India ranks 13th in the world in terms of number of girls reported married before the age of 18 years¹. Recognizing that child marriage is a social evil that exploit the vulnerability of children; several socio-legal reforms have taken place in India since the 19th century. The reformist movements of the 19th and 20th centuries, such as the Brahmo Samaj and Arya Samaj played a critical role towards educating the masses to challenge the antediluvian practice.² In the 1920s, the women’s movement campaigned and petitioned for raising the age for marriage and consent, before the Joshi Committee, setup to review the Hindu Child Marriage Bill.³ As a result, the Child Marriage Restraint Act (CMRA) 1929, popularly known as the Sharda Act, was brought into force with the objective of eliminating child marriage. The Act was first amended in 1940 to increase the marriageable age from 14 to 15 years and in 1978, it was further amended to raise the minimum age of marriage by three years i.e. from 15 to 18 years in case of girls and from 18 to 21 years in case of boys. However, the CMR Act had its shortcomings— the procedures laid down under the Act were cumbersome, nor did it identify authorities responsible for preventing child marriages and most importantly, the Act did not focus on prevention or prohibition of child marriages. Hence, the Child Marriage Restraint Act was repealed and replaced by the Prohibition of Child Marriage Act, 2006.

The Constitution of India empowers the State to adopt measures for positive discrimination in favour of women and children for removing the cumulative socio-economic, educational and political disadvantages faced by them. Article 15 of the Constitution guarantees special attention to children through necessary and special laws and policies that safeguard their rights. The right to equality, protection of life and personal liberty and the right against exploitation enshrined in Articles 14, 15, 16, 17, 18, 21, 23 and 24 further reiterate India’s commitment to the protection, safety,

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**Relevant Statistics**

The National Family Health Survey of 2005-2006 (NFHS-3) confirmed that 45% of women aged 20-24 years were married before the age of eighteen years. Of these 58.5% were in rural areas and 27.9% in urban areas. As per the District Level Household and Facility Survey (DLHS) 3, 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 (DLHS-3, 2007-08). Among currently married women of age 20-24 years who were married before the age of 18, Bihar reported the highest incidence at 68.2% while Himachal Pradesh has the lowest incidence at around 9%. The analysis also reveals an east-west corridor spanning six states—including Rajasthan, Madhya Pradesh, Uttar Pradesh, Bihar, Jharkhand and West Bengal—that have the highest incidence of child marriage ranging from 51.9% to 68.2%. In each of these states, at least one in two currently married women in age group 20-24 years happens to be a child bride.

The National Crime Record Bureau (NCRB 2013) documented an increase of 52.5% in cases of crime against children in 2013 over 2012. The highest charge-sheet rate was reported in cases under rape (98.3%) closely followed by Prohibition of Child Marriage Act (95.1%). However, the conviction rate at the national level for these crimes stood at meagre 30.9%.


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¹http://www.icrw.org/child-marriage-facts-and-figures
security and well-being of all its people, including children. Right to equality is the principal foundation of all other rights and liberties. Article 21 guarantees personal liberty of an individual.

In line with the Constitution, Government of India has adopted major policies and programmes such as the National Policy for Children, 2013, National Strategy on Child Marriage and National Plan of Action specifically looking into the prevention of Child Marriage. Besides launching the nationwide campaign of 'Beti Bachao Beti Padhao', the central and state governments have also launched many schemes, among which some significant ones are: Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG), Balika Samriddhi Yojana (BSY), National Programme for Adolescent Girls (Kishori Shakti Yojana), Conditional Cash Transfer Scheme for the Girl Child, Ujjwala Scheme, Mukhya Mantri Kanya Suraksha Yojana in Bihar, Mukhya Mantri Balak & Balika Cycle Yojana in Bihar, Nandadevi Kanya Yojana in Uttarakhand, and many more.

In Madhya Pradesh, since 2007, 622 cases of child marriages have been reported by the government. Out of this, 256 cases of child marriage were reported in the year 2013 alone.

In Gujarat in the year 2013, 23 complaints were registered by the CMPO (Child Marriage Prohibition Officers or CMPOs are nodal agencies responsible for the implementation of the Child Marriage Prohibition Act, 2006). In 20 cases, CMPOs intervened and stopped the child marriage. In one case, wrong information was provided to the CMPO and in two cases, girls were above the age of 18 years. In 2014, 14 complaints were registered. Out of the 14 cases, in 10 cases the CMPOs intervened and stopped the child marriage; in 2 cases girls were found to be above the age of 18 years; wrong information was furnished in one case; whereas the other case has been filed in court and is still pending for final order.

