

COMMEMORATION OF A DECADE IN THE ENFORCEMENT OF PROHIBITION OF CHILD MARRIAGE ACT (PCMA) 2006

DATE: 21-22, December 2016

VENUE: Ashirwad Hall and EDC,
Bangalore

A REPORT

**Organisers:
CETROC-K**



Executive Summary

On the occasion of the completion of 10 years since the enforcement of the PCMA (Prohibition of Child Marriages Act-2006), a state level dialogue to review the achievements of the Act was organised by CETROC-K, a consortium of six NGOs in Karnataka namely MANUSH, PMSR, VIDHYANIKETAN, QWARDIS, CIVIC, CRT and TdH NL, on the 21st and 22nd of December in Bengaluru. Among those attending the meeting were representatives of various NGOs, ChildLine 1098 representatives of Nodal agencies, Collaborative centres and sub centres, Members and Chairpersons of Child Welfare Committees (CWCs), representatives of District Child Protection Units (DCPU) and the Education Dept. from across the state.



While the first day meeting was intended to encourage discussions and dialogue amongst various groups of people, actively preventing and educating against child marriages, and to give them an opportunity to raise issues they confront with and voice their opinions and suggestions, the second day saw the compilation of their demands and suggestions in a memorandum and its presentation to the authorities concerned who were present in the meeting as chief guests of the day.

Both the days served as an opportunity for the social workers engaged in the field work making huge efforts to stop child marriages, to voice their opinions, suggestions and improvements they felt necessary in the ACT.

The programme successfully came to an end with Justice ShivarajPatil, former Supreme Court Judge, Chairman, Human Rights Commission and Chairman of the Special Committee to recommend measures to stop child marriages; Smt.Motamma, Member of Karnataka Legislative Council and former-minister for Women and Child Welfare and Smt.Shakunthala, Deputy Director, Anti Child Marriage Cell, DWCD, GoK - assuring the gathering of implementing the new demands raised by the assembled groups of NGOs, ChildLine and Child Welfare Committees and DCPUs.

DAY-1

Stock taking of implementation of PCMA 2006 in Karnataka 21st Dec. 2016,

The first day was split into 2 sessions. The morning session witnessed district representatives of ChildLine and NGOs sharing the efforts taken in preventing child marriages and also providing support to the children who would wish to come out of the forced marriages and also directing the crowds' attention towards pitfalls in the Act which have caused problems for those directly as well as indirectly engaged in putting an end to child marriages. The second session made way for group discussions, among the participants who were divided into groups on the basis of the administrative divisions they hailed from, to suggest measures to improve the Act to protect the interests and rights of children.

The inaugural function began with the speech of Fr. Claud D'Souza SJ, former Rector, St. Joseph's College and a senior development activist who encouraged the gathering to take up more field activities, education and research projects in the area of reducing child marriages.



Mr. Vasudeva Sharma, Executive Director, CRT gave a brief insight about the on-going practices of child marriages in various districts of Karnataka and the ways in which they manifest themselves. He also narrated the development of the struggle against the practice of child marriages in Karnataka while tracing major milestones where the role of NGOs, Government, media and the law courts were involved. Later on, the stage was taken over by the representatives of numerous districts who narrated their experiences in encountering the masses, organised groups and some individuals who are still encouraging and assisting child marriages and how they made a change in the lives of the children who were rescued. They also took the opportunity to put forth suggestions for further improvement in this arena so that large number of innocent girls could be saved.

Kalaburagi Division

Kalaburagi division was represented by Mr. Manjunath. He narrated a few incidents of preventing child marriages, but concentrated on throwing light on the problems the NGOs and

A religious leader in the north Karnataka region, who had opposed the presence of NGOs and Govt. officers in a mass marriage, invited the UNICEF representatives to address a religious meet about prohibition of child marriages

ChildLine members encountered while working on the ground to avert child marriages. He mainly raised the issue of Gram Panchayats, in the district, issuing fake age certificates including birth certificates and other ID proofs which hinder the ChildLine members from taking any action against those facilitating child marriages.

Thippesh, a representative from the NGO READS, asserted that people in rural areas encouraged child marriages as a result of their age old superstitious beliefs which considered marriage of children at a young age, in the presence of grandparents, auspicious and an accumulation of good deeds for attaining salvation. He also explained how religion was used as a means to justify their acts. He felt the need to demand punishment for the concerned government authorities and Panchayats who fail to prevent child marriages rather than the families alone.

