

Child Marriages in Madhya Pradesh

An Incessant Infringement of Rights

PAIRVI

Public Advocacy Initiatives for Rights and Values in India (PAIRVI) grew out of a strong belief that reducing the gap between public policy and aspirations of people is a pre requisite for democracy, and civil society organizations have a key role in putting forward the voice of people in the policy making. PAIRVI facilitates and strengthens grassroots advocacy efforts in north and central India. Its major concerns and interventions include capacity building of grassroots organizations in advocacy, strengthening human rights infrastructure in the country and promote and encourage awareness and access to child rights, right to food and livelihood, and right to economic and environmental justice.

Madhya Pradesh Human Rights Commission

Madhya Pradesh Human Rights Commission is an independent and autonomous institution established under the Protection of Human Rights Act, 1993 legislated by the Parliament of India and coming in effect from 28th September 1993. It aims to protect the rights laid down by the Act. The Commission makes effort to enable access to human rights and protection of human rights to the masses. The main objective of the Commission is to review the governance and make it compliant to human rights. The victims of human rights violations can also access the Commission to protect their rights.

The Commission can enquire suo motu or on a petition presented to it, into complaints of violation of human rights or abetment, or negligence in preventing such violation by a public servant. On the basis of enquiry, the Commission can recommend prosecution or action against any public servant or other individuals found to be guilty of violation of human rights or negligence in preventing such violation. It can also approach the High Court for injunctions, instructions or directions it deems fit. The Commission can also recommend to the state to award compensation or interim relief to the victims of the violation of human rights or their families. Its functions also include;

- Visit any jail, detention centre, or other institution under the control of the state government, where persons are detained or lodged for purposes of treatment, reformation or protection for the study of living conditions of persons therein and make recommendations thereon to the government.
- Review the safeguards provided by or under the Constitution or any other law in force for the protection of human rights and recommend measures for the effective implementation.
- Review the factors including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- Encourage and promote research in the field of human rights.
- Spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available measures.
- Such other functions as it may consider necessary for the protection of human rights.

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Research Study conducted by
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Child Marriages in Madhya Pradesh An Incessant Infringement of Rights

A Rapid Assessment of Child Marriages in Bhind, Morena and Gwalior districts of Madhya Pradesh

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Published By

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of women in decision making as much as it is related to equal employment and life skills opportunities.

The current approaches in combating child marriages are focused more on preventing it. A little shift in the emphasis on delaying marriages and providing adequate incentives and opportunities to support that can have improved results not only on the statistics but also on the attitude and behavior of people. Strengthening education network and outcomes, encouraging parents to commit a minimum number of years for girls at schools, providing more accessible scholarships and especially for those belonging to disadvantaged communities can help improve community response for delaying child marriages. The study makes some specific recommendations as listed below:

- Reinforcing community involvement in preventing child marriages
- Increasing access to education
- Providing skills and economic opportunities to young women
- Education of marriage laws with skills training for unmarried girls
- Counseling at high schools and above
- Employment of grassroots level workers/NRHM framework to build information network
- Increasing women's participation in social, religious and political activities
- Strict enforcement of laws
- Compulsory registration of births and marriages
- Setting up of special cells with the responsibility of monitoring and preventing child marriages in areas and districts of high prevalence
- Compulsory declaration of age of bride and groom before marriage officers
- Involving men folk in discussion and efforts to combat child marriage
- Improved access to family planning and health care services to young girls and women
- Supporting programmes to end violence against women
- Rehabilitation programmes for victims of child marriage
- Monitoring of law and other legal mechanisms
- Bridging the gap between public and personal laws
- Encouraging civil society cooperation.

Therefore, the study suggests that any efforts towards restraining child marriages should include initiatives ranging from grassroots initiatives, to efforts desired at intermediate (sub-district) levels, to state and national priorities in terms of curtailing child marriages. It should range from the most obvious step to educate girl child, to strengthening community involvement in preventing child marriages, from employing alternative opportunities to girls and young women to involving men folk in the action.