As per the data provided for Andhra Pradesh, 577 cases of child marriages were prevented from taking place in 13 districts during October 2012 to May 2014.

### WPC Research Findings on Gaps in Implementation of PCM Act 2006 at the State Level

Women Power Connect (WPC), a national level organization addressing women's empowerment and rights in India, implemented a three year project to analyze the current status of child marriage and advocate for policy reforms and influence action towards its prohibition in high prevalent states of India. The following brief presents a snapshot on policy gaps and implementation challenges that were found in the 3 States around the Prohibition of Child Marriage Act 2006 at the state level in India. The major findings were as follows:

- Section 19 of the Prohibition of Child Marriage Act, 2006 (PCMA hereinafter) authorises State Governments to formulate Rules for implementing Act and carrying out its provisions in the States. WPC’s research study and its findings⁴, reveal that only 14 States/UTs have framed rules as envisaged under the Act so far. Data regarding most states/Union Territories like Assam, Punjab, Odisha, Jammu & Kashmir, Uttarakhand, Maharashtra, Rajasthan, Madhya Pradesh and Gujarat were not available in spite of seeking data through efforts from the state under the Right to Information Act. As per the data made available to WPC from Government of India, Sikkim and Himachal Pradesh have not yet

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framed Rules under the Act. Jharkhand, Nagaland, Meghalaya and Uttar Pradesh are in the process of notifying their rules. Meghalaya Prohibition of Child Marriage Rules, 2007 has been framed and awaits Government approval vide letter No.SW/SD/2/98/6696 dated 10.10.2007. In Nagaland, the draft copy of the Rules has been submitted to the government for approval. In many states, specifically the North-Eastern states and Himachal Pradesh the state governments reported that there is no requirement for translation of the Act and such documents in the local vernacular language.

- Under Section 16 of the PCM Act, it is the responsibility of the state Government to appoint Child Marriage Prohibition Officers (CMPOs). CMPOs are nodal agencies responsible for the implementation of the Child Marriage Prohibition Act, 2006 in every state including responsibilities towards preventing child marriages; ensuring protection of the victims as well as prosecution of the offenders. Much discretion has been given to the state Governments for determining the mode of appointment of CMPOs, the number of CMPOs to be appointed, their jurisdiction and any notification required to that effect. As per the data available under the study, with the exception of Sikkim, all states have appointed CMPOs for carrying the responsibilities laid down within the Act. However the appointment of CMPOs has varied and do not seem to be adequate as per the data available. The data elucidates that all CMPOs appointed hold additional charge apart from their regular responsibilities. In most states, Child Development Project Officers (CDPO) have been given additional charge of CMPOs. Madhya Pradesh, Nagaland, West Bengal, Meghalaya, Uttar Pradesh, Haryana and Puducherry have appointed CMPOs only at the district level. It can be inferred that accessibility to CMPOs in states such as Haryana, Madhya Pradesh, Uttar Pradesh and West Bengal is difficult because of large district sizes. Also given the fact that CDPOs are responsible for implementing major public programmes under the Department of Women and Child Welfare have a huge work load and essentially it is a challenge for them to fulfil the obligations and address challenges in order to prevent child marriage at the community level. It is only in Puducherry as per information made available, the Government is considering appointing a cadre of independent charge CMPOs under the Prohibition of Child Marriage Act, 2006. In Haryana, a cadre of protection cum prohibition officers has been appointed to look into the implementation of both the PWDV Act and PCMA. They are either qualified lawyers or hold a postgraduate degree in Social Work, thereby ensuring that they are qualified and capable of handling such cases.

- Since all CMPOs have been appointed on additional charge, they have been provided with facilities under their pre-existing posts. It can be assumed that no additional resources have been provided under the PCMA to the CMPOs for infrastructural setup. They may already have basic amenities such as furniture, telephone, fax and computers. In some states, based on their administrative rank/grade, they are provided with vehicles.