Belagavi Division

Sangamesh, a representative of ChildLine, emphasised on the need to create more awareness regarding the PCMA amongst district MLAs, Panchayat members and CMPOs (Child Marriage Prohibition Officers).

Mysore Division

The ChildLine representative from Mysore, Yogesh, listed out the specific factors promoting child marriages in different communities. The belief in Upper communities of the division that girls, soon after their first menstruation should be given off in marriage and the practise of sending off children in marriage for economic gains and dowry factors among the SCs and STs have contributed to the increasing number of child marriages. Not only this, child marriages have become prominent due to the parents' fear of their children eloping with members of other castes. Lastly, he also said that the Muslim community members performed child marriages openly without any guilt by giving the excuse that PCMA does not outweigh the Muslim personal law. On top of all this, families destroy all evidences of the child marriages being conducted, by not printing invitations, not capturing photos and also by asking the girl not to adorn the sacred thread. All these gave rise to many problems for the Childline members.

Bengaluru District

Nandkumar from Tumakuru reiterated the need for quick response systems and emergency resolution systems to prevent child marriages. With proliferating cases of child marriages being reported in both Bengaluru rural and urban districts, it is the need of the hour to bring in effective amendments in the ACT to solve the existing problems.

In Bengaluru division, several political leaders at state and district level have addressed public meetings on the importance of implementation of PCMA and have promised that neither themselves nor their supporters would support child marriages or influence the authorities not to act while preventing child marriages.

**Special Sharing
about the
experiences from
UNICEF
intervention**



Mr. RaghavendraBhat, from Koppal representing UNICEF, spoke of poor participation from ZillaPanchayats and lack of watch on the actions of Tehsildars as detrimental impediments in the implementation of the ACT to put an end to the growing count of child marriages. He encouraged the NGOs to take steps for the rehabilitation of the rescued children. He suggested that the CEOs and EOs in every district ought to hold the CMPOs and Policeofficials accountable for not averting child marriages. He also suggested that the District Commissioners ought to be given the responsibility of reviewing and monitoring the activities of the CMPOs.

ChildLine 1098 – experiences consolidation

Ms.Chitra Anchan,Coordinator for Karnataka,Childline India Foundation, initially gave a brighter picture of the scenario, highlighting the increasing number of cases being reported by the people every year. But,she later on expressed grief in acknowledging that not many children, after being rescued, were given rehabilitation facilities or after-care.Neither did any of the NGOs take efforts to maintain contact with the child after the rescue operation nor did the state authorities come forward to protect the interests of the child. She also drew the gathering’s attention to the fact that many of the NGOs had not produced the rescued children to the CWCs (Child Welfare Community). She emphasised on the need to sensitize larger number of people about the ACT and also to take efforts to change the biased attitude of rural people who usually blame the girl child for eloping and other causes without even analysing the child’s background. Lastly, she also advised the NGOs not to hesitate from taking stringent actions against the concerned families and authorities merely because of threats from villagers.

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Media has given adequate support to the movement by publishing articles and reports to educate the public about the Act, the need for prevention of child marriages, their consequences, etc.

The Second Session:

In the second session,the participants were divided into four groups-Kalaburagi division,Belagavi division,Bengaluru division and Mysore division.The groups spent time in elaborating the various issues they faced and the remedial solutions they considered necessary for sorting them out.The groups were also given a questionnaire (Annexure-1),the solutions for which were discussed in detail.

Likewise, each group came up with shortlisted solutions and changes they felt were necessary in the current ACT.

AIR stations have given special time to discuss about the need for prevention of child marriages as well.

Excerpts from each group are listed as under:

Kalaburagi Division

Conducting regular discussions regarding the child marriage issue along with political representatives and reviewing the activities of the CMPOs and spreading more awareness among the people regarding the evils of child marriages were few of the solutions propounded by this group.

Belagavi Division

Following were the resolutions put forth by this group:

- Enlightening CMPOs regarding their duties as provided under the ACT.
- Providing protection for the social workers engaged in stopping child marriages.
- Making people aware of the disastrous effects and consequences of child marriages-physical assault on the girl child, malnourishment, poverty, etc.
- Religious leaders should take efforts to educate people and discourage child marriages.

