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Early and child marriages deny or constrain access to education, labour participation, health, and nutrition, and enhance vulnerability, uncertainty, violence for the survivors (Loaiza & Wong, 2012, p. 34; Unicef, 2001). Demographic studies focus on increasing fertility rates, child mortality rates as well as maternal mortality rates as the impacts of the child and early marriages. According to the World Bank and ICRW study (Wodon, Q., C. Male, A. Nayihouba, A. Onagoruwa, A. Savadogo, A. Yedan, J. Edmeades, A. Kes, N. John, L. Murithi, 2017) by 2030, the cost of the impacts of the child marriage would be trillions of dollars for the developing countries (Syahirah, Bibi, Bazli, & Zarihan, 2018). Mostly these studies, associate persistence of the child and early marriage in the web of poverty, gender-biased social norms, extraction of labour and demographic factors. However, there are few studies which go beyond the developmental approach and situate the issue of child marriage in the framework of rights, dignity, and agency of the survivors. These studies point out that the structural inequalities in interplay with patriarchy are the root cause of child and early marriages (Nirantar, 2015). One can say that the centrality of marriage as a crucial tool of patriarchy which plays out through various structures of power such as caste, class, religion, and sexuality has been a significant factor which has led to the persistence of early and child marriages despite the provisions for their prohibition. Adequate studies are pointing out the adverse life outcomes for young girls when they enter into early and child marriages. However, there are not many studies that look at the phenomenon from the perspective of the “agency” of young girls who enter into early and child marriage to address this issue.

There are some common perceptions about early and child marriages. First is that the worst affected survivors of the early and child marriages are the young and adolescent girls. The other common perception is that these survivors enter the underage marriages under ‘coercion.’ In other words, they lack the agency to keep themselves out of these forced unions. This perception is based on two assumptions: **a.** Young and adolescents are thoroughly convinced about the negative consequences of these unions and **b.** Hence by any means, they cannot be the outcomes of a choice. The third common belief is that parents always have the best interest of their children in mind.

Lived realities of young women of the poor and marginalised communities where ANANDI works revealed a narrative that was much more complex and non-linear.

Over 20 years of women's mobilisation and the emergence of strong grassroots women's leadership allowed questions about the agency of young girls to be even raised in some forums. It was felt that a detailed qualitative study to bring out young girls' perceptions and lived experiences which will add greater value to the quantitative research based on police records.

This paper attempts to study the agency, choice and consent of the young and adolescents<sup>1</sup> in the backdrop of early marriages, voluntary unions of couples and abductions for marriage. It brings forth the voices of young girls from marginalised communities of rural Gujarat residing in Dahod<sup>2</sup>, Panchmahal<sup>3</sup> and Morbi<sup>4</sup> districts. These narratives demonstrate the implications faced by young women for their choices regarding attaining education, mobility, use of communication technology, labour, relationships, and sexual desires. The denial of agency, discrimination, stigmatisation, criminalisation, and violence which these young women encountered at the hands of the formal legal system, social norms and the customary practices robbed them of their dignity, social-economic security and the opportunity to participate as the agents of change in the development process. The family, community, as well as the state, seldom recognise the agency of the young and the adolescents to give consent. They criminalise the consent of the young and adolescents through customary practices and laws. The criminalisation of consent and choice of the young girls has become critical more so after the implementation of two laws in recent times. First is the Amendment of Criminal Law (Amendment) Act, 2013 which raised debate over the age of consent being raised from 16 to 18 years (Agnes, 2013), (Baxi, 2017). The second one is the Protection of Children from Sexual Offences Act, 2012, which completely denies any legitimacy to the ability of consent to the citizens below 18 years (Raha, 2014). This paper seeks to highlight the challenges with a protectionist framework where *age* becomes the parameter for legal consent for sexual partnership. The narratives emerging from the qualitative research unfolds the vulnerabilities of the youth in general and young women, in particular, facing criminalisation of consent, choice, and agency.

This paper has six broad sections. The first section opens the ground by exploring the social boundaries of customary practices which impact the decision-making ability and agency of the young girls. The second section describes the

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<sup>1</sup> Young and Adolescents – is used in this paper to encompass not just the adolescents but also those who are just outside the range of 13 – 19 year. It mostly refers to girls.

<sup>2</sup> Dahod, located at north-eastern part of the state became an administrative district on October 2, 1997 then consisted of two former [Princely States](#), namely [Baria](#) (Devgadh) and [Sanjeli](#), in addition to [Fatehpura](#) Taluka of [Sunth \(Rampur\)](#), along with the two "eastern mahals" of [Dahod](#) and [Jhalod](#) from the former [Panch Mahals](#)

<sup>3</sup> Panchmahal district, located in eastern Gujarat has 11 talukas and in 2006 Ministry of Panchayati Raj listed this district amongst 250 most backward districts in India. It was one of the six districts in Gujarat currently receiving funds from the Backward Regions Grant Fund Programme (BRGF).

<sup>4</sup> Morbi is a coastal district, formed as an administrative district on August 15, 2013, with 5 talukas - Morbi, Malia, Tankara, Wankaner (previously in Rajkot district) and Halvad (previously in Surendranagar district). It is coastal district situated at north-western Gujarat and near little Rann of Kuch.

methodology of exploratory action research and its ethical challenges. In this section, an attempt is to trace the process of action research and reflections during its process. The third section discusses the research findings of the quantitative analysis and also unfolds the social-cultural ethos of the region vis-a-vis gender relations and customary practices, festivals, and dispute resolution. The fourth section takes through the experiences of young girls regarding different development parameters such as education, health, labour, access to communication and technology and most importantly, violence and discrimination. It discusses in the context of availability, access, and impacts of the developmental resources and opportunities for the young girls. The fifth section carries the theme of consent and agency of the young girls and the criminalisation they experience at the hands of laws, the law implementing agencies and customary practices. It would then unfold the multi-dimensional layers of each of the concept in the context of the narratives emerging from the research — the sixth section articulates the conclusions and recommendations for policy and programmes for the youth in general and the young girls in particular.

### Boundaries Within the Boundaries: Gender Norms and Its Relations to the Social Milieu

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Young girls in the age group of 15-24 years, across the developing society, face challenges related to developmental resources as well as social mobility. Early and child marriage as a form of gender-based violence (TISS, 2016) as well as an impediment to human rights (Human Rights Law Network, 2017). In rural areas of Gujarat with a concentration of Adivasi population early child marriage among men and women does not have much difference. In rural areas of Panchmahal district, 35.8 % men in the age group of 25-29 years were married before 21 years compared to 32 % women in the age group of 20-24 years before 18 years (International Institute for Population Sciences, 2015; Ministry of Health and Family Welfare & Government of India, 2016). Thus, predominantly early marriage in Dahod and Panchmahal district corresponds to an adolescent groom married with an adult bride. This phenomenon has led to double edge insecurities for women. Young boys (10-14 years) are married to an older girl by families. The girl is seen to bring in two working hands to help out the household as the boys continue their schooling. As polygamy continues to hold roots in this region, it is not unusual for the boy to marry with the girl of his choice as he reaches 17 – 18 years, while the first wife by then is engaged in raising the children borne out of her marriage and left to deal with rejection at the least often accompanied by violence by husband and his family. During the focused group discussions<sup>5</sup>, the young girls cited such instances as a

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<sup>5</sup> There were four FGDs organised, namely, Mulla Kunwa (February 8<sup>th</sup>, 2017), Gorada (April 11<sup>th</sup>, 2017), Bhisana (April 12<sup>th</sup>, 2017), and Sajora (April 25<sup>th</sup>, 2017) (Panchmahals), Sadara (April 13<sup>th</sup>, 2017) (Dahod) and Malia (June 02<sup>nd</sup>, 2017) in each young girls of 2-3 villages participated. The focused group discussions involved the issues of education, drop-outs, aspirations, decision-making, restrictions on mobility, leisure, sports and entertainment, exposure to media and communication technology, the impact of customary practices, paid and unpaid labor and most importantly the issues of safety, and protection.

trigger to opt for marriage by choice at an early age as they believed that they could then escape rejection and violence. Dialogue with the leaders of, the Sanghathan revealed that the lowering of the age of marriage is a comparatively new phenomenon in their communities and they associated it with dependency on the migration-based livelihoods which demand adult members of the family to remain away from the families for longer durations and the young brides shoulder their responsibilities. Another concern was that public spaces were increasingly unsafe for young girls and families perceived early marriage as a solution.<sup>6</sup>

Dahod and Panchmahal districts have a local level dispute resolution mechanism called *Panch*, which continues to govern the social lives of the local communities both Adivasi as well as caste communities. Issues related to marriage, land disputes, access to media and communication technology and elopement are the most commonly tabled matters for dispute resolution. Their guidance is crucial for fixing and dissolving marriages. Traditionally the Panch fix the amount of *dapa / dej* –bride price and ensure its payment (Rupera, 2006).