**Snapshot from a Village:**

Bishanpura, a small village in Deoghar district in Jharkhand, includes only 53 household and a population of around 1000 people. There is no Anganwadi (ICDS) Centre and primary school in the village. Only few boys go to the nearest high school, but no girls are allowed to attend the high school. Girls in the village are married early and have no right to determine their future.

**Under the present law, the authorities that have been identified for prohibiting child marriage are:**

1. Child Marriage Prohibition Officer; 2). District Magistrate; 3). First Class Judicial Magistrate or Metropolitan Magistrate; 4). Police; 5). Family Courts and 6). Any person(s) may be called upon by the state government to assist the Child Marriage Prohibition Officer. In most states, other than designated CMPOs, District Magistrate is the only agency that has been authorized under the state rules to specifically look into the implementation of the PCM Act, 2006.

States and UTs like Rajasthan, Daman and Diu and Puducherry also recognize the role of the First Class Judicial Magistrate or Metropolitan Magistrate in implementing the law. In Haryana, the Home Department has provided one male and one female constable to Prohibition cum Protection Officers in each district for implementation of PCM Act and PWDV Act. Puducherry, Daman and Diu, Dadar and Nagar Haveli, Himachal Pradesh and Mizoram have also identified Police as a critical agency in the implementation of the legislation.
1. In Madhya Pradesh and Jharkhand, awareness on child marriage as an illegal practice was found to be higher, up to 71% where as in Bihar awareness on the same was found to be as low as 21%.

2. In Bihar, Madhya Pradesh and Jharkhand, more than 50% of the respondents were found to know the right age of marriage for males, where as 90% of respondents were found to be not aware of the right age of marriage for females.

3. All most every Panchayat member interviewed knew about the PCM Act but at the same time 77% of PRIs accepted that child marriage is a menace in their respective Panchayat jurisdiction.

4. As much as 75% of all married respondents were found to have no knowledge on registration of marriages; only 8% of respondents were found to have registered their marriages.

(Source: WPC Baseline Research Study, 2013)

PROHIBITION OF CHILD MARRIAGE ACT 2006

- 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).

- Location of the office of the CMPOs is of utmost importance. In Haryana, the WCD Department has established Special Cells for Women and Children for the Prohibition cum Protection Officers. The Special Cells are located at the Police Headquarters in each district. This ensures effective coordination among the police and the CMPOs.

- In most states, no support staff has been engaged specifically for assisting the CMPOs in carrying out their responsibilities under the Act. In states like Odisha and Goa, officers of the Gram Panchayat have been assigned to assist the CMPOs. Also in some states officers/clerks at the municipalities have been appointed as clerks to assist the CMPOs in their day to day assignments. In Haryana, Data Entry Officers & Multipurpose Workers have been appointed to assist the CMPO with clerical work and record keeping.

- As per the data provided to WPC, no trainings have been provided to CMPOs in the following States/UT: Daman and Diu, Puducherry, Chandigarh, Himachal Pradesh, Tripura, Uttarakhand, Maharashtra, Dadar and Nagar Haveli, Madhya Pradesh, Gujarat, Goa and Nagaland. In Haryana, till date, seven 3-day trainings have been conducted by HIPA, NIPCCD and TISS-Mumbai. In Bihar, two trainings were organised in August and December 2010 by the Social Welfare Department supported by UNICEF and ICRW. Till date, CMPOs in Uttar Pradesh have attended just one workshop on PCMA organized by the Pandit J. B. Rural Development Study Institute in Lucknow. Besides capacity building of officers designated as CMPOs, the Women Development and Child Welfare Department in Andhra Pradesh has also organized four regional trainings for the Judiciary and Police. In 2013, Odisha organized a two-day State Level Sensitization Training for the CMPOs, District Child Protection Officers (DCPO’s) and Legal Aid Lawyers from the Legal Services Authority. Jharkhand had also organized a State Level Consultation on Prevention of Child Marriages on September 2012.