Several CMPOs, particularly CDPOs, DCPUs, teachers, BEOs, police officers, etc., have taken proactive role in taking action suomotu/on their own as per their roles in preventing child marriages.



Almost all CWCs have taken steps in protecting the child marriage victims by providing shelter in the homes under their supervision. They have given support as legally defined in JJ Act and PCMA, treating the child marriage victims as 'children in need of care and protection'. They have received children from ChildLine and other NGOs and Govt. officials, who were rescued either prior to the marriage or after the incident of child marriage.

Bengaluru District

- TV programmes and movies propagating child marriages should not be encouraged.
- CMPOs should be made accessible even on public holidays.



Mysore District

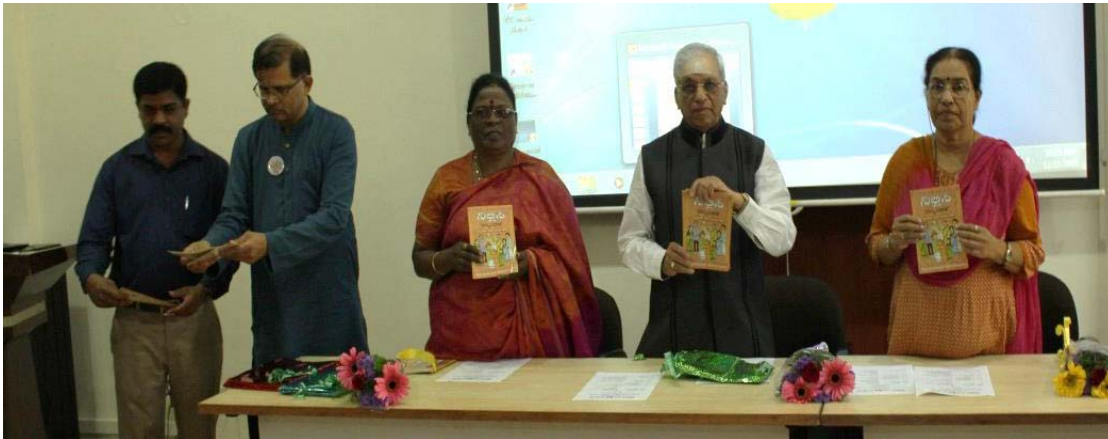
- Disciplinary action must be taken against CMPOs and other concerned authorities on non-performance of duties.
- The ACT should provide for faster adjudging of cases.
- Special courts to try child marriage cases should be set up.
- Appropriate measures should be taken to ensure proper documentation of age certificates.

With the exchange of the above solutions and ideas among all the groups, the programme came to an end.

DAY-2

Commemoration of 10 years of PCMA 2006 **22nd Dec. 2016**

The main highlight of the second day was the release of the booklet 'NillisiBaalyaVivaaha' (Stop Child Marriages), 'A Report on the Role of Teachers, Political Representatives and Youth in the Prevention of Child Marriages' and a Memorandum containing the shortlisted suggestions and demands discussed on the first day. The release was done in the presence of Justice ShivarajPatil, Ms. Motamma and Ms. Shakunthala.



Mr. Gopal, Director of Manush, representing the consortium, welcomed the gathering while sharing about the activities of the Consortium in the past one year.

This was followed by a presentation by

Mr. Vasudeva Sharma, CRT, representing the consortium, on the research findings – role of teachers, people's representatives and the perception of the youth about child marriages and prevention of the same. The report was released by the guests.



Soon after this, Smt. **Karthyayini** gave a presentation on the recommendations to various authorities for improving the implementation of the ACT. Amongst the big list of suggestions, were:



- The utilisation of the State Victim Compensation Fund for the rehabilitation of the children rescued from child marriages.
- Setting up Child Protection Committees under ICPS along with the Gram Panchayat President.
- Licencing the conducting of marriages after verification of all documents by the Tahsildar.
- Setting up ChildLine 1098 Networks in many more districts.
- Legal awareness for children, especially adolescents.
- Identifying the vulnerable and providing protection for them.
- Awareness building and

sensitising all stakeholders to issues which need more attention.
 ➤ Compulsory education for children up to 18 years.

