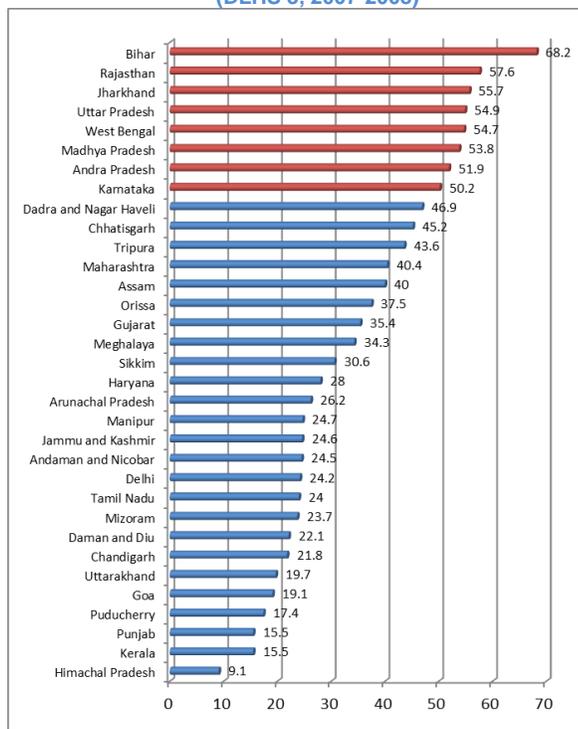
In India, nearly half (43%) of women aged 20 to 24 are married before the age of 18. There has been a decline in the incidence of child marriage nationally and in nearly all states (from 54% in 1992-3 to 43% in 2007-8), but the pace of change remains slow.

Percentage of women age 20-24 married before age 18 in India (DLHS 3, 2007-2008)



The states with the highest incidence of child marriage in the country are Bihar, Rajasthan, Jharkhand, Uttar Pradesh, West Bengal, Madhya Pradesh, Andhra Pradesh and Karnataka.

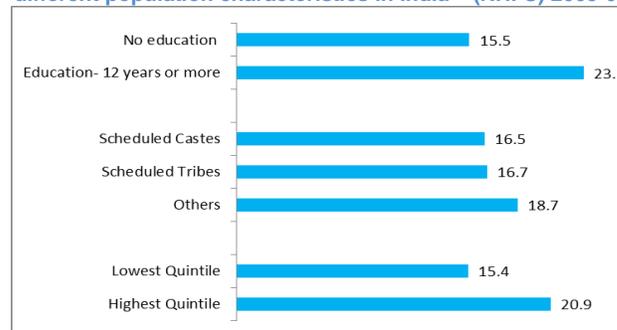
Percentage of women age 20-24 married before age by State (DLHS 3, 2007-2008)



Child marriage is a common practice all throughout the country but it affects girls in rural areas (48%) more than in

urban regions (29%).¹ Disparities may also be seen across different groups. Girls from poorer households and scheduled castes and tribes in addition to girls with less education tend to marry at a younger age.

Median age at first marriage among women of age 25-29 by different population characteristics in India – (NHFS) 2005-06



Harmful Effects of Child Marriage

Child marriage has adverse effects for the child and for the society as a whole. For both girls and boys, marriage has a strong physical, intellectual, psychological and emotional impact, cutting off educational opportunities and chances of personal growth. While boys are affected by child marriage, this is an issue that impacts upon girls in far larger numbers and with more intensity.¹ The consequences for girls are especially dire, as they are usually compelled into early childbearing and social isolation. Child brides will frequently drop out of school and be exposed to higher risk of domestic violence and abuse, increased economic dependence, denial of decision-making power, inequality at home, which further perpetuates discrimination and low status of girls/women.

Child Marriage and Health

Child marriage is associated with several health risks for the young mother, as early marriage may translate into repeated pregnancies at a tender age when the body is not fully prepared for child bearing.

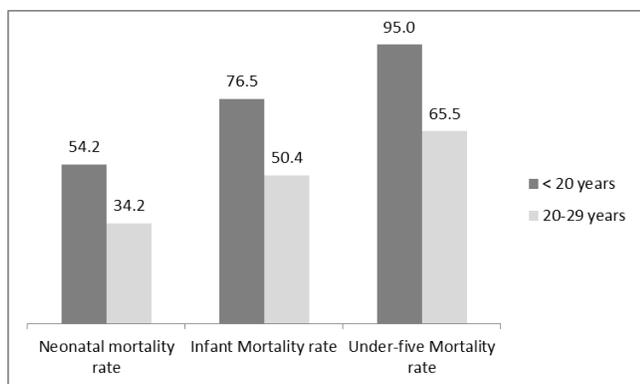
Girls age 15-19 are more likely (66.6%) to experience delivery complications compared to 30-34 year-old women (59.7%)² and neonatal, infant and child mortality rates are much higher for younger girls, as shown in the graph below.