- Most states have taken initiatives to generate awareness on the PCMA using multi-diversified mediums including electronic media such as radio and television programmes; print media such as newspapers; mass and outdoor media like pamphlets and hoardings; campaigns, etc at the district, sub division and block levels. Some interesting efforts include the following. In Himachal Pradesh, Meghalaya, Andhra Pradesh, Haryana and Mizoram- Regular IEC camps on child marriage were held at the District, Block and Village levels by the designated Prohibition Officers. In Andhra Pradesh, regular sensitization programmes with members of Panchayat, caste leaders, ‘Purohits’\(^5\), marriage hall owners, youth groups and adolescent girls have been conducted. In the past five years, DoWCD and Directorate of Social Welfare in Bihar have issued social awareness

\(^5\) Hindu priests
messages through newspapers on the occasion of Akshaya Tritiya. In Puducherry, awareness programmes for the public have been conducted by Anganwadi Workers. Madhya Pradesh, Mizoram, Gujarat, Bihar and Andhra Pradesh have published IEC materials that have been widely distributed. In Gujarat, two programmes were conducted by the CMPOs for awareness building. However a detailed analysis reveals that the efforts for generating public awareness and creating a strong consensus against child marriage as part of any sustained awareness campaign have been missed out in all states. Child marriage is rooted deeply into practices at the family and community level. It needs a sustained sensitization and advocacy campaign involving responsible stakeholders leading to a social and behavioural change, the foundation of which should be the rights of children, girls and women.

- In order to standardize procedures for all agencies to ensure that the decisions they make are aligned to the principles laid down under the Act, some states e.g. Odhisa and Maharashtra have prepared guidelines or Standard Operating Procedures (SOPs). The SOPs identify and provide the agencies with a better understanding of the Act and its effective implementation to address the specific and individualized needs of children. The State Action Plan includes strategies for access to support services; communication and advocacy tools; data management; monitoring and evaluation.

- There are a range of programmes and schemes addressing need for child welfare in our country. Most of the existing initiatives or schemes broadly focus on education for girls, economic opportunities, financial incentives and improving nutrition and health status of adolescent girls. There exists a range of programmes and schemes addressing the issue of child welfare in our country but there are very few programs specifically focussed on child marriage. Bihar has initiated schemes like the Mukhya Mantri Kanya Vivaha Yojana6, Mukhya Mantri Kanya Suraksha Yojana7,

Ms. Renu holds a fragile body for a 25 year old woman hailing from a remote village in Bihar. When she was 14 years old and wanted to be a teacher, she wished to study, pursue a career, contribute to her family and build a ‘pucca’ house for her family and take a gas connection to ease her mother’s daily pain while cooking food for the family on a ‘kuchachula’; she was forced to marry. Instigated by the community and elders her father forced her out of school and got her married at the tender age of 14 years only. She was yet to be ready to bear the responsibilities of marital life; and hence was abused and by her spouse and in-laws for her repeated failures to match up to their expectations in fulfilling spousal and family responsibilities. By the age of 18 years she was mother to two children who were weak and by the age of 25 years she is mother to five children.

WPC Baseline Research Study 2013 indicates that in rural Bihar 79% of the respondents have no idea regarding the right age of marriage for girls and that child marriage is illegal.

6Under the Mukhya Mantri Kanya Vivaha Yojana, the Bihar government will issue a bond of Rs.2,000/- at the time of the girl child’s birth. The bond will mature when the girl attains 18 years of age and will be of help for her wedding.
7 The major objectives of this scheme are: to prevent female foeticides, to encourage birth of girl child, to improve sex ratio and to encourage birth registration. Benefits under this scheme are provided to those girls of BPL families who were born after November 22, 2007. Benefits are given to only for two girls per family. Under this scheme, an amount of Rs 2,000 is invested in Child Carrier Balanced Plan of UTI Mutual Fund in the name of girl. (Source: http://socialwelfare.icdsbih.gov.in/Schemes_Programmes/Schemes_Programmes.php?grpID=2&SubGroupID=2)
8 By this scheme students enlisted in Class IX under Government/ Government aided and other category schools get a bicycle valued upto Rs 2,500 so that she/ he can go to school every day. (Source: http://www.educationbihar.gov.in/PSchemesPdf/03Apr201325719.pdf)
9 http://pib.nic.in/newsite/PrintRelease.aspx?relid=109585
10 http://wecd.uk.gov.in/files/Women%20Schemes/W_Scheme06.pdf
poverty line is given an amount of Rs.5000, in the form of fixed deposit with the bank. This benefit is payable to the maximum two girl child of a family. At present a MoU has been signed with LIC under this scheme. But otherwise most states have ignored the need for allocating sufficient budget, undertake specific initiatives and design a clear road map towards implementing the PCM Act. Compiled by: