### SUBMISSIONS TO THE TASK FORCE CONSTITUTED TO EXAMINE MATTERS PERTAINING TO AGE OF MOTHERHOOD AMONG OTHER CONCERNS

### NATIONAL COALITION ADVOCATING FOR ADOLESCENT CONCERNS 9<sup>th</sup> JULY 2020

We are a coalition of 21 organisations from across the country, working with children and adolescents on empowerment, education, life skills, health, sexual and reproductive health information and services, child marriage, gender based violence, sexual abuse and restorative justice, in urban, rural and tribal contexts. This submission draws upon our collective learnings – through provision of direct services, community-based intervention and research related to concerns that impact the lives of girls through adolescence and young adulthood - to support the Task Force in their reflections on underage marriage, and its intersections with maternal health outcomes, education and the law.

At the outset, we draw attention to the national data which shows a decline in child marriage in the last decade (from 46% to 27% for women, and 29% to 20% for men) and an increase in the median age of marriage (from 17.2 years to 19 years for women, and from 22.6 to 24.5 years for men). Given a gradual but sustained increase in age at marriage, we question the need for increasing legal age at marriage for girls, or declaring underage marriages void — which will artificially expand the numbers of married persons deemed 'underage' and criminalise them, and render underage married girls without legal protection. We caution against an increase in legal age at marriage from 18 to 21 years for girls for the reasons detailed below. Instead, transformative, well-resourced measures that increase girls' access to education and health, create enabling opportunities and place girls' empowerment at the centre will not just delay marriage, but lead to long term, positive health and educational outcomes.

#### PART 1: HEALTH RELATED

### 1. SOCIO-ECONOMIC CONDITIONS RATHER THAN AGE RESULTS IN POOR MATERNAL AND CHILD HEALTH OUTCOMES:

Poor maternal health outcomes and child mortality are matters of great concern for all of us. While traditional literature has associated young motherhood and age with poor pregnancy and birth outcomes, <sup>3</sup> studies in the last decade link it with socio- economic vulnerabilities of young girls. Recent studies ascribe poverty, poor nutritional status, lack of education and inadequate access to health services - rather than age, to be the cause of poor health consequences. <sup>4</sup> NFHS-4 data (2015-16) reveals that girls from poor families and those who have not completed

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<sup>&</sup>lt;sup>2</sup> National Family Health Survey (NFHS) – 4, 2015-16.

<sup>&</sup>lt;sup>3</sup> Santhya, KG. et al, 2010; Godha, D. et al, 2013; Raj, A. et al, 2010; Paul, P., 2018

<sup>&</sup>lt;sup>4</sup> Banerjee, B. et al, 2009; Masoumi, SZ. et al, 2017

secondary education are more likely to get married before the age of 18.<sup>5</sup> These girls are likely to have adverse pregnancy outcomes for child birth even through adulthood, regardless of age at marriage.<sup>6</sup> Intimate partner violence during pregnancy is also known to be associated with poor maternal and birth outcomes.<sup>7</sup>

In India, the mortality rate of children is higher among historically marginalised population like Scheduled Castes and Scheduled Tribes. Access to health care, household wealth, economic condition of the family and social status are key factors which determine the possibilities of survival for children, especially children from vulnerable backgrounds. These findings invite our attention to **the importance of addressing deeper structural inequalities to tackle the issues of high maternal mortality and child mortality rates**. To address health outcomes, therefore, interventions aimed solely at delaying age at marriage will have no effect.

## 2. IGNORANCE OF SEXUAL AND REPRODUCTIVE HEALTH INFORMATION, AND LACK OF ACCESS TO QUALITY SERVICES LEADS TO TEENAGE PREGNANCIES AND POOR MATERNAL HEALTH OUTCOMES:

Adolescence is a developmental stage that is marked by puberty, sexual awareness and risk-taking behaviours. Reports from organisations providing crisis intervention for children and young people, indicate a high ignorance of contraception, STDs and pregnancy amongst adolescents. The absence of comprehensive sexuality education and life skills in formal and informal education, leaves girls in ignorance. Without age appropriate knowledge of sexual and reproductive health, girls are more vulnerable to abuse, and less able to protect themselves in relationships.

Unwanted and unexpected teenage pregnancies among married as well as unmarried girls thus arise from a combination of gender inequality, ignorance of safe sex and lack of access to sexual and reproductive health information and services to adolescents. Health care workers and doctors too, are known to neglect investigation in cases of young girls, prescribing anaemia medication instead for missing periods, delaying abortion to a time when it is no longer possible. Additionally, the moral and legal fear of underage marriage or premarital sex which attracts criminal prosecution makes access to reproductive health care, contraception and abortion even more difficult.