Risks of HIV/AIDS infection are higher among young girls as their negotiation skills and experience to ensure a healthy sexual life are less developed.

Child mortality rates by age-group of mother in India - 2005-2006

¹ 48% of women age 20-24 in rural areas vs. 29% of women age 20-24 women in urban areas (DLHS 3, 2007-2008).

² DLHS 3, 2007-2008).



Evidence suggests children of young mothers are less healthy. For instance, for young children under the age of 5 years, the risk of malnutrition (stunting and underweight) is higher in children born to young mothers (married when they were still children themselves – i.e. below the age of 18) than in those born to women married after the legal age.²

Child Marriage and Education

Investing in girls' education is perceived as a waste of resources since families believe that a girl's education will only benefit her husband's household, and not the family of origin. Girls are married off into the groom's family and as a consequence they drop out of school.

In urban areas of India, only half of girls between 15-17 years of age attend school. The situation is even more acute in rural areas, where less than a third of the girls in the same age group attend school. 5.8 % of girls in the age group 6-17 years in rural areas dropped out of school as they got married (NFHS 2005-2006).

Child marriage and Protection

Girls who are married at a younger age are more likely to be victims of violence and abuse and are often forced to obey by the household rules as they have less power and negotiating skills. They are usually devoted to household chores with limited alternative means to earn a living.

For both boys and girls, child marriage implies no freedom of choice regarding their future.

Why is Child Marriage Still Rampant in India?

There are many factors which sustain the continuation of the practice of child marriage in India. Poverty and social norms intended to ensure family honour and protect girls are significant factors that increase the risks for a girl to be married while still a child.

These factors manifest themselves in the following collective and individual attitudes and beliefs which are still widespread in India:

- Unmarried girls are considered a liability to family honour. Child marriage is a way to ensure chastity

and virginity of the bride, thus avoiding potentially dishonouring of the family.

- Dowry perpetuates child marriage as it encourages parents to marry off their girls early to avoid an increase in the dowry amount (more educated girls usually require a higher dowry). Although giving or receiving dowry is a crime under the Dowry Prohibition Act, 1961, it is still a common practice.
- Girls are considered an economic burden for their family of origin and a "paraya dhan" or property that belongs to the marital family. Hence, the tendency is to marry girls as early as possible and reduce investment in their daughters.
- Investing in girls' education is not considered worthy as girls will be moving to the groom's household and will be employed in household chores. On the other hand, the limited education and livelihood options for girls lead to marriage being one of the few options for girls' future.
- With the aim of reducing the costs of wedding ceremonies parents often marry off their children early seizing the opportunity of collective/community marriage ceremonies³, marrying off all girls/daughters in one ceremony when there are multiple daughters in a family, and coupling a wedding with other celebrations – such as funerals - held in the community.
- Impunity, weak law enforcement and limited knowledge of the law by society perpetuate child marriage.
- Attendance of child marriages by local politicians and government officials contradicts their role as duty bearers against child marriage.
- Skewed sex ratio in some states has led to trafficking of girls in the name of marriage.⁴

Millennium Development Goals

Child marriage constitutes an obstacle to nearly every development goal:

- *Eradicate Poverty and Hunger (Goal 1): poverty is both a cause and consequence of child marriage;*
- *Achieve Universal Primary Education (Goal 2): Girls are compelled to drop out of school in order to get married;*
- *Promote Gender Equality (Goal 3): Girls face economic and cultural pressure to drop out of school, and face social isolation;*
- *Reduce Child Mortality (Goal 4): Babies born to adolescent mother have higher risk of dying;*
- *Improve Maternal Health (Goal 5): Pregnancy at a young age jeopardizes the health of young mothers;⁵*
- *Protection from Violence (Millennium Declaration): Girls may be exposed to violence when married at a young age into the groom's household with little decision-making power.*

National Commitments

- *Convention on the Rights of the Child (1989), ratified by India in 1992 - articles 19, 24, 28 and 34.*
- *Convention on the Elimination of All Forms of Discrimination against Women (1979), ratified by India in 1993 - article 16.*
- *Prohibition of Child Marriage Act, 2006*
- *Compulsory Registration of Marriages Act, 2006*
- *The Dowry Prohibition Act, 1961*
- *Right to Free and Compulsory Education Act, 2009.*
- *Eleventh Five-Year Plan 2007-2012 calls for the 'compulsory registration of marriages and verification of age at the time of marriage'.⁶*
- *National Plan of Action for Children 2005 sets the goal of eliminating child marriages by 2010 (Sections 6.1.4 and 7.1.3)*

Legislation and Enforcement

The Government of India has adopted the Prohibition of Child Marriage Act in 2006, replacing the Child Marriage Restraint Act, 1929. Complementarily, the Compulsory Registration of Marriages Act, 2006, The Dowry Prohibition Act, 1961 and Right to Free and Compulsory Education Act, 2009 reinforce India's legal framework against child marriage.