Chapter 5: Socio-Cultural and Economic Barriers in Restraining Child Marriages in Madhya Pradesh

The patriarchal structure of the society which leads to the women's subordination and gender based discrimination is a very dominant determinant of the child marriage. The feeling of insecurity of girls, earlier due to the terror of armies of great empires of the Mughals and the Marathas, and then due to the terror of dacoits and bandits, rise in crime against women, and others factors related to the security of girls contributes significantly towards the propagation of child marriage. Lack of education, poor economic status, poverty and social practices like dowry, chhikna (Caste Aside), kanyadaan of girls before puberty and protection of girls' virginity and sexuality are other set of factors behind the child marriages. However, the practice of child marriages can also be seen in the economically well-off and educated families. All these factors are inter-related and have a reciprocal influence over each other. The intensity of societal pressure is such that any individual or agency – government or non-governmental – trying to enforce laws is seen as an 'enemy' and the entire community rises against such efforts.

Chapter 6: Law on Child Marriage: Implementation and Administrative Dimensions

There are a number of international human rights covenants and treaties which provides a normative framework to address the issues of the child marriages globally. These are – Universal Declaration of Human Rights (1948), United Nations Convention on the Rights of the Child (1989), The Convention on the Elimination of all forms of Discrimination against Women (CEDAW, 1979), The Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriage (1962), International Covenant on Civil and Political Rights (ICCPR, 1966), and International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and so on. In India the Prohibition of Child Marriages Act, 2006, and Compulsory Registration of Marriages Act, 2006 aim at elimination of child marriages. Despite enactment of laws and efforts of the government to ensure compliance, people have come up with ways of evading the laws. They obtain fake age certificates, perform marriage secretly, take help of panchayat officials, and adopt other means to marry their children.

Government of Madhya Pradesh has also launched various schemes with prohibition of child marriage as one of their objectives. These are like Mukhya Mantri Kanyadaan Yojana, Bal Vivah Virodhi Abhiyan, Ladli Laxmi Yojana, Gaon ki Beti Yojana, Raksha Sutra Bandhan etc. The study also observed that only in less than 5 per cent of the cases the complainant reports the incident due to genuine concern for the girl's well being. In rest of the cases, the complaint is made because of personal enmity, family feud and by boys who have love interest in the girls whose marriage is being solemnized. Madhya Pradesh Human Rights Commission has also undertaken various programmes and workshops to create awareness of the present legal provisions regarding child marriages.

Chapter 7: Conclusion and Recommendations

The solutions while obvious are not simple. It requires comprehensive development approach. The prevention of child marriage is not only about laws, attitudes and customs; it is equally about education, health care and empowerment. It is related to gender equality and participation

Acknowledgement

This report is result of combined efforts of a number of individuals and organizations whom we would like to express our gratitude.

We would like to express our deepest gratitude to the Chair of Madhya Pradesh Human Rights Commission highly esteemed Justice Shri D M Dharmadhikari, and honourable members of the Commission Justice Shri N S Azad and Mr. Vijai Shukul. We also express our appreciation for Shri Rituraj Ranjan, OSD at the Commission who has provided his good offices for determining, scope and extent and modalities for the study.

We express our regard to the members of PAIRVI Executive Committee, Dr. Varsha Joshi, Prof. Sanjai Bhatt, and Dr. Ranjana Sehgal who have been forthright with their views, insights and experience which helped the study in a number of ways.

Gratitude is also due to a number of individuals who in their personal capacity and with their organizations provided access to resources, field areas, respondents, and other critical inputs. Shri Pradeep Julu, Shri S K Singh, Shri Ravi Kushwaha, Shri Prakash, Shri Pehalwan Singh Bhadoria and Shri Devendra Bhadoria have helped this study in many ways more than we can list.

The study team also interacted with a number experts from different walks of life including Dr. Ranjana Dixit (Asst. Professor Jiwaji University, Gwalior), Dr. Neela Hardikar (Retd. School Teacher and social activist), and Shri Ashok Pandey and Shri Javed Khan (Journalists).

We express our regard for all the repondents including children, parents, panchayat members, school teachers, health and anganwari staff, people from NGOs, doctors and government officials, whose readiness to speak and provide information and opinion has been a humbling experience.

Special thanks is also due to our research consultant Mr. Vinod Koshti and colleagues at Pairvi, Mr. Prashant Kumar, Mr. Javed Khan, Mr. Digvijoy Phukan for their valuable contribution.

Though the report is combined effort of many people, the undersigned takes the responsibility for any deficiencies and mistakes that might have appeared inadvertently. Feedback would be welcome at pairvidelhi@rediffmail.com



Ajay K Jha
Director
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Foreword



Children are the best optimism that present holds for the future. Children's upbringing including education and values instilled in them and mental and physical health determine their potential to contribute to the nation's development. In developing and least developed countries that have significant child population, future of child is critical to its future place in the global order. Yet, child marriage is one of the saddest realities and challenges that many countries are facing. It is a serious global concern today and has prompted many efforts. However, it is intriguing that despite reforms in policy and programmes, this pernicious practice continues even today.

The global human rights activism has provided much desired importance to the issues of children. A number of international covenants like UDHR, ICCPR, ICESCR, CEDAW has bound state parties and civilized humanity into commitments to end discrimination based on gender including child marriages at the earliest. Municipal laws of most of the countries profess deepest commitment to eliminating discrimination based on sex and gender. However, laws on marriage, both public and private have failed to completely address the discrimination against the girl child perpetrated in the form of child marriage. India too faces the challenge to end this social vice, provide adequate safeguard to childhood against all forms of abuse including under-age marriage.

Madhya Pradesh Human Rights Commission has been cognizant of the child marriages happening in the state. It has taken a number of efforts to stop child marriages in the state. Reported cases have come down in the previous years however, going even beyond the reported cases, it has ensured that law against child marriage is enforced and children's interests are not sacrificed due to marriage. Besides intervention in cases, it has also provided critical insights towards policy alternatives and implementation.

The present report is one of the efforts of the Madhya Pradesh Human Rights Commission undertaken in collaboration with PAIRVI. The report of a rapid assessment in three districts of Madhya Pradesh underscores the urgent need for more efforts to overwhelm the reasons and factors for perpetuating child marriages. The Commission thanks PAIRVI for its cooperation and we are sure that the report would prove helpful in designing policy response and action strategies both for the government as well as civil society.

Justice D M Dharmadhikari

Chairperson

Madhya Pradesh Human Rights Commission
Shyamala Hills, Bhopal

per cent) scheduled tribe population in the districts is statistically insignificant. Bhind, Morena and Gwalior have lowest sex ratio in Madhya Pradesh at 822, 829, and 848 females per thousand males respectively. This is despite the fact that literacy rate in these districts is higher than state and national average. However, in all these three districts the IMR is lower than state and national average.

Chapter 4: Child Marriage in Madhya Pradesh

The study revealed that in almost all the three districts of Bhind, Morena and Gwalior, it was found that puberty is considered as the most important determinant for the marriage of girls. The study estimates that around 75 per cent of the girls in the rural area of Madhya Pradesh are being married in 14-17 years of age whereas in the urban areas it comes to around 60 per cent. As far as boys in the rural Madhya Pradesh is concerned around 68 per cent of the boys are getting married in 16-19 years of age whereas it is only 40 per cent in the urban areas.

Due to the efforts of the state as well as civil society organizations (CSOs) the awareness about the child marriage legislations among the people has notably increased. Besides education and awareness, fear of prosecution has been instrumental in increasing the age at marriage. There is a marked trend of increase in the age at marriage in last five years. However, the study observes that condition is worse in the scheduled castes and scheduled tribes and in the interior most villages of the region. Although people prefer to marry their daughters after they attain puberty, there are still cases when the girls are married even below the age of 14 years. The study estimates that around 5 per cent of girls and 3 per cent of boys are still being married below the age of the 14.