To secure sexual and reproductive health of adolescent population in India, the Ministry of Health and Family Welfare launched its flagship Rashtriya Kishor Swasthya Karyakram (RKSK) in 2014. Yet, in its 6<sup>th</sup> year, the programme is not rigorously implemented, as disclosure of sexual activity attracts mandatory reporting and criminal prosecution under POCSO (discussed below in relation to law). The law seems to be at odds with the government programmes for adolescent empowerment.

<sup>6</sup> Mehra, S., & Agrawal, D., 2004

<sup>&</sup>lt;sup>5</sup> NFHS – 4, 2015-16

<sup>&</sup>lt;sup>7</sup> Dhar, D. et al, 2018; World Health Organization (WHO), 2013

<sup>&</sup>lt;sup>8</sup> It was found that the under-five mortality rate for SC (56 deaths per 1,000 live births), ST (57 deaths per 1,000 live births), and OBC (51 deaths per 1,000 live births) are considerably higher than for those who are not from SC, ST, or OBC (39 deaths per 1,000 live births). The under-five mortality rate also declines with increasing household wealth. The under-five mortality rate declined from 72 deaths per 1,000 live births in the lowest wealth quintile to 23 deaths per 1,000 live births in the highest wealth quintile (NFHS-4).

<sup>&</sup>lt;sup>9</sup> HAQ Centre for Child Rights, New Delhi and Enfold Proactive Health Trust, Bengaluru

For improved health outcomes for girls and young women, it is critical to improve young peoples' access to adolescent-friendly sexual and reproductive health information and services, through removal of social and legal barriers and implementation of the RKSK.

#### **PART 2: EDUCATION RELATED**

3. GIRLS DROP OUT OF SECONDARY SCHOOL DUE TO COMPLEX SOCIO-ECONOMIC FACTORS, INCLUDING GENDERED DEMANDS OF HOUSEHOLD LABOUR, NOT MARRIAGE:

Evidence shows that investing in educating and empowering young girls is a powerful deterrent to early and forced marriage. While there has been significant improvement in the enrolment of girls at Primary and Elementary levels, the drop at the Higher Secondary levels is dramatic -- from a net enrolment ratio of 91.58 (Elementary) to 31.42 (Higher Secondary). Despite seeming gains in girls' education, the drop-out rate for girls has shockingly increased at the Secondary level -- from 17.79 % in 2014-15 to 19.18 % in 2016-17.

The assumption that early marriage is the primary cause for girls discontinuing after Elementary education is misplaced. Government data shows that the reasons for high drop-out rates amongst girls are a combination of demand and supply side factors, primarily the availability, affordability and quality of schooling.

According to NHFS-4 data (2015-16) girls in the age group of 6-14 years provided the following reasons for discontinuing their education: 24.8 % stated a lack of interest in studies; 19.3 % reported the high cost of education; 14.5 % attributed the burden of unpaid household work; only 7.9 % reported marriage as a reason for dropping out of school. Child marriage is more a consequence of girls dropping out of school rather than the cause.

The high attribution to 'lack of interest in studies' as a reason for discontinuing education is telling and relates to three critical factors – low learning levels, <sup>12</sup> the lack of relevant curricular content and poor teaching-learning pedagogies, and discrimination. <sup>13</sup> Fears around sexuality, girls' safety and sexual harassment, are a primary reason for pulling girls out of school and arranging early marriages. <sup>14</sup> Systemic caste and gender-based discrimination are also a major reason for drop-out. <sup>15</sup>

The burden of unpaid household work on girls is undeniably held by girls, and significantly defines girls' lives. The wide range of reproductive work they are expected to do often costs

<sup>&</sup>lt;sup>10</sup> National Institute for Educational Planning and Administration (NIEPA) 2018. This figure falls by a further 15% for girls from Schedule Tribe (ST), Schedule Caste (SC) and Muslim communities.

<sup>&</sup>lt;sup>11</sup> Ibid. The drop-out rate further increases for girls belonging to SC, ST and minority communities Nearly 68.21 % ST and 62.57 % SC children drop out by the time they reach upper primary level and 88.17 % ST children and 83.62 % SC children drop out by the time they reach secondary level (Pandita, 2015).

<sup>&</sup>lt;sup>12</sup> The Annual Status of Education Reports (ASER) by Pratham repeatedly point to the low learning levels. The ASER 2018 Report focuses on Secondary education.