Prohibition of Child Marriage Act 2006 - Snapshot

- *The legal age for marriage is 18 years for females and 21 years for males;*
- *Child marriage is an offence punishable with rigorous imprisonment, which may extend to 2 years, or with fine up to Rs. 1 Lakh, or both;*
- *Child marriage is a cognizable and non-bailable offence;*
- *Child marriages are voidable and can be annulled;*
- *Persons who can be punished: those performing child marriages; male adults above 18 years marrying a child; and persons responsible for the child (i.e. parent, guardian promoting, permitting, participating or failing to prevent a child marriage).*

Following the adoption of the Prohibition of Child Marriage Act, 2006 State Governments/Union Territories are required to appoint Child Marriage Prohibition Officers and to frame Rules. So far 21 States have framed their Rules and 15 have appointed Prohibition Officers.⁷

Prosecution and convictions of persons perpetrating child marriage is a pending challenge. In 2010 only 111 cases were reported under the PCMA and only 11 were convicted (National Crime Records Bureau).⁸

Examples of Government in Action

In addition to the national legal and policies to eliminate child marriage, the central and state governments have many initiatives in place to address child marriage indirectly by focusing on the development of the girl child and promoting girls' education. At central government level, such schemes and programmes include:

Ministry of Women and Child Development

- Dhan Laxmi Scheme (2009) conditional cash transfer scheme to encourage retention of the girl in school;

- Balika Samridhi Yojana (BSY) (1997) scheme to address the problem of declining sex-ratio and gender discrimination through cash transfers at different stages.
- Integrated Child Protection Scheme (ICPS) (2009) promotes convergence of services for children in need of protection and care at all levels.
- Kishori Shakti Yojana (Adolescent Girls Scheme) (2001) focusing on improving the nutritional and health status of adolescent girls between 11-18 years of age, and promoting school attendance.⁹
- Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA) (2011) – recently launched with the objective of promoting empowerment, better nutrition and healthy habits, including reproductive health, education and life skills.

Department of Education

- Mahila Samakhyas (Education for Women's Equality) (1989) - scheme which promotes residential and bridge schools for girls called *Mahila Shikshan Kendra*.
- Sarva Shiksha Abhiyan – SSA (Education for All) (2010) programme which aims to universalise elementary education for all children in the 6 to 14 age group through community-ownership of the school system.¹⁰
- National Programme for Education of Girls at Elementary level (2003) - a component of the SSA which provides additional support for education of underprivileged/disadvantaged girls at elementary level beyond the normal SSA interventions.
- Kasturba Gandhi Balika Vidyalaya (KGBV) (2007) a component SSA for setting up residential schools at upper primary level for girls belonging predominantly to the Scheduled Castes, Scheduled Tribes and Other Backwards Castes and minorities in difficult areas.

National Commission for Women

- Bal Vivah Virodh Abhiyan (Child Marriage Protest Programme) (2005) - a nationwide awareness-raising programme against child marriage.

The Central Government has also established mechanisms for public recognition of positive role models, such as the National Bravery Award for Indian Children of Indian Council for Child Welfare in place since 1957, to children who performed outstanding deeds of bravery and selfless sacrifice. Several children have been awarded this prize for their actions against child marriage.¹¹

Some State Governments also have incentive programmes for girls in place since the 1990s, such as the Rajasthan Raj Lakshmi Scheme launched in 1992¹², and Haryana's Apni Beti, Apna Dhan – ABAD scheme (My Daughter, My Pride) initiated in 1994¹³. After 2000, additional State Governments have put in place conditional cash transfer schemes for girls, such as Delhi, Haryana (2005) and Madhya Pradesh (2006), and Karnataka's Bhagyalaxmi Scheme (2004).¹⁴

In addition to schemes, State Governments are also engaged in awareness-raising against child marriage and developing state-wide action plans on the issue.