The Panch takes punitive action for defiance of social norms and taboos, and they may include fines and sanctions of different kinds. They provide the social sanction and legitimacy to the relationships, in the absence of which the family and the individuals have to face social boycott. The leaders of Devgad Mahila Sangathan explained that in cases, where the marriage of the couples does not get the sanction of the community, their children would have to face the consequences such as inability to find a match unless the errant couple pays the penalty for defiance of social norms. In order to secure sanction for marriages-by-choice or consensual unions, the boy concerned pays the penalty known as Davo to the parents of the girl. The amount of Davo is a negotiated amount between the girl and the boy's family. If the negotiation is successful, the union is accepted, and the Panch is informed. Thus, it is critical for the couples to settle their matter, known as *samadhan* in colloquial language. In the case where the parents do not accept the union, every attempt is towards bringing the girl back to the guardianship of her parents. The family bears the expenditure of this search operation called *shodh-kehol*. If the relationship transgresses the social norms (of endogamy and exogamy), then the panch and the community put the pressure on the family of the girl to curtail the relationship and retrieve the custody of the girl. The boy in such a case has to pay the penalty- gunhegari which presumes coitus between the couple. The girl also bears the penalty for defiance social norms as she is married forcibly to the man of much older age. These marriages do not involve any celebration.

Traditionally, the women and the youth were not part of the panch process. They could represent their concerns indirectly. In present days the role of the elected

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<sup>6</sup> Preliminary dialogue with the leaders of the women's collectives- Malia Mahila Shakti Sanghathan on February 13<sup>th</sup>, 2017 and Devagadh Mahila Sanghathan on April 9<sup>th</sup>, 2017 revealed the concerns regarding lowering age of marriage.

Sarpanch has gained prominence. They act as the intermediaries between the community and the state-operated-systems. Before registering the complaint with the police, guidance is taken from the panch who provide support in accessing the state mechanisms, including the police. The Nyay-Samitis of ANANDI and the Sanghatan – Women’s Collectives has emerged in the past 15 years as an alternative dispute resolution mechanism that is rooted in a gender just norms. Thus, though boundaries are shifting, the core of the traditional mechanism continues to curtail the agency, choice, and consent of the young girls.

Morbi, a predominantly caste society has one block where the DNT communities of Miyanas reside along with the OBCs and Dalits. Miyana community follows Islam and have faced exclusion on several counts. The elders of OBC, DNT and Dalits communities are involved in maintaining traditions and norms, with the support of those who perform ceremonies and rituals. While the elders know fully well that the laws do not permit child marriage, they will either turn a blind eye when families fix underage marriages or even justify it in case the parents feel that their child is getting too friendly with someone of the opposite sex. The threshold of tolerance is usually much lower for girl child compared to the male child. The elders of the community referred to as “aagewan” would play a similar role as the panch plays in tribal-dominated areas, though the level of formal of their authority they hold over the community is much lower.

## Methodology

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This study is a part of ANANDI’s<sup>7</sup> research on young and adolescent girls, which has unfolded in four phases. In the first phase which was around 2010, the women

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<sup>7</sup> ANANDI- Area Networking and Development Initiative is a civil society organisation actively engaged with the rights and entitlements of women, youth, and children from tribal, Dalit, De-notified tribes and other marginalized communities in four districts of Gujarat since 1995. ANANDI initiated empowerment based collectivisation of women to strengthen their voices in social spaces within the community and local governance. Technical support unit in ANANDI engages with feminist knowledge building and application. <http://anandi-india.org/anandi-About-Us>

collectives<sup>8</sup> and the Nyay Samitis<sup>9</sup> systematically brought the question of missing<sup>10</sup> girls in the mainstream of discussions while they had been dealing with these cases for more than a decade. In response to these discussions, ANANDI in 2014 conducted a preliminary study of the police records of the FIRs registered for missing girls during 2012-2013, and these FIRs were under the crime head of abduction and kidnapping. ANANDI team interviewed the persons in concern for 20 cases where mainly the families of these girls described the cases and the procedure followed. In this second phase of the research, ANANDI noticed that the voices of the missing young girls who had either been abducted or voluntarily left the parental homes were not evident in these narratives. To incorporate these unheard voices in the narrative of missing girls, in 2016 ANANDI undertook an action research project on young girls who were otherwise invisibilized in the meta-narratives by the families. In this third phase, the challenge was not just to reach out to these girls but also was to hear their experiences in the stigmatised frameworks of the narratives by their families. In the fourth phase, ANANDI has taken up dissemination of the research to various stakeholders, including the community and the state, young girls and their parents and networks of rights of children as well as youth. This paper draws from the findings of the third and fourth phase of the research.

This exploratory study attempted to understand many questions: first, how the experiences of early marriages, romantic unions, and abductions for marriage impacts the lives of young and adolescent girls in Dahod, Panchmahal and Morbi districts of Gujarat? Second, how patriarchy engulfs the agency of the young girls by criminalising their choice and consent by turning on its head, the modern laws meant for the protection of women and children and enforcing sanctions through

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<sup>8</sup> ANANDI supports and partners with seven collectives of women to promote women's grassroots leadership. Through these collectives women exercise their voice and agency to address their concerns at the family, community and other institutions of development. These collectives are - Devagadh Mahila Sanghatan (DMS), Panam Mahila Sanghatan (PMS), Malia Mahila Shakti Sanghatan (MMSS), Mahila Swaraj Manch (MSM), Ratanmahal Mahila Sajiv Sajiv Khet Utpadak Mandali, Panam Mahila Saving and Credit Cooperative, and Azad Mahila Machimari Sahakari Mandali. While first four are community based organisations of women dealing with the entitlements and rights of women to lead violence-free lives with dignity; later three are the co-operatives of women farmers to assert the identity and promote interests of women farmers. In partnership with these collectives ANANDI operates 5 block level Gender Justice Centres / Lok Adhikar Kendras in Panchmahals, Dahod and Morbi district in Gujarat. The strength of this partnership lies in the deep levels of information, empathy for women, and women's rights, understanding of dynamics of community and their vulnerabilities and their ability to negotiate because of 'being there'.

<sup>9</sup> Nyay Samiti stands as the Committee for Justice which provides community-level support to vulnerable women access justice and protection from and redressal of violence. It comprises of senior experienced women leaders of the Sangathan who have the skill and the ability to judge cases of domestic violence, marital conflict, property disputes and social discrimination etc. They undertake the process for alternative dispute resolutions using a skilful balance of constitutional laws and customary laws, such that a woman's right and her dignity are upheld. Nyay Samiti also participates in traditional process of *panch* and upholds the principle of gender justice in the space where traditionally women did not have access to direct representation.

<sup>10</sup> Here the authors are aware that the phenomenon of the *missing girls* also identifies with the prevalence of female foeticide and infanticide, and trafficking. But missing girls in the context of this article refer to the girls who had gone missing from their homes either due to the abduction and kidnapping which was forceful or had left home voluntarily and where their parents had reported it as forceful abduction.

customary practices? These customary practices which govern the social lives beyond the constitutional framework enforce criminalisation of choice, consent, and agency of the young girls through institutionalised the normative sanctions. Third, which socio-economic, cultural, political and legal factors influence the decision-making of the young girls, especially about the choice of partner, and age of marriage or living a cohabitation. This study focused on access to education, paid as well as unpaid labour, media, and communication technology, mobility, customary practices, law, and justice system and body and sexuality under scrutiny, not just as causal factors but also bearing the impact of the decisions of the young girls. In the end, the study also documented the best practices of various agencies which enable young girls to counter criminalisation of their agency.

Table 1: Demographic profile of Dahod, Panchmahal and Morbi district

District	Young women to Total pop. of state (%)	Sex Ratio	Sex Ratio (0-6 years)	Distribution of Social Category		No. of Talukas	Female Literacy Rate (%)	Gender Gap in Literacy (%)
				SC	ST			
Dahod	18.45	990	948	1.9	74.3	09	47.65	23.1
Panchmahal	18.10	949	932	4.2	30.2	07	58.89	24.1
Morbi	NA	924	NA	5.2	0.42	05	27.58	9.2

Source: Census of India, 2011

The location of the research focused on three districts of Gujarat. Out of these, Dahod and Panchmahals characterised by hilly terrain with forest covers have a concentration of the Adiwasi (indigenous) population, while Morbi is a coastal district adjacent to Rann of Kutch, and its Malia block, in particular, is a home to De-Notified-Tribe called Miyana. Dahod and Panchmahals districts primarily depending on rain-fed agriculture and outward migration. Morbi is the hub of ceramic industry, salt production, BT cotton cultivation, and prawn-cultivation attracting inflow migration. Despite these differences, the web of poverty interweaves through different insecurities and vulnerabilities of the marginalised communities of the district including Adivasi, Dalit, DNT and Muslim communities. Migration impacts both the regions in the context of access to development opportunities and fundamental rights of entitlements.

The exploratory research deployed mixed methods for analytical components-quantitative analysis and qualitative analysis. In order to capture the prevalence and profile of the cases of abduction and kidnapping, the study analysed the registered FIRs of abduction and kidnapping. Out of 1500 cases of violence against women and children in these three districts during 2014-2016, 721 FIRs recorded cases of

731 survivors of kidnapping and abduction. The state-level consultation organised by ANANDI, which was attended by senior police and Child Protection officers revealed that these FIRs of Kidnapping and Abduction do not have the reporting of all cases where the girls have gone missing.

The qualitative part of the research involved different components, dialogues with various stakeholders, focused group discussions with the young girls in the villages, in-depth personal interviews with the young girls who had either experienced abduction or have explored their choices by exercising their agency in leaving their homes. ANANDI conducted three district-level multi-stakeholder workshops to understand different dimensions of the ground realities vis-a-vis child and early marriages, abductions of the minor girls, and home-leaving with consent by young girls. These multi-stakeholder dialogues made evident the cultural dynamics of customary practices of various communities as well as the alternative practices of gender-justice by the Nyay Samitis since the past decade and a half. These dialogues revealed the challenges faced by different agencies, the state as well as women's collectives in securing justice for the young girls in question. The focused group discussions with the young girls in three different districts would open the canvas of socio-cultural contexts in which the young girls experience a spectrum of vulnerabilities.

Given the nature of the research questions, the study deployed purposive stratified sampling. The research team conducted ten interviews in each district. While selecting the cases, ANANDI approached the Women Support Cell (WSC)<sup>11</sup>, Godhara, the Child Line, Dahod (CLD)<sup>12</sup>, Nyay Samitis in Panchmahal, Dahod, and Morbi district along with Women's collectives in each district and selected the cases from the case-work documentation. The selection of the cases applied the following criteria. Firstly, the concerned girl should be a minor at the time of the incidence and; the case should not be older than five years. Secondly, the proportion of cases must be representative of the proportion of the population of different social categories in the district, and most importantly the young girl in concern should be available for the interview and not just her relatives. After scrutiny of the 36 cases, 29 interviews were possible which form part of the analysis for the study. In some cases, the girls were not minor at the time of the incident, or some cases were cases of rape and not of abduction, and the reality was revealed only after studying the FIRs at the time of the interview or when the girls narrated their cases.

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<sup>11</sup> Women's Support Cell (WSC) at Godhara is an ANANDI's initiative which has earned the credibility from the police as well as judicial system in Panchmahal district. It provides counselling, legal aid and redressal in cases of violence against women which appear at the police station. Members of the WSC now have been given an office at the Block Police office, Godhara and are invited by the police for counselling and noting the statement of the minor girls in cases of sexual violence.

<sup>12</sup> Child Line, Dahod is an initiative under the Child line India programme. At Dahod district ANANDI has been given agency to operate the Child Line to provide protection and support of child rights in the district since 2013.



Table 2: Social Profile of the selected Case Studies

ST	OBC	SC	DNT	Others	Total
10	12	3	3	1	29

Dahod has a maximum population of Scheduled Tribes (74% ) and thus out 10 cases from Scheduled Tribes (ST) category 6 are from Dahod while Panchmahals has 4 cases where the population of ST is at 30.2 %. In Morbi, DNT population is significant in number thus the study involved 3 cases from the community of De-Notified tribe in Malia block of Morbi district. Similarly, out of the three districts, Morbi has the highest proportion of the population of Schedule Caste, so the study involved two cases from the Dalit community in Morbi district while one from Dahod.

### Challenges and Ethical Issues in Data Collection

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In action research on the issues of vulnerabilities and violence of the young girls, the tools of data collection involved a process of designed as well as spontaneous action. Conducting the in-depth unstructured interviews with the young girl was the toughest part of the research because the access to these girls was a challenge. The communities stigmatised the agency of the young girls when they explored their choices. In this context, access to the survivors of the abduction and violence was challenging. They concealed the information, denied the access or manoeuvred the narratives. The research team could finally collect 29 case-studies of the young girls where personal interviews were possible. Access to these girls was possible with a continuous dialogue with and support by the Women’s Collectives and members of the Nyay Samiti.

In the dominant public discourse, young girls appear as those needing health, nutrition, education and protection. What we found is that there is overwhelming anxiety within the communities, vis-à-vis their mobility and sexuality. Moreover, when a young girl enters menstrual cycle social norms about mobility, choice and sexuality bring her under continuous surveillance of her parents, relatives, and the community. There is a kind of a reinforcing cycle that plays out. There has been a rise in young couples who choose to assert a consensual partnership. They leave their homes and seek hideouts. They fear being *caught* by the police and parents, which may cause separation from their partners. This compels them to shift the locations continuously, and in cases where the girl was a minor, the couple is anxious about the possibility of the imprisonment of the boy if they are caught. Once the couple is found out, the girl may return to her parents. In such circumstances, getting access to these young girls and then to discuss their choices and vulnerabilities attached to them was an arduous task.

Most young girls in the communities that the research was conducted are raised to curtail their expressions and told to speak as little as possible. The tribal community, in general, is known for minimal verbal communication. In these contexts, the young girls found it challenging to communicate their feelings, thoughts through verbal communication. These young girls had faced either forced early-age marriage or sexual violence or abduction or criminalisation of their consent to the marriage or marriage-like –unions with their partners of choice. They were mostly silent in front of their parents and expressed little through verbal communication.

In some cases, the verbal narrative did not match the narrative conveyed through non-verbal communication. The most *articulate* was the *deploying of silences* and their length as it conveyed many things. For the parents, critical anxiety was to restore their authority of guardianship. Thus they interrupted the privacy of the communication, sometimes this influenced the narratives of the girls. On both sides, there was a feeling of distrust and deception mixed with stigmatisation, which enhanced the social distance within the family. In such circumstances, questions asked by an outside researcher created discomfort. In some cases, silences could resolve with the presence of the leaders of women’s collectives while in some cases, their involvement enhanced the anxiety of the young girls as they perceived the women leaders to be in league with their parents.

In order to overcome this barrier of communication, a participatory tool to map young girls, mobility was developed. However, this tool was also met with mixed reactions; at times, it could engage the girls and their parents, and at times, it could increase their anxieties about recording the perceptions.

Some of the parents had faced legalities of the FIR for the first time and had accepted the community-driven settlement were averse to any form of written documentation of the case. The girls also stopped talking with ease as the team members took out the pen to note. Thus, we had no choice but to record the interviews at times with the consent and times without the consent of the subject. It was an ethical dilemma, and we intend to resolve by strictly maintaining the secrecy about the identity of the subjects. The purpose of the study was explained, and permission sought to interview them verbally.

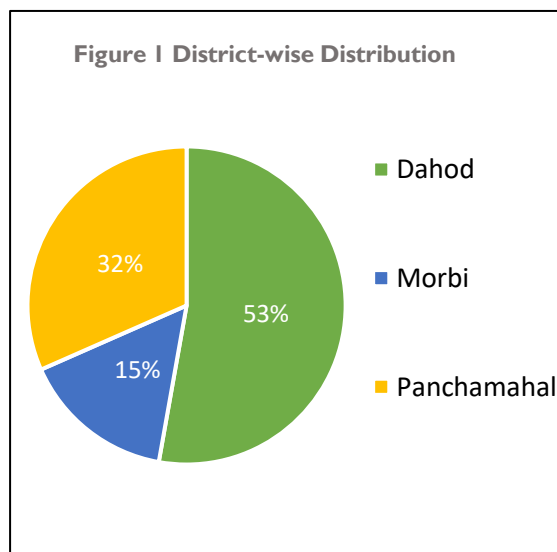
## Numbers Speak

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ANANDI’s earlier study of 2014 which was based on 205 FIR records of Kidnapping and abduction and 20 case studies of the young girls or their parents in Dahod and Panchmahal, changed its perception regarding the phenomenon of missing girls. Earlier perception had created concerns about the possibilities of human trafficking as there were large numbers of FIRs about the kidnapping and abduction of the young girls. However, the study of FIRs had revealed 64% in Dahod, and 81% in Panchmahal were the cases of abductions for marriage. Still, it

was a grave issue as 90 % of these cases involved young girls below 18 years, which is also the legal age of marriage for girls. Another interesting fact that emerged was that most FIRs of abduction and kidnapping had a mention of the name and address of the accused, which indicated that the accused was known to the complainant. All most all of the complainants belong to the girl's family.

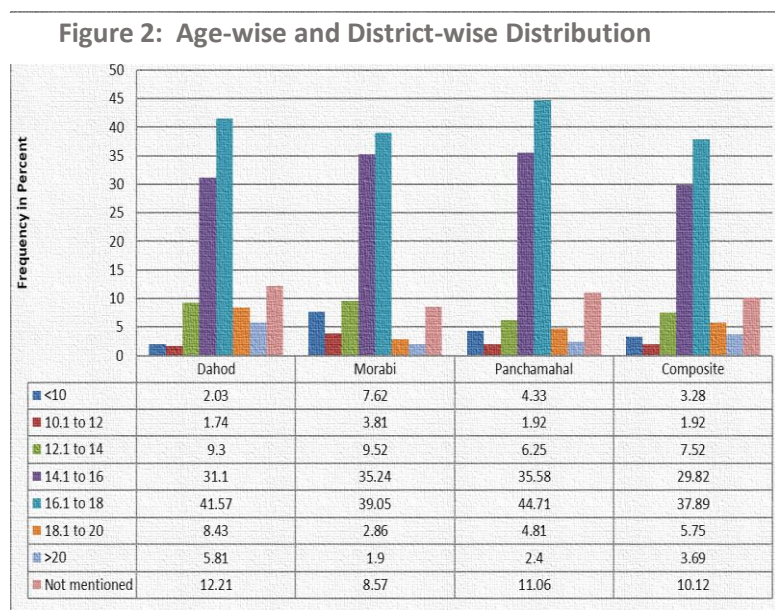
The few interviews that were conducted also pointed to the fact that the parents were in the know of the friendship that their daughter had with boy/adult male. This led to the conclusion that only a few of the cases were abduction and that there might be an element of choice that the girls were exercising when they left their natal homes.



During the 2016 study, analysis of the 731 cases of survivors in the police records on Kidnapping and Abduction during 2014-2016 in Dahod, Panchmahal and Morbi districts of Gujarat included 11 boys and 721 girls and women. As Figure 1 depicts, district wise distribution indicated that of the recorded FIRs, Dahod with 386 cases had the highest number of survivors of Kidnapping and Abduction. Morbi had 114 survivors of Kidnapping and abduction during these three years. In Dahod the number of survivors was on the constant increase from 102 to 138 to 146 from 2014

to 2016 respectively.

Analysis of the age of the survivors (Figure 2) revealed that 38 % of the survivors belonged to the age group of 16-18 years, followed by 30 % in the age group of 14-16 years. Reaffirming the previous analysis of a preliminary study of 2014, 90 % survivors of kidnapping and abduction fall into the category of children with age being below 18 years. The disturbing fact was that 13 % of the survivors were below the age of 14 years, which includes 3.28 % survivors below the age of 10 years. Though the police records mentioned the details of the



abductors in 10.12 of cases had no mention of the age of the survivor.

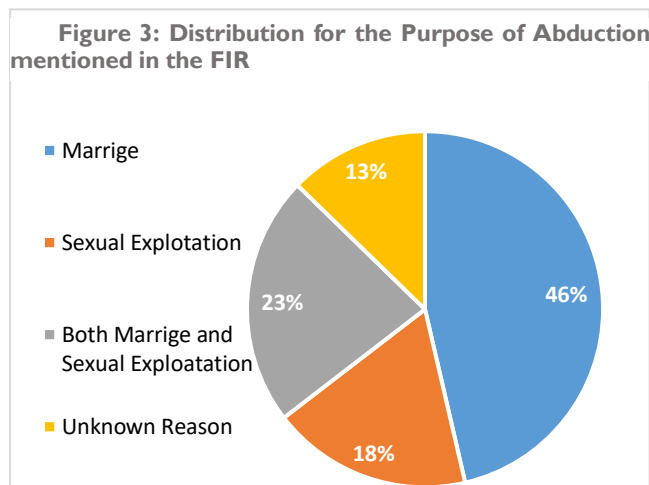
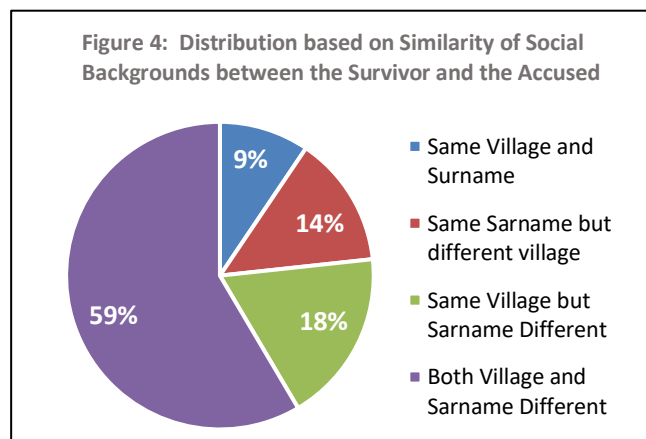


Figure 3 on distribution based on the purpose of Abduction<sup>13</sup> indicates that 46 % of FIRs had mentioned marriage, and 23 % had sighted marriage as well as sexual exploitation as the reason for the abduction. The possibility is that these abductions were the attempts by the youth to establish the romantic unions. The possibility is that parents had not approved of the union, and it was parents who had registered the FIRs in 77 % of the cases. Although

POCSO was implemented only in 2013, the text of these FIRs (which were recorded under the section of kidnapping and abduction) reflected the concerns of the parents and did not have any mention of the possibility of choice of the girls. According to Pratiksha Baxi, though the laws on kidnapping and statutory rape address the underaged female subjects, the primary concern is with securing the rights of the guardian over under-aged female subjects. To charge the partner of their daughter with criminal conduct of statutory rape, abduction and kidnapping is a ‘stabilised legal strategy’ by the parents to ‘recover’ their daughter who enters into an ‘improper’ alliance(Baxi, 2009: 6 & 7).

As per Figure 4 on distribution based on the similarity of social backgrounds between the survivor and the accused, in nearly 60 % of the cases, the social category of the accused and the survivor was the same. This indicates that they had maintained the endogamy in their attempt to establish the union. These cases registered as abductions for marriage seem to

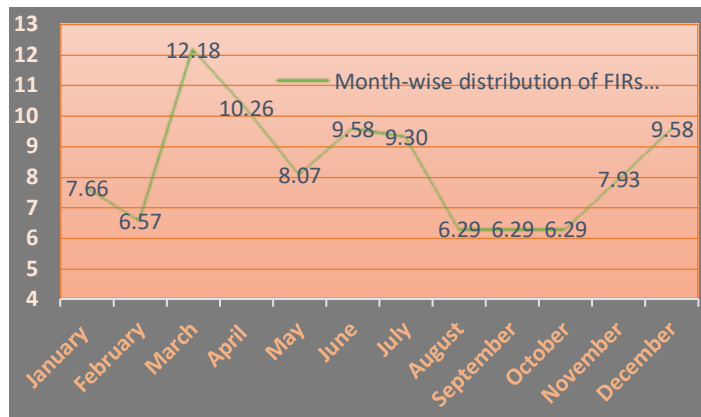


abide by the social norms of clan and village exogamy. In 59 % cases, the village and the surname of the survivor were different. In only 9 % of cases, the accused and the survivor of the registered abductions and kidnapping were from the same village and carried the same surname. The social taboo prohibits marital union in the same village as well as the same clan. This factor supports the claim that the majority of

<sup>13</sup> Purpose of Kidnapping and Abduction: The Law provided for the following categories to reflect the purpose, murder, ransom, compelling a girl to marry, selling for prostitution, selling for transplanting body organs.

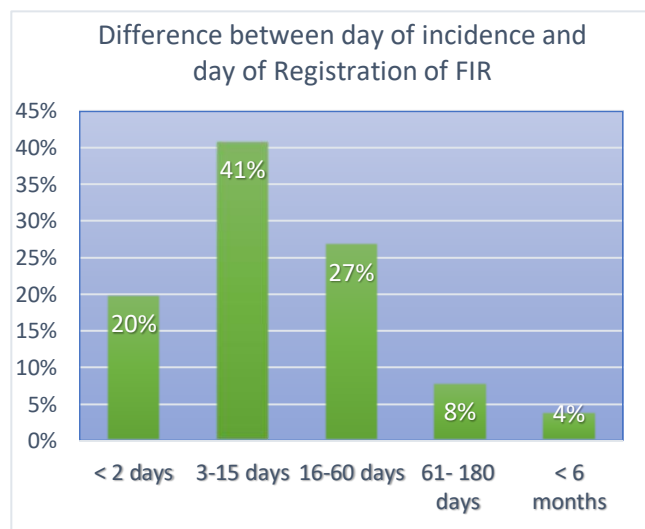
these abductions were the attempts to establish unions which were accepted as per the customary practices.

In the Multi-stakeholder Workshop at Limkheda, Dahod<sup>14</sup> the Deputy Police Supritendent categorically mentioned that leaving home with the partner of choice was a seasonal phenomenon, i.e., it happened around the harvest festival of *Holi* up to Akha Teez. The data on the month-wise



distribution of registration of FIRs of kidnapping and abduction (Figure 5) supports this observation as 22.44% of the FIRs were registered in February and March. Different fairs organised around Holi, the harvest festival had traditionally provided the space for the youth to choose their sexual partners, which may result in marriage or marriage-like romantic unions. In almost every village in Dahod and Panchmahal districts, there was local fair in the vicinity of the village, and the young girls would visit these fairs with their families regularly. There is a popular sport played during these fairs named *Gol-Gadhedo*<sup>15</sup> and *Chuli*. In the tribal culture, many of the sports organised around *Holi* had a purpose of attracting a marriage partner of their choice within the social norms. The concentrations of cases in the tribal region and during the time of the harvest festival resonates the customary tribal practice of elopement of the young couples.

The problem present-day young people face is a result of the contrary view taken by cultural norms and the latest legislation. The legal age of consent of the girls is 18 years, so the law does not



<sup>14</sup> In the series of the District-level Multi-Stakeholder Workshop, for Dahod district the workshop was organised on April 24, 2017 at Block Office, Limkheda in the partnership with the Suraksha Setu Society, an initiative of Gujarat Police.

<sup>15</sup> On the sixth day of the harvest festival, *holi*, Adivasis in Dahod district of Gujarat organise a fair where participants in bordering areas of Gujarat and Madhya Pradesh participate in large numbers as these fairs provide an opportunity to find their prospective marriage partners with sports like *Gol Gadhedo*. Traditionally, men with oiled body had to climb-up a wooden pole soaked in oil. Others would try and pull down the aspirant, women would beat them up with a bamboo in their hand. The winner in this competition had to access the jiggery pot tied up at the top of the pole. He had a chance to choose a bride of his choice from the young girls assembled at the fair. They would elope and try out a cohabitation and then if it was accepted for both partners they would return to their families for a social marriage. (Patel, 2016)

validate the consent of minor girls. However, the early and child marriages which have the sanction of the family and community are usually not recorded as child marriages by law implementing agencies. The total number of child marriages recorded during the period of study for the state of Gujarat is 16, 9, and 11 between 2014-16 respectively.

An interesting pattern can be observed about the time gap between the occurrence of the kidnapping and abduction, and the registration of the FIRs (Figure 6) revealed that in nearly 61% of the FIRs the complainant had registered a formal FIR within 15 days of the incident. As observed in the study of 2014, in this study, 91.52 % complainants had given a full description of the address of the accused. In some cases, the number and name of the co-accused and even the number of the vehicle if it was used formed the part of the description in the FIRs.

Narratives from the qualitative study revealed during the intervening time, the parents of the girl contact the community leaders who access their network to locate the boy and his family. Rounds of negotiations over bringing the couple back also involve fixing the customary penalty amount known as *Davo* that the family of the boy pays to the family of the girls. Community leaders are known as *panch* also have a share in *Dava*. If these negotiations do not yield the desired outcome in stipulated days, the FIR becomes a strategy to call the opposite party to coerce a monetary settlement under the customary practice.

Figure 6: Distribution based on Difference between the date of crime and the date of registration of the FIR

Despite having a law that prohibits child marriage, child marriages with the blessings of the parents and community are usually not being reported as crime whereas when the couple exercises choice and agency without the sanction of parents are registered under various laws. Dahod, a district with the most significant proportion of tribal population among the three districts had registered the highest percentage (72%) of abductions for marriage.

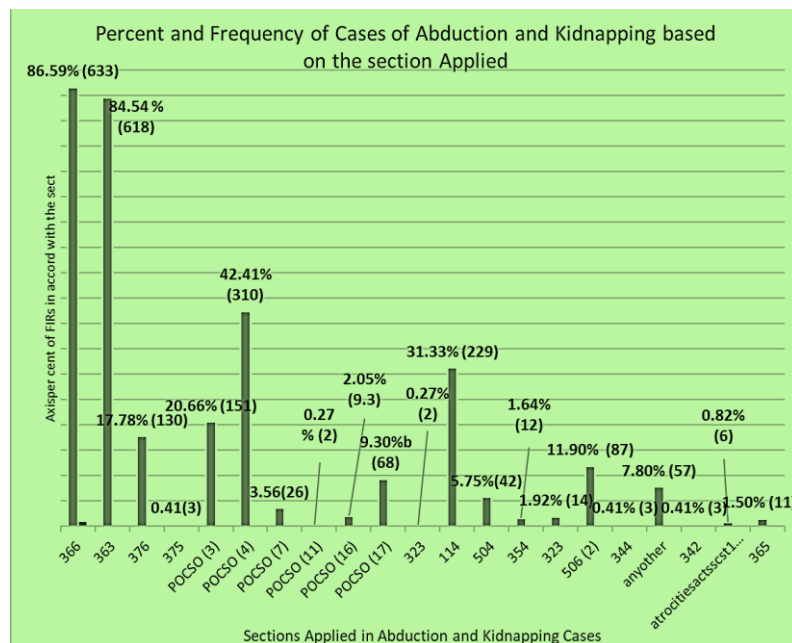


Figure 7:

Figure 7 needs an explanation. – Please put an appendix in the end or the foot note with one-line explanation of the various sections.

The sections above unfold a narrative of 731 police records which have been analysed to present various dimensions of the phenomenon of early and child marriage by delving deep into records of abduction and kidnapping. Drawing from years of feminist practice, the researchers know that the voices of lived experiences of the survivors or the complainants often remain unheard, especially when it comes to young adolescent girls. The sections of the report hereon present the narrative as it emerged from conversations with 29 young girls, some of whom were part of the 731 police records.

Young and adolescent girls interviewed in the context of their abduction for marriage came from different socio-economic backgrounds (Please see Table 2 for social backgrounds). They were in the age group of 15-20 years. Their age at the time of the incidence ranged from 15 to 17 years, 11 months, with the mean age being 16 years. Their average level of education was up to the seventh standard. Out of twenty-nine case-studies, twenty-five girls had left their homes voluntarily with the partner of their choice while four girls had faced abduction. In other words, in 86.21 % of the cases-studies, the young had exercised their agency of not just for choosing the romantic partnership but also asserted their choice by leaving their respective homes for the consensual-living with their partners. During this exploration of choice, 11 girls conceived, i.e. Out of twenty-five girls who had exercised their agency of asserting romantic partnership with the person of their choice, 44 % had conceived. Out of the twenty-five young girls who had made their choice to leave their homes, twelve – 48 % had continued in the union of their choice while thirteen- 52 % had either voluntarily or under pressure of the parents had withdrawn from the union. Out of twenty-five young girls exercising their agency, four were married, as arranged by their parents to another man.

Narratives emerging from the experiences of the young girls have been grouped under the following themes:

- Education,
- Access to services of health and nutrition,
- Paid and unpaid labour,
- Restriction on mobility and access to communication technology,
- Experiences with agencies of law enforcement and their access to redressal and justice,
- The criminalisation of consent and customary practices
- Agency and consent exercised by the young girls.

### Unresolved Gaps Access to Education

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Despite being a high-income state Gujarat, spent 14 % of its aggregate expenditure on education in 2016-17 which is not just lower than the national

average (15.6 %) but fifth lowest among Indian states (Nair, S. 2017). The result of low spending on education is evident in insufficient numbers of schools<sup>16</sup> and lower level of education, especially among girls and women in rural areas (World Bank Group, 2017; NIEPA, 2017). As per ASER, 2016, 23.5 % of girls compared to 18.7 % of boys in the age group of 15-16 were out of school in Gujarat (PRATHAM, 2016).

The profile of the educational background of the young girls who had either voluntarily left their house for exploring their choice of romantic partnership or being abducted confirms that Gujarat scores poorly regarding the educational attainment of girls in rural areas. The maximum level of education among the girls interviewed in the study was twelfth standard, and 27.6 % of twenty-nine girls, i.e., eight girls had completed ten years of education. The percentage of girls who completed 10<sup>th</sup> standard in the interview sample is higher than the district level percentage. NFHS-4 recorded that Dahod and Panchmahal 23% and 21.5 % of the women in the rural area had completed ten years of education, respectively. 41.38 % of 29 girls had dropped out before completing their matriculation. Five girls – 17.24 % of the select girls, dropped out of the school at Upper Primary School. Those who had dropped out of the education system gave the reason that the school in the village was up to upper primary level and the Secondary School was far from their village. All the three girls who had never been to school belonged to Maliya Block of Morbi district where the general level of education (Please refer to Table 1). has been low in comparison to other districts of the study.

Table 3: Education Profile of the Select Case- studies

Non- educated	Primary School	Upper Primary School	Secondary School	Higher Secondary School
<b>3</b>	2	5	16	3

Intersectionality of poverty, deprivation of development, ethnicity, and religion had an impact on education and age of marriage of girls. This impact can be observed when the girls were kept out of school or had dropped out of school, leading to their marriage at an early age. Mezbin<sup>17</sup> from Naya Hanjiyasar village in Malia block in Morbi district never went to the school since there was no school in the village then. Mezbin's father had enrolled her name in school in adjacent village initially, but the school was too far so Mezbin, a relative of the leader of the MMSS, remains illiterate. Today Nava Hanjiyasar has a school up to upper primary level. Hasina<sup>18</sup> from

<sup>16</sup> As per a Sample survey in 2016 on education status revealed that only 8.7 % villages in Gujarat have facilities for higher studies (Kahushik, H. 2016).

<sup>17</sup> Mezbin (name changed) from De-Notified Tribe was interviewed at Naya Hanjiyasar, Malia block, of Morbi district on May 31<sup>st</sup>, 2017.

<sup>18</sup> At Kajarda village of Malia block of Morbi district, Hasina (name Changed) from Denotified Tribe was interviewed on May 4<sup>th</sup>, 2017



Kajarada village belonged to a poor family with a mother who has a mental illness; she could never think of the school in the middle of the works. A religious cum community leader of Miyana community in Malia said that girls in the area do not step out of the house after the age of 12 years.

The study also explored a correlation between the continuation of access to school education and the decision by the young girls to leave home to exercise the agency of living with the partner of their choice. Out of twenty-five girls who had left their homes voluntarily, 14 had left within two years of dropping out of the school while eight had left while they were in the school. Mobility tool revealed that only one girl played outside the school. Schools have been the only places where they get the opportunity to interact with peers from different social backgrounds; otherwise, the social segregation restricts their interactions with peers across the gender outside the community. The school in the life of a young girl from the rural area opens up not just a new world of information and knowledge but is also an opportunity to explore friendships. Once they left the schools, laborious workloads and boredom filled their lives. Analysis of the mobility tool revealed that schools for the young and adolescent girls living in rural areas are not just the places of getting a certification of schooling instead it is the only place where they get the play-time.

In rural areas, weak school infrastructure impacts the quality of education and results in increasing school-dropouts (Vimala Ramachandran, 2013). The infrastructure does not mean just furniture but also the teachers. Mala (Panchmahal) and Kanchan<sup>19</sup> (Morbi) left their schools before completing their upper primary; Mala said: *“My mother used to scold me if I did not go to school, but I used to run away as there was no teacher, we learnt nothing there”*. They spent their time in their homes and neighbourhoods where they met Kamalesh and Haresh respectively and left homes to explore their romantic partnership.

Schools provide space for the over-all development of individuals as they acquire new skills apart from the learning syllabi. They provide space for building confidence through new interactions, sports apart from reading and writing. After leaving schools, the interactions of these young girls get restrained to family and neighbourhood. In the absence of any opportunity to interact and engage these girls to tend to channelise their boredom and anxieties into exploring relationships as an avenue of new interactions and engaging their minds beyond household chores, care work and paid work. Shahin<sup>20</sup> left school in the seventh standard, and in the absence of the school, she was confined to household chores and care work with her siblings for two years. During which she found herself in a romantic partnership of a bootlegger. She left home to explore a partnership with him but soon returned

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<sup>19</sup> Kanchan (name changed), a girl from OBC community was interviewed at Jamudia village, Morbi district on June 1<sup>st</sup>, 2017.

<sup>20</sup> Shahin (name changed), a girl from Muslim community at Bhavpar village in Morbi district on February 15<sup>th</sup>, 2017

home. Asha<sup>21</sup> and Seema<sup>22</sup>, who had enjoyed an active life in their school years but were reduced to being a labourer after they had to leave school for paid work. Both from Morbi district left their homes within one year of dropping out of the school for accompanying their families. Asha met Dinesh at the place of work while Seema knew Mela, a neighbour of her paternal aunt for years together.

Intersectionality enhances the complex realities in schools which serve as mechanisms of ensuring nutritional supplies as well as safety of students in poverty-ridden and migration-prone areas with a concentration of tribal population (Afridi, 2011; Sedwal & Kamat, 2008; Vajpeyi, n.d.). Leela<sup>23</sup> (Dahod), jumped the school wall at mid-night to run for home as she could no longer bear the hunger, experienced in her residential school. To quote Leela, *“In the morning they served poha or rice-puffs(mamara), and that is it...whole day we were left hungry ...without any lunch...I never used to have money to buy food-stuff like other children who managed to survive. Poor parents cannot afford to give us money. So one day, I crossed the boundary of the school and went out. Masi (mother’s sister) rushed over on her two-wheeler to school. She scolded a lot. She requested teachers to continue with hostel facility. However, they refused, and I had to leave school”* Leela’s father with hearing impairments and two wives could not take care of Leela’s mother and children. He could not provide much for Leela to continue her education. Leela’s mother often took refuge at her natal home, and this humiliation echoed through taunts of her grandmother. Leela, in such circumstances, had sought school as a resort of her home. However, after she had to leave her school, she became irritable towards her situation at home. After two years, she left her home to live with Jagat because she could not bear the humiliation by her grandmother.

Ashwini<sup>24</sup> (Dahod) returned home from her Kasturba Gandhi Balika Vidyalaya<sup>25</sup> after permanent injuries on her hand, *“ they asked us to sing bhajans, and we did not sing ...Sumitra madam hit me with a ruler, even now it hurts me, that year I came back from KGBV, Panv. I told my parents. They took out my certificate from that school, and I took admission in a school at Dhanpur.”* Not all girls were as fortunate to continue the education. Ashwini and Reshma<sup>26</sup> were the only among twenty-nine girls who had

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<sup>21</sup> Asha (name changed), a girl from Dalit community was interviewed at Ghuntu village in Morbi district on May 3<sup>rd</sup>, 2017

<sup>22</sup> Seema (name changed), a girl from OBC community was interviewed at Gopalgadh, Halawad block, Morbi district on May 31<sup>st</sup>, 2017

<sup>23</sup> Leela (name changed), a girl from Adivasi community was interviewed at Damavav on July 10<sup>th</sup>, 2017

<sup>24</sup> Ashwini (name changed), a girl from OBC community was interviewed at Panam village, Dhanpur block, Dahod district on June 15<sup>th</sup>, 2017

<sup>25</sup> Kasturba Gandhi Balika Vidyalaya, residential schools of upper primary level for girls primarily from SC, ST, OBC and minority community is the initiative by the Central Government of India (launched in July 2004). This scheme aimed at increasing the enrolment rate and decrease the drop-out rate among the girls in the age group of 10-16 years hailing from the rural backgrounds. In states where Mahila Samakhya, a quasi-body dedicated to rights of women, these residential schools become the alternative support spaces for young girls. (Nirantar, 2015; P. Shah, 2015)

<sup>26</sup> Reshma (name changed), a girl from OBC community was interviewed at Mora village of Morva block of Panchmahal district on May 12<sup>th</sup>, 2017

continued their education despite the incidence of abduction or voluntary home leaving.

Anita<sup>27</sup> (Morbi), from the 9th standard, left home in the industrial township on the outskirts of Morbi with a 25 years old, previously married driver from Patel community who later threw her on the road near her house in an unconscious state after fifteen days of brief partnership. Anita carries the anxiety of her safety. Disha<sup>28</sup> (Dahod) excelled in all spheres in school and had given examination for the twelfth standard. Ritesh her previous classmate abducted her to marry her, but Disha managed to escape. Disha had lost her aspiration to continue her further studies as she does not get the encouragement from her father, who had earlier always supported her not just in her education but also in extra-curricular activities. Arati<sup>29</sup> had excised her agency of leaving home with Chirag to save herself from marrying with a Patel boy, as she knew that she could not continue her education after marriage, but now, she will never be sent to her boarding school as her father had anxiety about her defiance of his guardianship.

These narratives reveal that there are multi-faceted reasons for girls dropping out of school. Right from concerns of safety, travelling distances, lack of infrastructure and quality of education have been reasons for adolescent and young girls dropping out of the schools. However, in case of girls who exercised their agency as well as those who faced forcible abduction, distrust by parents, loss of confidence and most important stigmatization by the community, family, and society at large led to discontinuation of education. Unmet emotional needs of young girls at home needs such as care, respect, play etc also seem to be a factor in girls seeking friendship. Out of 29 girls interviewed during this study, only two could continue their education. The chances of these girls continuing higher education are bleak as stigmatisation, which borders on criminalising the agency of the girls views restriction on education as both curative and punitive measure for the young girls.

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#### *Health and Nutrition: Challenges of Access to Services*

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*Hasina's mother had fixed her engagement while she was 14 years. At the age of 19, Hasina had four children with Javed whom she had chosen to escape from the engagement with a cousin.*

According to NFHS-4 (2015-16) 9.4 and 9.6 % young women in the age group of 15-19 in Dahod and Panchamaharajpur respectively had come under the categories of mothers or/and pregnant at the time of the survey (International Institute for Population Sciences, 2015; Ministry of Health and Family Welfare & Government of India, 2016). In the qualitative study out of 29 young girls, all of whom were below

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<sup>27</sup> Anita (name changed), a girl from Dalit community was interviewed in Kumbharia village of Morbi district on May 5<sup>th</sup>, 2017

<sup>28</sup> Disha (name changed), a girl from Dalit community was interviewed at Nalawai village of Dahod district was interviewed on June 14<sup>th</sup>, 2017

<sup>29</sup> Arati (name changed), a girl from Adivasi community was interviewed at twice once at the taluka police station Godhraon May 6<sup>th</sup>, 2017 and Malwan on May 14<sup>th</sup>, 2017

the age of 18, 11 girls had conceived, which is 37.93 % of the total case studies. From the cohort of the girls who had exercised their agency by leaving home with a partner of their choice, 12 were still in the union at the time of the interview, and 10 of them had conceived within six months of home-leaving. Out of these girls who had conceived, 64 % had critical health during their pregnancy.

Usha<sup>30</sup> left her house just six months before she could attain the legal age of marriage to escape forcible marriage with an old alcoholic man. After 13 days her father charged Natwar, Usha's partner under sections of abduction and POCSO Act, 2012. Within a month Usha conceived and in the 5<sup>th</sup> month of her pregnancy the police arrested Natwar. Usha's father, who was so keen on getting his daughter back and had registered an FIR of her abduction, left her unattended at the police station as he learnt about her pregnancy. The police could not have allowed Usha to be sent to Natwar's family since he was accused of her abduction. Usha had no option but to get admitted to Nari Kendra. Her haemoglobin was seven, and twice in a week, she had to be admitted to the hospital. Natwar's family had to spend 50 thousand as lawyer's fees to get her out of Nari Kendra, where she could not maintain her health. At the age of 18 years and four months, Usha delivered a baby boy. Natwar also obtained bail from the high court on the grounds of taking care of his ailing wife.

It indicated that young couples tend to use conception as a strategy to protect their partnership from forced separation by their respective parents. They returned home from the hideout only after the girl had conceived. This strategy ensured that the family of the girl could no longer deploy any scheme to separate the couple. These girls had little knowledge about the methods of safe sex and contraception.

In many of these communities, social marriage may not precede the cohabitation (Brown et al., 2001; Nirantar, 2015). Evidence had indicated that unmarried adolescents are less likely to use antenatal care than married adolescents, particularly in developing societies of Latin America and Asia (Reynolds, Wong, & Tucker, 2006). Premarital births generally associate with teenage pregnancies where the girls are less inclined to use antenatal care due to lack of support from the families and communities, vulnerable economic position and having no one to guide into the mechanism of accessing antenatal care. More importantly, the adolescent pregnancies involve more risk not just because of biological reasons but also of the fact that teenage pregnant women more often belong to deprived sections of the society, and they cannot supply the 'extra' nutritional supplies for young, underdeveloped bodies to bear the burden of labour (Kayastha & Pradhan, 2012).

Nutritional status of adolescent and young girls has been a point of reflection of prevailing gender inequality and their vulnerability. In the age group of 15-19 years, NFHS-4 recorded 56.5 women and 31.9 per cent of men. This gap in nutritional

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<sup>30</sup> Usha (Name Changed), from OBC community was interviewed at Sajivav village of Shehra block in Panchmahal district

status widens into other age cohorts what is precarious is that among all women in Gujrat this age cohort- 15-19 years had maximum proportion with any kind of anaemia. The intersectionality with education, and marginalisation this proportion increases further in rural areas, among the Scheduled Tribes and women with no schooling (IIPS and ICF, 2017: p. 120). This impacts the health conditions of adolescent and young girls exercising their agency of establishing a union with a partner of their choice and experiencing teenage pregnancies. They have to take up hard labour in vulnerable conditions to earn the livelihood during their hideouts or when they return to the residence of their partner. They remain confined to homes as they fear the police tracking their location. These girls spoke about the challenges they faced during their pregnancy. Invariably they had no identity cards, nor any knowledge about accessing the health and nutritional services. In most cases the couple was living in hide-outs, constantly changing locations with different names in order to save themselves from being located by parents of the girl and the police. The shelters sought by them were far from being ideal conditions for a pregnant young girl in her first trimester.

Latika<sup>31</sup> lived with her mother, grandmother, and siblings, and her step-father visited them. At the age of 16.9 years, Latika left her home to live with Dileep, aged 21 years, of Lavaria village. They lived at different places in the hideout for three months. After four months of leaving her home, Latika, conceived at the age of seventeen. After initial checkup to confirm the pregnancy, Latika never went for a check up till the members of DMS intervened. Latika was in a critical condition as her haemoglobin level had dropped to 5. She feared that if she went to the Lavaria PHC, the authorities could identify her as the ‘eloped’ girl, who in turn may intimate the police, resulting in Dileep’s arrest. Latika was fortunate in getting the support from women’s collective and could stay at her natal home during her critical days of pregnancy even though *davo* was not paid.

Weak infrastructure in health services has affected the health in general, and young girls come under the spectrum of vulnerable concerning their access to the health and nutritional services (Chauhan, 2016). UNICEF survey in a tribal district in Gujarat recorded that 75 % of adolescent girls were anaemic (Srivastav, 2016). Young girls who were administered the mobility tool, never went to Anganwadis to access the services of nutritional supplement, they visited Anganwadis but for reaching their younger siblings or other children in the families. During the FGDs they mentioned, “*kasuj nathi apata to pachhi su kam javanu?*” (Nothing they provide so why should one go?) None of the girls had heard of the existence of the Sakhi-/saheli and groups for adolescent girls under the SABLA programme which are supposed to provide information and counselling regarding menstrual hygiene and contraceptives. Thus, the young girls who are exercising their agency in exploring

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<sup>31</sup> Latika (name Changed), belonged Adivasi community and was interviewed at Khanpatala village in Panchmahal district on May14th, 2017.

their sexual self<sup>32</sup>, do not have any possible access to contraception or scientific information about sexual health. Unavailability of the health services for the sexual health of the adolescents increases the risk of early pregnancy, but the onus of the early pregnancy is put on early sexual debut by youth and young women in particular.

Seema (Morbi) and Mela returned after staying in the hideout for four months after Seema was pregnant. Regarding the use of the contraceptives, Seema said, *“No, I had no idea about it in then, we were living at Mela’s sister-in-law’s natal home in order hide from my family, so how could we have got any of those? After 20 days of leaving, did we have ‘relations’ ...my delivery happened at home as we did not know what time I should have reached the hospital? It was raining when I got pains, and I delivered at home. There was no time to take me to the hospital.”* Seema said these words with great difficulty in front of her brother in law being around at the tie of the interview. In general, the young girls are restrained from sharing their sexual experiences or prioritising their health over the honour of the family.

*“Harish and I used to meet and get intimate in a neighbouring vacant house in the village. One day my mother saw me coming out of that building in the dark. That was it ... then there was chaos. My father went to meet Harish, and my mother created a ruckus. My father had complained Harish, his father and brother. In return, Harish’s father lodged a complaint of violence against my father. During all this tension, I then never told my family that I was pregnant. It was only when my father was released from the jail did I confide to my mother. My father agreed to marry me with Harish. I delivered after 15 days of our marriage. That is how my Mamata Card and all happened after I came to live in Harish’s house. So no medicines or check-ups could happen.”* Kanchan delivered a child at the age of 16.

Sushama reported a month old pregnancy in her interaction with the ANANDI team at Mukesh’s house while she did not reveal it in her interaction with the Sanghatan who met her in the presence of her parents. Later the sanghatan (DMS) feared that her parents must have taken her for abortion as she was not allowed to meet them and was also away from her home for many days. Early pregnancies also run the risk of concealed abortions, which are usually unsafe (I. H. Shah & Åhman, 2012). NFHS-4 recorded that in Gujarat, the percentage of the abortions in the age group of 15-19 years was higher than in the age group of 20-29 years (2.4% and 1.7% respectively) and in similar vein, the percentage of miscarriages (10.8) was highest compared to all age groups (IIPS and ICF, 2017: 71). 65% of these abortions are in private health sector while in 24.1 % of abortions the location was at home (IIPS and ICF, 2017: 6). More disconcerting facts are that 27 % of these abortions were performed by ‘self’ and 24.6 % of women had complications from the abortions (IIPS and ICF, 2017: 72).

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<sup>32</sup> Sexual Self- concept stands for ‘a multidimensional construct that refers to an individual’s positive and negative perceptions and feelings about him- or herself as a sexual being’ (Rostosky, Dekhtyar, Cupp, & Anderman, n.d.) It differs from actual behaviour but definitely reflects the intentions of the behaviour in future. Thus, here by exploring sexual self does not mean that the girls engaging in any sexual activity per say but they are definitely perceiving themselves as sexual being.

In all the cases where the young girls had left home with the partner of their choice and had a consensual sexual experience, the use of contraception and their knowledge about safe sex was untenable. Except for one, none of them knew about safe sex and contraception. In Gujarat, the use of contraceptive remains a challenge since in the last 10 years the use of contraceptives among currently married women has declined from 66.6% (NFHS-3) to 46.9%. Similarly there has been decline in the knowledge of contraceptives by 3.3% which deepened in rural areas up to 4.4% (NFHS-4) (IIPS and ICF, 2017; International Institute for Population Sciences (IIPS) and Macro International, 2008). In such a situation, a dialogue between the partners followed by an informed decision about safe sexual activity and conception remains contested ground. Young girls exercising agency in choice of partner conceive at an early age without knowledge and availability of contraception and experience the first trimester in vulnerable condition while continuing in hideouts.

In some cases, the stigma of premarital pregnancy and elopement kept them away from health check-up and nutritional services. The parents who were keen on getting their daughter back refused even to accept her when she was pregnant. This deepened her stigma and enhanced stress and trauma. The entire experience of pregnancy makes her physically, emotionally and socially vulnerable.

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*The economy of Labour of Love: Trajectories of Paid and Unpaid Labour*

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*I have worked ever since my childhood...there was no time to go to school...I worked at agar, on fishing boats, as a wood cutter...we had to work in the salt pans for more than 12 hours. So when parents tried to fix my marriage at Malia ...I told Javed who worked with me all through this time to take me from home. At least there be one choice ...I had to work here or there...*

Hasina, married in 2011 at the age of 16 is today a mother of four children,

*After my elder sister got married at the age of 20, my family shifted me from Godhra to take care of the household and grandmother. I did not like the school in the village. Unlike Godhra, where I could play and study, back at the village, I used to assist my mother, and when she would be engaged in the agricultural work, I alone took care of household duties. The work used to be so demanding that I hardly could play or study.*

Meenal<sup>33</sup> left her home with a friend at the age of 15.6 years after 3 months of shifting to her village school in 7<sup>th</sup> standard.

*I had never worked in my parents' house. I did help my mother, but I could not cook. When we started living with Sobat's brother Kalu I had to start working along with Sobat at the BT cotton fields in a village near Rajkot. It was a hard time. I used to get tired with that kind of labour, but I had no complaints. Sobat used to cook for us, and we worked together.*

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<sup>33</sup> Meenal (name Changed) from Redhana village in Devgarh Baria Block, Dahod district was interviewed on May 11<sup>th</sup>, 2017.

Rini<sup>34</sup>, who had left her parents' house at 15.6 years while in 10<sup>th</sup> standard was brought back after the police arrested Sobat who had to spend with 2 years of imprisonment

Engagement in labour for girls begins at an early age mostly with unpaid care work, by the age of 15 she is seen crucial for functioning of the household economy. Though it is not always detrimental to engage in household chores under the supervision of their care-givers or the family but to cultivate it as gender role for girls impacts their development marking gender discrimination and affecting the chances to access education, leisure and pleasure (United Nations Children's Fund, 2016). The UNICEF report of 2016 recorded that globally a girl aged 5-9 spends on an average, four hours per week on household chores while older girls aged 10-14 spend around nine hours per week on these activities. In lesser developed countries especially in Africa and Asia these number are twice high. Worldwide girls aged 5-9 and 10-14 spend respectively 30 per cent and 50 percent more time helping around the house than boys. Gender disparities in this regard become more stark in Asian and African countries (United Nations Children's Fund, 2016).

We need a concluding paragraph

Conclusion:

This study began as an attempt to understand the phenomenon being observed with the communities ANANDI and the Women's collectives had been working with for nearly two decades. It is due to the credibility of these organisations that access to police records as well as to the young girls was possible.

The findings of this research are critical as they offer grounds to open discussion within the community as it offers a first-person glimpse of young girls needs in rural areas. It calls for concerted action between the parents, schools, women's collectives and young girls to secure a better future.