<sup>&</sup>lt;sup>13</sup> Despite reforms, gender biases in textbooks persist. As the problem is complex, scholars have cautioned that a mere 'sanitisation' by removal of stereotypes or top-down messaging (eg. early marriage as a social evil) are not effective. Instead content needs to acknowledge multidimensional deprivations that girls' experience (Bhog D. et al, 2010; NCERT, 2006).

<sup>&</sup>lt;sup>14</sup> Increase in gender-based violence pushes communities to marry girls off early. (Santhya KG et al, 2019)

<sup>&</sup>lt;sup>15</sup> Nambissan, G., 2010; Ramachandran, V. & Naorem, T, 2013

girls their education. Moreover, when girls and their families perceive that they are not learning in school and don't see education as a possible pathway out of intergenerational poverty, they pull them out of schools and the default option is to get them married. For improved educational outcomes for girls, these complex factors must be recognized.<sup>16</sup>

The evidence shows that to delay girls' age of marriage, it is far more important to improve overall educational access, retention, quality of education and ensure that girls transition from Elementary to Secondary education and further, than to raise the legal age of marriage.

In a post-COVID context, experts have already predicted that we run a grave risk of losing the gains we have made in furthering girls' education over the past few decades. Preliminary research indicates that girls' drop-out rates will increase due to economic devastation, increased unpaid household work and due to the loss of learning for a vast majority of girls who have been unable to access online education. Digital technologies are increasingly being used, especially in the current COVID context, to educate, inform and provide support mechanisms such as helplines. Yet, the enormous digital divide – rural-urban and gender – prevents girls' from accessing these.

## 4. CONNECT GIRLS' EDUCATION WITH EMPOWERMENT. WHEN GIRLS HAVE OPPORTUNITIES, THEY OPT FOR EDUCATION AND DELAY MARRIAGE:

It is not enough to keep girls' in school to delay marriage, rather it is important to connect education to their empowerment and leadership development through transformative curriculum and training approaches. Since girls occupy a low-status position within the family hierarchy and are discriminated against by social norms, educational approaches need to be enabling, connect with the lived realities of girls and build confidence through positive body images.

In parallel, out of school educational interventions and strategies to collectivise girls have been powerful levers of change.<sup>17</sup> Several NGO efforts and some government programmes adopt approaches that enable girls to become their own advocates, <sup>18</sup> to resist and negotiate with their families to not just stop and delay marriage, but also pursue their aspirations. This is a more sustained form of social change and norm building than punitive action.

### 5. ADDRESS BARRIERS TO ACCESSING HIGHER EDUCATION, TECHNICAL COURSES & ENABLING GIRLS TO ENTER THE WORLD OF WORK:

Transformative approaches call for enabling girls to not just resist early marriage, but to aspire to futures beyond marriage. This has been facilitated by preparing girls for the world of work through education, building skills and most importantly developing abilities to question and challenge unequal gender relations.

<sup>&</sup>lt;sup>16</sup> Decline in child marriage rates between 2001 and 2011 was found to have been explained by improvements in female education, reduction in poverty and average household size. (Zavier AJF. et al, 2019)

<sup>&</sup>lt;sup>17</sup> Bhog, D. & Mullick, D. 2015

<sup>&</sup>lt;sup>18</sup> Mahila Samakhya, a highly effective government programme on adult women's literacy has generated a vast body of evidence that demonstrates this.

There is also a need to address the reality of abysmally low women's work participation rates and barriers relating to girls' access, gender biases in subject choice, access to professional courses that are directly linked to employment, public safety and sexual harassment at the workplace. According to the All India Survey on Higher Education (AISHE) report of 2019, 19 only 0.82 % colleges in rural areas are exclusively for girls. Given the gender based restrictions and parental anxieties towards girls' safety, the lack of girls' colleges is a serious barrier to accessing higher education in rural areas. Girls from poor and marginalised backgrounds are least likely to enrol in diploma courses and technical education. Data shows less than 5 % SC/ST students in degree level institutions, and less than 9 % in diploma level institutions. The skewed access to technical and job oriented education for these communities leaves girls with little choice but to get married.

#### 6. INVEST IN GIRLS' EDUCATION, EXPAND THE RIGHT TO EDUCATION ACT

The share of education in the GOI's 2014-5 Union budget was 4.4 percent, a mere 0.55 percent of the GDP. In 2020-21, the share of education budget in the Union budget is 3.4 percent, that is less than 0.5 percent of the GDP. Educationists have long demanded a 6% allocation of GDP to education.<sup>21</sup>

The Right to Education Act (RTE 2009) was an enormous step forward towards providing education for all. It however does not cover all stages of education, and its implementation continues to be severely under-resourced. Sustained investments made to improve girls' access to schooling at the Elementary level reduce sharply at the Secondary level leading to a high level of out-of-school children, mostly from socio-economically disadvantaged communities. At present the RTE Act excludes Early Childhood Care Education (3-6 years) and Secondary education (15-18 years). In order to overcome gender barriers through their life cycle it is important to ensure girls' right to education through the different stages of formal education. Incorporating these two stages of formal education within the ambit of the Right to Education can support overcoming of socio-economic barriers and help girls' transition to higher education.

#### PART 3: LAW RELATED

7. PROHIBITION OF CHILD MARRIAGE ACT, 2006 (PCMA) IS PRIMARILY USED BY PARENTS OF GIRLS TO RETALIATE AGAINST ELOPEMENTS, AND HARMS THOSE IT IS INTENDED TO PROTECT:

The PCMA was enacted to primarily prevent child marriage, through a combination of awareness raising and deterrence, whilst retaining validity of underage marriages (except those involving kidnapping, trafficking and enticement). Additionally, it secured the rights of

<sup>&</sup>lt;sup>19</sup> Department of Higher Education, 2019, Ministry of Human Resources Development (MHRD)

<sup>&</sup>lt;sup>20</sup> Ibid. Male enrolment in Diploma course 66.8% males and 33.2% females. The enrolment of girls in technical education institutions at a degree level is only 12%.

<sup>&</sup>lt;sup>21</sup> Centre for Budget Governance and Accountability (CBGA), 2019

<sup>&</sup>lt;sup>22</sup> According to the MHRD, 62.1 million children are still out of school in India. The 2011 Census estimated the figure at 84 million.

This has also been recommended by the draft education policy.

underage parties to nullify the marriage, while simultaneously securing rights of girls to maintenance in relation to the marriage.

Yet, all evidence points towards ways in which PCMA is used punitively against girls who marry against parental wishes, rather than protecting girls from forced marriage. An analysis of case law from 2008-17 shows use of a combination of habeas corpus action, criminal prosecution and nullification of marriage largely by parents against daughters who marry against parental wishes or elope to evade forced marriage, domestic abuse and housework, and parental wrath on discovery of relationship.<sup>24</sup> About 65% of the cases involve parents using the law against self-arranged marriages by their daughters; and the remaining 35% of the cases are parents seeking to nullify daughters' marriages which break down on account of dowry or domestic abuse, or by boys seeking to nullify marriages that have broken down.

The use of the PCMA by parents leads to the girl being put in shelter homes, and the boy being imprisoned or sent to juvenile homes, tragically cutting them off from educational, livelihood or empowerment opportunities. In practice, the law has come to enforce parental and community controls on girls, the very thing it intended to alter. The unintended harm inflicted by the PCMA on young lives must be reviewed and addressed, and instruct any discussion on law reform. Further, to act on its concern about underage brides, the law must guide the government to ensure the well-being of minor married girls – in relation to education, empowerment programmes and so on.

# 8. THE PCMA IS USED IN CONJUNCTION WITH OTHER LAWS TO PROSECUTE BOYS IN SELF-ARRANGED MARRIAGES FOR HEINOUS OFFENCES CARRYING HIGH PUNISHMENTS

From 1978-2012, the age of consent remained lower (at 16 years) than the minimum age of marriage, but with the enactment of the Protection of Children from Sexual Offences Act, 2012 (POCSO), the age of consent was increased from 16 to 18 years, bringing it on par with the minimum age of marriage for girls. In doing so, the law collapsed capacities for two vastly different acts – capacity for sexual consent between peers in adolescence, with marriage and its legal, long-term responsibilities. This has led to new complications.

Evidence from studies across the country testify to the widespread use of POCSO by the girls' parents against eloping couples, and the criminalizing of consensual relations between peers. A five-state study<sup>25</sup> carried out in Andhra Pradesh, Assam, Delhi, Karnataka and Maharashtra, as well as another study in tribal areas of Dahod, Panchmahal, and Morbi districts of Gujarat,<sup>26</sup> show romantic cases being prosecuted under POCSO and the IPC. Likewise, a study of cases

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<sup>&</sup>lt;sup>24</sup> Partners for Law in Development, 2019a

<sup>&</sup>lt;sup>25</sup> Centre for Child and the Law-NLSIU, 2018. Of the 2788 cases across five states, the study found that romantic cases (cases in which the prosecutrix admitted to a relationship with the accused) constituted 21.2 percent in Andhra Pradesh, 15.6 percent in Assam, 21.58 percent in Delhi, 21.8 percent in Karnataka (in 3 districts), and 20.5 percent in Maharashtra.