Though people are well aware of the *kanuni umar* (Legal age of marriage), they consider the age of puberty for girls as the *sahi umar* (right age of marriage) to marry. In case of boys the physical determinants of marriageable age is gauged by the appearance of secondary sexual characters like moustache and pubic hair. For girls the question of security gets prominence and for the boys the early marriage is seen as an entry into manhood and proof of his virility. The study widely observes that in the study districts of Madhya Pradesh, girls are commonly married when they are 14-17 years of age whereas the boys are getting married in the age of 16-19 years.

It was observed that majority of marriages are happening in these areas just before the legal age of marriages of the boys and girls. The registration of births is not practiced in these areas and hence, people generally lack an official document verifying age of the children. The lack of proper documents becomes a 'boon' especially for the rural population where they manage to get fake certification from some or other sources which suits to their purpose. If we do not take into consideration the inflated age of boys and girls, the percentage of child marriage will shoot very high as majority of the marriages are the borderline cases where the age of boy and girl is just below the legal age of marriage. Ignoring this fact, the study estimates that around 20 per cent of girls and almost 29 per cent of boys are getting married at or above the legal age at marriage in the rural Madhya Pradesh. In other words, it can be said that almost 80 per cent of marriages are held in Madhya Pradesh before the boys and girls attain their legal age at marriage i.e., child marriages are still happening in around 80 per cent of the cases in rural Madhya Pradesh. However, in the urban areas of Madhya Pradesh, it is estimated that around 40 per cent of girls and 60 per cent of boys are married after attaining their legal age of marriage.

Executive Summery

Chapter 1: Introduction

History has witnessed the prevalence of child marriage in various cultures in different countries of the world including India. It is a social malaise that has been a great lag in the area of rights of children and women in India. The consequences include soaring birth rates, grinding poverty and malnutrition, high illiteracy and infant mortality and low life expectancy, especially among rural women. While 21st century India is being projected as a leading economy and leader in the global political it also must provide leadership in addressing the issues of child marriage, female feticide and infanticide, gender inequality etc. These practices are rampant in many parts of the country and the incidence of it is highest in the states of Madhya Pradesh, Rajasthan, Bihar, Uttar Pradesh, and Chhattisgarh.

Chapter 2: Methodology

The present study is an outcome of the realization that despite historical attempts to combat child marriage, it continues and is continued in a more rigid fashion now-a-days. The main aim of the study is to analyze the situation prevailing in Madhya Pradesh. In addition, the study also analyses the gaps in the existing legal mechanisms against child marriage and their functioning at the grassroots level.

The study was carried out in three districts of Madhya Pradesh namely Bhind, Morena and Gwalior, which have lowest sex ratio and high prevalence of child marriages. Primarily qualitative in nature, the study is descriptive in design which is based on the responses of 156 stakeholders including those involved in the child marriage, people from community, government officials, health workers, influential people in the villages, panchayat members, social activists etc.

Chapter 3: Profile of the sample Districts

Child marriage is highly prevalent in India. The top five states are – Madhya Pradesh at 73 per cent, Andhra Pradesh at 71 per cent, Rajasthan at 68 per cent, Bihar at 67 per cent and Uttar Pradesh at 64 per cent (ICRW 2007) marriages taking place below the legal age. According to IIPS (1999), in Madhya Pradesh the mean age at marriage for boys is 21.9 years and for girls is 18.1 years. MP has a sex ratio of 920 and has the highest IMR (88) in the country. The demographic details of MP show that the overall condition of women especially those in the rural areas are very poor.

Of the three districts, population of Gwalior is the highest with 1.63 millions followed by Morena and Bhind having populations of 1.59 millions and 1.43 millions respectively. Morena has the maximum rural population while Gwalior has maximum urban population. Bhind, Morena and Gwalior have significant SC Population with 21.5 per cent, 21.1 per cent and 18.9 per cent of the population belonging to the schedule castes respectively. Except for Gwalior (3.5

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