The findings around how the girl's agency can come in conflict with the existing legal approach need a lot more debate between champions of child rights, women's rights and legal fraternity. The experiences of young girls recorded through this study open up the debate on "criminalisation" which needs to be understood not from a legal lens but from the lived realities of young women where the patriarchal community norms have a strong influence on what is considered right and wrong behaviour.

As there is a growing interest in recognizing the paid and unpaid work on women, this study brings into focus this dimension as it plays out in the lives of young girls. While there is a recognition that keeping girls in school will delay marriage, this study has raised questions about whether our education system is equipping young girls to deal with their emotional needs.

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<sup>34</sup> Rini, (name changed) resident of Singor village was interviewed on April 11<sup>th</sup>, 2017 at Katu village in Panchmahal district.



For the health system, this study raises the question of whether the services available at the PHC are universal or are mediated by the marital status and the age of the young woman who needs its services.

We hope this paper enables various actors working towards meeting the SDGs to address the specific needs of young girls to better informed for their actions.

### ***Bibliography***

- Afridi, F. (2011). The Impact of School Meals on School Participation: Evidence from Rural India. *Journal of Development Studies*, 47(11), 1636–1656.  
<https://doi.org/10.1080/00220388.2010.514330>
- Agnes, F. (2013). Controversy over Age of Consent. *Economic and Political Weekly*, XLVIII(29), 10–13. Retrieved from  
[https://www.epw.in/system/files/pdf/2013\\_48/29/CM\\_XLVIII\\_29\\_200713\\_Flavia\\_Agnes.pdf](https://www.epw.in/system/files/pdf/2013_48/29/CM_XLVIII_29_200713_Flavia_Agnes.pdf)
- Baxi, P. (2009). *Habeas Corpus Juridical Narratives of Sexual Governance* (No. CSLG/ WP/ 09). New Delhi.
- Baxi, P. (2017, October 25). Complicated terms of engagement - OPINION - The Hindu. *The Hindu*. Retrieved from <https://www.thehindu.com/todays-paper/tp-opinion/complicated-terms-of-engagement/article19914961.ece>
- Brown, A., Jejeebhoy, S. J., Shah, I. H., Yount, K. M., World Health Organization. Dept. of Reproductive Health and Research., & UNDP/UNFPA/WHO/World Bank Special Programme of Research Development and Research Training in Human Reproduction. (2001). *Sexual relations among young people in developing countries : evidence from WHO case studies. Occasional paper (World Health Organization Dept of Reproductive Health and Research)*. Retrieved from  
[http://apps.who.int/iris/bitstream/handle/10665/66836/WHO\\_RHR\\_01.8.pdf?sequence=1&isAllowed=y](http://apps.who.int/iris/bitstream/handle/10665/66836/WHO_RHR_01.8.pdf?sequence=1&isAllowed=y)
- Chauhan, A. (2016, March 29). In rural health, Gujarat among BIMARU states | Ahmedabad News - Times of India. *Times of India*. Retrieved from  
<https://timesofindia.indiatimes.com/city/ahmedabad/In-rural-health-Gujarat-among-BIMARU-states/articleshow/51593362.cms>
- Human Rights Law Network. (2017). *Child Marriage: The Worst Form of Slavery*. (S. Barpanda & Z. Wynne, Eds.), *Because I Am A Girl*. New Delhi. Retrieved from <https://plan-international.org/because-i-am-a-girl/child-marriage?gclid=CJS5gcqHzdECFYwPaAodC2MDHQ#>
- IIPS and ICF. (2017). *NATIONAL FAMILY HEALTH SURVEY (NFHS-4), India, 2015-16: Gujarat*. Mumbai. Retrieved from  
<http://www.rchiips.org/nfhs%0Ahttp://rchiips.org/NFHS/NFHS4-4Reports/India.pdf>
- International Institute for Population sciences. (2015). *National Family Health Survey - 4, 2015-16. District Fact Sheet-Panchmahal (Gujarat)*.
- International Institute for Population sciences (IIPS) and Macro International. (2008). *National Family Health Survey (NFHS-3), India- 2005-06: Gujarat*. Mum: IIPS.  
[https://doi.org/10.1016/S0140-6736\(05\)17806-4](https://doi.org/10.1016/S0140-6736(05)17806-4)

- Kayastha, S., & Pradhan, A. (2012). Obstetric Outcome of Teenage Pregnancy, 7(2), 29–32.
- Loaiza, E., & Wong, S. (2012). *Marrying Too Young*. New York: United Nations Population Fund. Retrieved from <https://www.unfpa.org/webdav/site/global/shared/documents/publications/2012/MarryingTooYoung.pdf>
- Ministry of Health and Family Welfare, & Government of India. (2016). *National family health survey-District Fact Sheet :Dohad, Gujarat*. Retrieved from [http://rchiips.org/NFHS/FCTS/GJ/GJ\\_FactSheet\\_485\\_Dohad.pdf](http://rchiips.org/NFHS/FCTS/GJ/GJ_FactSheet_485_Dohad.pdf)
- Nirantar. (2015). *Early and Child Marriage in India: A Landscape Analysis*. New Delhi. Retrieved from [http://www.nirantar.net/public/site/files/EM\\_Report\\_30-4-15.pdf](http://www.nirantar.net/public/site/files/EM_Report_30-4-15.pdf)
- Patel, S. (2016). A study of tribal fairs held in Panchmahals, Gujarat. *KCG-Portal of Journals*, 24(24), 5. Retrieved from <http://kcgjournal.org/kcg/wp-content/uploads/SocialScience/Issue24/Issue24-SureshPatel.pdf>
- Raha, S. (2014). Love and Sex in the Time of the POCSO Act, 2012 • In Plainspeak. Retrieved November 30, 2018, from <http://www.tarshi.net/inplainspeak/voices-love-and-sex-in-the-time-of-the-pocso-act-2012/>
- Reynolds, H. W., Wong, E. L., & Tucker, H. (2006). Adolescents' Use of Maternal and Child Health Services in Developing Countries. *International Family Planning Perspectives*, 32(1), 6–16. <https://doi.org/10.1363/ifpp.32.006.06>
- Rostosky, S. S., Dekhtyar, O., Cupp, P. K., & Anderman, E. M. (n.d.). Sexual Self-Concept and Sexual Self-Efficacy in Adolescents: A Possible Clue to Promoting Sexual Health? *The Journal of Sex Research*. Taylor & Francis, Ltd. <https://doi.org/10.2307/20620369>
- Rupera, P. (2006). Dowry system in reverse shields tribal girls | Ahmedabad News - Times of India. Retrieved November 30, 2018, from <https://timesofindia.indiatimes.com/city/ahmedabad/Dowry-system-in-reverse-shields-tribal-girls/articleshow/1669255.cms>
- Sedwal, M., & Kamat, S. (2008). *Consortium for Research on Educational Access, Transitions and Equity Education and Social Equity With a Special Focus on Scheduled Castes and Scheduled Tribes in Elementary Education*. Retrieved from <http://www.create-rpc.org>
- Shah, I. H., & Åhman, E. (2012). Unsafe abortion differentials in 2008 by age and developing country region: High burden among young women. *Reproductive Health Matters*, 20(39), 169–173. [https://doi.org/10.1016/S0968-8080\(12\)39598-0](https://doi.org/10.1016/S0968-8080(12)39598-0)
- Shah, P. (2015). Migrant adolescent girls' education and dis/empowerment in Gujarat, India: Inclusion, exclusion, or assimilation? *Educating Adolescent Girls Around the Globe: Challenges and Opportunities*, 77–95.
- Srivastav, R. (2016). Dealing with adolescent anaemia – a success story from Valsad district, Gujarat | UNICEF. Retrieved December 3, 2018, from <http://unicef.in/Story/442/Dealing-with-adolescent-anaemia-a-success-story-from-Valsad-district-Gujarat>
- Syahirah, S. S. S., Bibi, H. F., Bazli, H. M., & Zarihan, S. (2018). Child Marriage in the 21 st Century: Sentiment And Semantic Analysis Via Social Media Intelligence. In *International Conference on Kansei Engineering & Emotion Research* (pp. 748–757). Springer.
- TISS. (2016). *Addressing Early and Child Marriage in india: A Participatory Study of Mapping the*

- Outcomes*. Mumbai. Retrieved from <http://www.tiss.edu/uploads/files/FirstYearReportEarlyandChildMarriageinIndia.pdf>
- Unicef. (2001). *Early marriage: child spouses*. Florence, Italy: UNICEF, Innocenti Research Centre.
- United Nations Children's Fund. (2016). *Harnessing the Power of Data for Girls*. Retrieved from [www.data.unicef.org](http://www.data.unicef.org)
- Vajpeyi, Y. (n.d.). Mobile school for migrant children | UNICEF. Retrieved November 21, 2018, from <http://unicef.in/Story/80/Mobile-school-for-migrant-children>
- Vimala Ramachandran, T. N. (2013). What It Means To Be a Dalit or Tribal Child in Our Schools A synthesis of a six state qualitative study. *Economic and Political Weekly*, *xlviii*(44), 43–52. <https://doi.org/10.1039/c39760001022>
- Wodon, Q., C. Male, A. Nayihouba, A. Onagoruwa, A. Savadogo, A. Yedan, J. Edmeades, A. Kes, N. John, L. Murithi, M. S. and S. P. (2017). *Economic Impacts of Child Marriage: Global Synthesis Report*. Washington, DC. Retrieved from [www.costsofchildmarriage.org](http://www.costsofchildmarriage.org)