<sup>&</sup>lt;sup>26</sup> A study by ANANDI (Dand S. & Sridhar A., 2019) looked at 731 reports of missing girls between ages of 14-18 years from these districts in 2017 registered as abduction cases. Of these, 46% were for reasons of marriage, with the girls' parents as complainants. Likewise, Aarambh India (Prerna) in Mumbai worked on 260 cases under POCSO of which about 25% cases were consensual; of this category of consensual cases, 45% of the victims were in the age group of 16-18 years and 71% of the alleged accused was between 16-23 years – showing that consensual relations between peers is criminalised.

in special courts from 2012-2015 in Delhi, 27 shows that the numbers of romantic cases have inflated number of cases prosecuted since 2012, on account of the increase in age of consent under POCSO and the consequent criminalisation of adolescent relations.

The increase in age of consent to 18 years has led to the boys in consenting relations or selfarranged marriages to be prosecuted for offences carrying life sentences, and girls being sent to shelter homes. In contrast, marriages arranged by parents attract no more than two-year sentence under the PCMA. This is not to argue for increasing sentences under the PCMA, but to highlight the disproportionate and discriminatory targeting of boys in consenting relations.

The POCSO law requires sexual activity of those below 18 years to be mandatorily reported to the police. This compels health care providers to breach confidentiality of girls seeking abortion or sexual and reproductive health services and to report the matter as 'abuse' to the police. In equating consensual relations with abuse, the POCSO reinforces social stigma that encourages guilt and shame in young persons in relation to their sexuality. In turn, this discourages them for reporting of abuse in these relationships, and accessing safe and confidential sexual and reproductive health information and services. To actually have a positive impact on youth, the mandatory reporting requirement needs to be removed for health care providers who are professionally bound to maintain confidentiality.

Law reform to restore age of consent to 16 years, along the lines recommended by the NCPCR and the Justice Verma Committee Report, <sup>28</sup> to **de-criminalises consensual relations** between adolescents within proximate age groups, can mitigate the harm being caused.

9. PCMA PRIMARILY SERVES AS A PREVENTION TOOL, THROUGH RAISING AWARENESS AND BY LEGITIMISING INTERVENTIONS BY SOCIAL WORKERS SEEKING TO DELAY OR **STOP MARRIAGES:** 

Documentation of grassroots experiences show that girls seeking to prevent or escape a forced marriage are more successful when they approach community organizations, youth leaders and social workers who use the law informally, <sup>29</sup> rather than when they approach Childline, the police or the child marriage protection officer for formal legal action. In any case, evidence shows that the child protection mechanisms operating at the district level are too distant, often under-staffed, to be accessible or to cover the numerous villages across the district. 30 State functionaries are often subject to pressures of local power structures. The use of formal law inevitably invites backlash against the girl, the social workers and hefty fines against the girl's family by the caste biradari.<sup>3</sup>

<sup>28</sup> National Commission for Protection of Child Rights, 2012-13 mentions at para 5.5.11 that "the Protection of Children against Sexual Offences Act which defines a child as up to 18 years should make an exception in its definition and not criminalise children in the 16-18 years of age for having sexual contact." See also the Justice Verma Committee Report, 2013 at page 443, pt. 12, on a new section 376B defining rape of an underage person. <sup>29</sup> Partners for Law in Development, 2019b

<sup>&</sup>lt;sup>27</sup> UNICEF, FACSE, HAQ, 2017. From a total data of 224 cases, 79 cases (35%) related to 'romantic relationship' in the 16-18 age group; of these, 74 cases (94%) ended in acquittal. The romantic cases formed 39% of the total acquittal cases (190).

<sup>&</sup>lt;sup>30</sup> Through discussions across 8 districts in 219 villages, awareness of child protection mechanisms (eg. Childline, Special Juvenile Police Units, Child Welfare Committees, Juvenile Justice Boards, government shelter homes) amongst children and community members was found to be as low as 3% on an average. <sup>31</sup> Centre for Child and the Law-NLSIU, 2018

In contrast, invoking legal provisions informally, in processes of dialogue enables mediation, long term support to girl, withdrawal of financial penalties by community leaders. Though not always successful, the promotion of informal use of law to raise awareness, prevent child marriage, and mobilize communities to think more broadly about benefits to girls can ensure long term well-being of the girl, whereas legal action may only delay marriage temporarily.