The reports of the study as well as the recommendations given to the Government are distributed to the participants, media and the guests. The participants expressed that the Govt representatives should take the recommendations seriously and take it to the appropriate levels for implementation through circulars or Government orders, so that child marriages can be prevented and childhood and child rights can be protected. The biggest demand from the participants is that in remote rural areas the Govt officials and the concerned CMPOs are not responding to the demands even information is given in advance and as a result of their omissions the number of child marriages, child pregnancies are increasing.

In a few cases, NGOs and ChildLine have succeeded in getting 'injunction order' to prevent child marriages.



This was followed by the speech of Former Minister, Smt.Motamma who started by appreciating the work of NGOs and ChildLine 1098. She then spoke about the difficulties in bringing about speedy and radical changes in the

prevention of child marriages, blaming the reluctance of people in changing their pre-occupied notions of child marriage. She then threw light on the role of youth in bringing about changes and hence, the importance of raising children in the appropriate manner at the initial stages of life itself. She thrust the responsibility of changing the mind-set of people regarding child marriages on two factors: Family members and society or community members. She concluded by highlighting the significance of education for the girl child as a determining factor in the movement to reduce the occurrence of child marriages.

Mrs Shakunthala took a few minutes to hail the active work of all the NGOs and other participants present in the gathering for their contributions towards bringing about a positive change in the society.

For the much delight of the gathering, she also assured them of conveying the demands and suggestions voiced by them to the Ministry.



Justice ShivarajPatil appreciated the efforts of the NGOs and thanked the gathering for taking the mission all out to eradicate child marriage custom in the state. He spoke about 5 elements which, according to him, if implemented properly could successfully abolish child marriages:

- Ever vigilant civil society
- NGOs working with full dedication and service motive
- Committed and honest law implementing and law enforcing authorities
- Pro-active judiciary
- Responsible media

Apart from these, he also touched on the compulsory registration of FIRs, effective investigation, proper prosecution and finally speedy trial/judgement as essentials for the effective enforcement of the ACT.



Conclusion

A lot of productive conversations took place during the two-day meeting. The gathered activists, representatives of ChildLine 1098, CWCs, and Government departments strongly felt that although there were too many hurdles in preventing child marriages and protecting the rights of the children, there was hope as the number of supporters to the implementation of the Act were growing. The two day consultation also provided space and time for the activists to interact with each other and develop new relationships and networking. The group also agreed to take forward the experience and discussions of the meeting to relevant fora in the forthcoming days and continue to spread awareness about the need for strict implementation of the PCMA 2006 and the recommendations given by Justice ShivarajPatil Committee. Lastly, the organisers thanked all the guests for their time and the participants for sharing their experiences and suggesting measures to improve the implementation of the Prohibition of Child Marriage Act 2006.

ANNEXURE-1

On the event of completion of a decade since the enforcement of the PCMA-2006, this is an effort to analyse the practical on-the-ground scenario in the arena of protecting children from child marriages. Below listed are a few issues which need to be dealt with in serious consideration:

1. Which elements of the ACT have actually been implemented in the requisite manner and to what extent?
2. Which sections of the ACT have been successful in protecting children from early marriages?
3. In implementing which sections of the ACT, do the law enforcing authorities show lack of interest?
4. What difficulties are faced when applying other relevant/complimentary ACTs in enforcing PCMA to resolve cases?
5. How are we striving to achieve SDGs and National Development Goals if child marriages continue at the current rate? How do we reach communities, peoples' representatives, caste and religious groups at the grass root levels for a more inclusive implementation of the ACT from developmentperspective?
6. The extent of success or failure of the Government authorities/institutions in upholding the ACT.
7. What further steps are to be taken for better protection of children from child marriages and other social atrocities against them?
8. To what magnitude have the recommendations put forth by the Justice ShivarajPatil Committee been implemented and what is yet to be achieved of them?
9. To what extent have the directions given by Karnataka HC's Dharwad Circuit bench been implemented?
10. What further responsibilities are expected of the political representatives and other concerned authorities in averting child marriages?
11. What has been the role of media in preventing child marriages and what is yet to be achieved?
12. Have there been quality discussions and elaborations on the roles and duties of government related authorities/ Departments in this field? What is yet to be done?

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