Examples of UNICEF in Action

UNICEF has been working with government and civil society to foster a change in social norms and behaviours with regard to child marriage in addition to promoting institutional capacity and law enforcement. The following are some of the initiatives promoted:

- UNICEF supports the Government of India's capacity-building efforts targeting stakeholders responsible for implementing the Prohibition of Child Marriage Act 2006. This has implied the collaboration with the Ministry of Women and Child Development in developing a handbook to operationalise the Act.
- In Bihar, UNICEF is building the capacity of local faith-based leaders and kathavachaks on child marriage and creating a fleet of Yuvacharyas to act as door messengers at the village level.
- In 2007, the Education Department of the State of Rajasthan carried out awareness raising campaigns against child marriage inserting illustrated messages on the back cover of 40 million school text books.¹⁵
- In both Rajasthan and West Bengal, child helplines have been established to report and prevent child marriage cases.
- The use of media and the production of awareness raising materials have been a key component of the strategy in many of the States. Alternative means of communication such as street theatre and other community fora have led to mobilising 100,000 community members in Malda and Purulia districts in West Bengal.
- In 2009 the West Bengal Department of Women and Child Development and Social Welfare has developed a state-wide action plan and recently district plans have also been shaped.
- In the tea gardens of Dibrugarh District in Assam, 174 girls' clubs have been established in collaboration with the tea management industry to provide free spaces for dialogue and promote girls' empowerment.
- In the district of Purulia in West Bengal, girls have become positive voices against child marriage. They have yielded the supported of community leaders and government officials.

⁵ Ministry of Women and Child Development. Sub group report on Child Protection for the Eleventh Five Year Plan 2007-2012, pp. 6-8.

⁶ India's Eleventh Five-Year Plan 2007-2012, Volume II: Social Sector, Chapter 6: Towards Women's Agency and Child Rights of Children.

⁷ Ministry of Women and Child Development, email exchange, December 14, 2011.

⁸ <http://ncrb.nic.in/>

⁹ <http://india.gov.in/citizen/health/viewscheme.php?schemeid=71>

¹⁰ http://www.education.nic.in/ssa/ssa_1.asp#1.0

¹¹ The following boys and girls been awarded the National Bravery Award because of their action against child marriage: Dugi alias Minati (age 14, from Orissa, in 2005) and Chanigalla Susheela (age 14, from Andhra Pradesh, in 2005), Sushila Gurjar (age 13, from Rajasthan in 2006), Asu Kanwar (age 14 from Rajasthan in 2008); Congress Kanwar (age 13, Rajasthan in 2007). And the following children will receive the award in 2010: Sunita Mahato (age 13 from West Bengal), Rekha Kalindi (age 13 from West Bengal) and Afsana Khatun (age 14 from West Bengal).

¹² The Rajasthan Raj Lakshmi Scheme launched in 1992 aims to reduce female infanticide, increase age at marriage and reduce female illiteracy. The State government deposits Rs. 1500 into an account in the name of the newborn girl child, and after 21 years of lock in period the amount becomes Rs. 21,000 in 'Rajlakshmi an initiative for improving the status of girl child in Rajasthan.', Rashi Sharma, Rupali Goel and Hitesh Gupta, in the Indian Journal of Family Welfare, Vol. 49, No.1, June 2003.

¹³ Haryana's Apni Beti, Apna Dhan – ABAD scheme (My Daughter, My Pride) initiated in 1994 provides the mother of a newly-born girl-child, a 'confinement dole' of Rs 500 and an Indira Vikas Patra (IVP) of Rs 2,500 in favour of the child. The IVP is encashable when the girl turn 18 years (the amount becomes Rs 25,000) in <http://www.hvk.org/articles/1297/0049.html>.

¹⁴ As per Karnataka's Bhagyaxmi Scheme launched in 2004, the State Government deposits Rs 10,000 in the name of new-born girl child – irrespective of economic status - and the interest accrued from it could be utilised for her education. The deposit would mature when the child attains 18 years and the money could be utilised for her higher studies or marriage.

¹⁵ http://www.unicef.org/india/child_protection_3822.htm

¹ Early Marriage: Child Spouses. Innocenti Digest No. 7. UNICEF, 2001.

² The effect of maternal child marriage on morbidity and mortality of children under 5 in India: cross sectional study of a national representative sample. BMJ 2010; 340:b4258; doi:10.1136/bmj.b4258

³ Group marriages are also prevalent among Gujjar communities in Tonk and Bikaner districts in Rajasthan. These marriages are sponsored with funds collected from the Gujjar community by the Gujjar Group Marriage Committee. Many children are married during these community ceremonies.) in 'Delaying Marriage for Girls in India: A Formative Research to Design Interventions for Changing Norms (Bihar and Rajasthan). UNICEF and International Centre for Research on Women - ICRW, 2010.

⁴ Ministry of Women and Child Development. Sub group report on Child Protection for the Eleventh Five Year Plan 2007-2012, p. 25.