### 10. KEEPING UNDERAGE MARRIAGE VOIDABLE IS IMPORTANT FOR SECURING LEGAL SUPPORT AND SOCIAL RECOGNITION OF GIRLS' STATUS:

With few exceptions, the PCMA mostly treats underage marriages that occur as valid, though voidable at the option of the minor party to the marriage – within two years of attaining majority. In Karnataka however, the law was amended to make all underage marriages void ab initio – that is to deny any legal status to underage marriages.

News reports since last year, suggest that a central amendment to make all underage marriages void is being considered. Experiences from Karnataka and neighbouring Nepal, where underage marriages are void on account of age alone, show this magnifies the vulnerability of the girls. For such laws do not eliminate underlying conditions of deprivation and insecurity from which underage marriages arise, neither does it stop such marriages from taking place. The law however, denies legal protection to girls even as they continue to be within marriage – through housework, caregiving and childbirth. Declaring marriages void by law allows husbands to disavow their early marriages and re-marry; while claims of girls seeking to enforce matrimonial rights or access to benefits are liable to be rejected. **Underage marriages must be prevented, but not declared void**.

#### **CONCLUSION**

In conclusion, we observe that change in society is gradual, complex and affected by multiple factors. Evidence does not support that stringent legal frameworks help in reducing child marriages. An Inter-Parliamentary Union based on status of laws on child marriage in 10 African countries<sup>32</sup> revealed that there was little correlation between the strength of the legislation on child marriages and prevalence rates or incidence trends. Where declining rates were observed, it was not possible to ascribe the changes to legal reform. What worked were societal factors such as increased education for girls and community outreach programmes.

In the post COVID world, greater numbers of adolescents and youth have likely become poorer and insecure with the economic downturn, disruption in schooling, loss of livelihoods, reduced access to child care protection and services, and a health care system crippled by the weight of the pandemic. At this juncture, girls and women from vulnerable communities require enabling environments and opportunities for quality education and livelihoods, such that marriage is not the primary source of acquiring social status and economic sustenance.

We strongly urge the Task Force to opt for well-resourced enabling measures that expand girls' access to higher education, employment opportunities and healthcare, including

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<sup>&</sup>lt;sup>32</sup> Svanemyr E. et.al, 2013

sexual and reproductive health information and services, acknowledging the evolving capacities of older adolescents. <sup>33</sup> These will seed long term change in girls' lives.

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<sup>33</sup> See General Comment 20 (2016) of the UN Convention on the Rights of the Child on adolescents, states at para 1, "the implementation of rights should take account of children's development and their evolving capacities. Approaches adopted to ensure the realization of the rights of adolescents differ significantly from those adopted for younger children."

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- 29. Shahbaz Sherwani, Child Rights Defender
- 30. Sudha Murali, Child Rights Activist, Hyderabad

- 31.SAHAYOG India, Lucknow, Uttar Pradesh
- 32. Sakthi- Vidiyal, Tamil Nadu
- 33. Shiv Shiksha Samiti, Tonk, Rajasthan
- 34. Social Action for Knowledge building & Awareness Raising Sansthan (SAKAR), Uttar Pradesh
- 35. Society for Fast Justice, Andhra Pradesh
- 36. Society for Sustainable Development, Karauli, Rajasthan
- 37. South India AIDS Action Programme (SIAAP), Chennai, Tamil Nadu
- 38. Swayam, Kolkata, West Bengal
- 39.TALASH Society, Kolkata, West Bengal
- 40. Talking About Reproductive and Sexual Health Issues (TARSHI), Delhi
- 41. Udayan Care, Delhi
- 42. Vacha Resource Centre for Women and Girls, Maharashtra
- 43. Vikalp Sansthan, Udaipur, Rajasthan
- 44. We Can Women's Coalition Trust, Delhi
- 45. World Vision India, Delhi

- 31.Surinder Singh Mann, Former Chairperson, CWC-Karnaal
- 32. Tannistha Datta, Child Rights Defender, Delhi
- 33. Vaidehi Subramani, Child Rights Defender and Former Member CWC & JJB, Delhi
- 34. Vipin Bhatt, Child Rights Defender, Delhi

#### **REFERENCES:**

Banerjee, B., Pandey, G., Dutt, D., Sengupta, B., Mondal, M., & Deb, S. (2009), Teenage Pregnancy: A Socially Inflicted Health Hazard, *Indian Journal of Community Medicine: Official Publication of Indian Association of Preventive & Social Medicine*, 34(3), 227–231 available at <a href="https://doi.org/10.4103/0970-0218.55289">https://doi.org/10.4103/0970-0218.55289</a>.

Bhog, D & D. Mullick. (2015), Collectivizing Girls For Social Change: Strategies from India. New York: American Jewish World Service. <a href="https://ajws.org/wp-content/uploads/2017/02/Collectivizing-Girls FINAL-EDIT-17Feb2017.pdf">https://ajws.org/wp-content/uploads/2017/02/Collectivizing-Girls FINAL-EDIT-17Feb2017.pdf</a>

Bhog, D., D. Mullick, P, Bhardwaj & J, Sharma (2010), Textbook Regimes: A Feminist Critique of Nation & Identity: An Overall Analysis, New Delhi, Nirantar

Centre for Budget and Governance Accountability (CBGA) (2019), Promises and Priorities; An analysis of Union Budget 2019-20, New Delhi: CBGA. <a href="https://www.cbgaindia.org/wp-content/uploads/2019/07/Promises-and-Priorities-An-Analysis-of-Union-Budget-2019-20-3.pdf">https://www.cbgaindia.org/wp-content/uploads/2019/07/Promises-and-Priorities-An-Analysis-of-Union-Budget-2019-20-3.pdf</a>

Centre for Child and the Law-NLSIU (2018), Implementation of the POCSO Act, 2012 by the Special Courts: Challenges and Issues Centre for Child and the Law-NLSIU's Studies on the Working of Special Courts in Five States. https://bit.ly/2vuJwt1

Department of Higher Education (2019), All India Survey on Higher Education 2018-2019, Ministry of Human Resource Development, New Delhi, Government of India <a href="https://mhrd.gov.in/sites/upload\_files/mhrd/files/statistics-new/AISHE%20Final%20Report%202018-19.pdf">https://mhrd.gov.in/sites/upload\_files/mhrd/files/statistics-new/AISHE%20Final%20Report%202018-19.pdf</a>

Dand, Sejal and Arundhati Sridhar (2019). Criminalizing Choice: Case Studies from Gujarat. *ARROW for Change*, Vol 25, No. 1, 2019.

Dhar, D., McDougal, L., Hay, K., Atmavilas, Y., Silverman, J., Triplett, D., & Raj, A. (2018), Associations between intimate partner violence and reproductive and maternal health outcomes in Bihar, India: A cross-sectional study, *Reproductive Health*, 15 at <a href="https://doi.org/10.1186/s12978-018-0551-2">https://doi.org/10.1186/s12978-018-0551-2</a>.

Godha, D., Hotchkiss, D. R., & Gage, A. J. (2013), Association between child marriage and reproductive health outcomes and service utilization: A multi-country study from South Asia, *The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine*, 52(5), 552–558, available at https://doi.org/10.1016/j.jadohealth.2013.01.021.

Masoumi, S. Z., Kashanian, M., Arab, E., Sheikhansari, N., & Arab, R. (2017), A comparison between pregnancy outcomes in women in 15-19 and 20-35 years age groups, *Medical Journal of the Islamic Republic of Iran*, 31, 140, available at https://doi.org/10.14196/mjiri.31.140.

Mehra, S., & Agrawal, D. (2004), Adolescent health determinants for pregnancy and child health outcomes among the urban poor, *Indian Pediatrics*, 41(2), 137–145.

Nambissan, G., 'Exclusion and Discrimination in Schools: Experiences of Dalit Children' in S. Sukhadeo and K S. Newman (ed.) (2010), Blocked by Caste: Economic Discrimination and Social Exclusion in Modern India'. Oxford University Press, New Delhi, pgs 253-286.

National Commission for Protection of Child Rights (NCPCR) (2012-13) Status of Children in 14-18 Years: Review of Policy, Program and Legislative Framework, New Delhi, Government of India. http://www.shram.org/uploadFiles/20140127044949.pdf

National Council of Educational Research and Training (NCERT) (2006), Position Paper: National Focus Group on Gender Issues in Education, New Delhi, NCERT. <a href="http://www.ncert.nic.in/new\_ncert/ncert/rightside/links/pdf/focus\_group/gender\_issues\_in\_education.pdf">http://www.ncert.nic.in/new\_ncert/ncert/rightside/links/pdf/focus\_group/gender\_issues\_in\_education.pdf</a>

National Family Health Survey (NFHS)-4 (2015-16). Indian Institute for Population Sciences (IIPS) and Ministry of Health and Family Welfare, Government of India.

National Institute of Educational Planning and Administration (NIEPA) (2018). School Education in India: U-DISE Flash Statistics 2016-17, New Delhi: NIEPA. <a href="http://udise.in/Downloads/Publications/Documents/Flash\_Statistics\_on\_School\_Education-2016-17.pdf">http://udise.in/Downloads/Publications/Documents/Flash\_Statistics\_on\_School\_Education-2016-17.pdf</a>

Nguyen, P. H., Scott, S., Neupane, S., Tran, L. M., & Menon, P. (2019), Social, biological, and programmatic factors linking adolescent pregnancy and early childhood undernutrition: A path analysis of India's 2016 National Family and Health Survey, *The Lancet Child & Adolescent Health*, 3(7), 463–473, available at https://doi.org/10.1016/S2352-4642(19)30110-5.

Pandita, Ramesh (2015). Dropout Percentage of Scheduled Caste & Scheduled Tribe Children in India: A Decadal Analysis up to Secondary level. *Journal of Indian Education* 0972-5628. 41. <a href="https://www.researchgate.net/publication/283892402">https://www.researchgate.net/publication/283892402</a> Dropout Percentage of Scheduled Caste Scheduled Tribe Children in India A Decadal Analysis up to Secondary level

Partners for Law in Development (2019a). Why Girls Run Away to Marry: Adolescent Realities and

Socio-Legal Responses in India. New Delhi: Partners for Law in Development. at https://bit.ly/32g9QUn

Partners for Law in Development (2019b). Grassroots Experiences of Using the Prohibition of Child Marriage Act 2006. New Delhi: PLD. https://bit.ly/37J957b

Paul, P. (2018), Maternal Age at Marriage and Adverse Pregnancy Outcomes: Findings from the India Human Development Survey, 2011-2012, *Journal of Pediatric and Adolescent Gynaecology*, 31(6), 620–624, available at https://doi.org/10.1016/j.jpag.2018.08.004.

Pratham (2018), Annual Status of Education Report, New Delhi: Pratham. http://www.asercentre.org/Keywords/p/337.html

Raj, A., Saggurti, N., Winter, M., Labonte, A., Decker, M. R., Balaiah, D., & Silverman, J. G. (2010), The effect of maternal child marriage on morbidity and mortality of children under 5 in India: Cross sectional study of a nationally representative sample, *BMJ*, 340, available at https://doi.org/10.1136/bmj.b4258

Ramachandran, V. & Naorem, T. (2013), What It Means To Be a Dalit or Tribal Child in Our Schools, A Synthesis of a Six-State Qualitative Study. *Economic & Political Weekly*, November 2, 2013 vol xlviii No 44.

Santhya, K. G., Ram, U., Acharya, R., Jejeebhoy, S. J., Ram, F., & Singh, A. (2010), Associations between early marriage and young women's marital and reproductive health outcomes: Evidence from India, *International Perspectives on Sexual and Reproductive Health*, 36(3), 132–139, available at <a href="https://doi.org/10.1363/ipsrh.36.132.10">https://doi.org/10.1363/ipsrh.36.132.10</a>.

Santhya, K.G., Francis Zavier, A.J., Singh, S., Rampal, S., Basu, S., and Saxena, K. (2019), What Works to Reduce Child Marriage? Findings From a Comparative Study of Successful and Not-So Successful Districts in Rajasthan, India: Research Brief. New Delhi: Population Council.

Svanemyr, E. Skolaro, K. Blondeel, V. Chandramouli, & M. Temmerman (2013), "The contribution of laws to change the practice of child marriage in Africa," Report for Inter-Parliamentarian Union, Geneva, October 2013, available at <a href="https://www.girlsnotbrides.org/wp-content/uploads/2018/04/IPU-WHO-Child-marriage">https://www.girlsnotbrides.org/wp-content/uploads/2018/04/IPU-WHO-Child-marriage</a> study-October-2013.pdf

UNICEF, FACSE, HAQ: Centre for Child Rights (2017), Implementation of the POCSO Act: Goals, Gaps and Challenges – Study of Cases of Special Courts in Delhi and Mumbai (2012-15) at pg. 101 and 106. UNICEF, FACSE, HAQ: Centre for Child Rights

Verma, Justice J.S, Justice L. Seth & G. Subramanium (2013), Report of the Committee on Amendments to Criminal Law, New Delhi, Government of India.

World Health Organization (2013), Global and regional estimates of violence against women: Prevalence and health effects of intimate partner violence and non-partner sexual violence, World Health Organization, Geneva, available at <a href="https://apps.who.int/iris/handle/10665/85239">https://apps.who.int/iris/handle/10665/85239</a>

Zavier, A.J.F., Basu, S. and Santhya, K.G. (2019). Factors Associated with Decline in Child Marriage in India: Findings From a District-Level Analysis, Research brief. New Delhi: Population Council at <a href="https://bit.ly/31RabhU">https://bit.ly/31RabhU</a>