

**STUDY ON
IMPLEMENTATION OF
PROHIBITION OF CHILD MARRIAGE ACT
(G.O.MS.NO. 13)
IN ANDHRA PRADESH**



Acknowledgment

Reduction of child marriages and trafficking for sexual exploitation in the two states of Andhra Pradesh and Telangana are the two main objectives of the Girls Advocacy Alliance program. Mahita and Plan India have been working with district and state administration and other key stakeholders on ensuring that efforts are made from all quarters to reduce the incidences of child marriages. Effective implementation of Prohibition of Child Marriages Act, 2006 is one key strategy to ensure child marriages are not solemnized, however in spite of the amendments to the law in the year 2006, child marriages continue.

The study was commissioned to Centre for Social and Scientific Research by Mahita to undertake a critical review on the existing legislation of PCMA 2006 and suggest on the need for reviewing and reframing the state rules. The study was also undertaken with a view to identify the plausible bottlenecks in the effective implementation of the same. We are extremely grateful to the entire team of CSSR for undertaking this study and emerging with robust recommendations to address the bottlenecks in the implementation of PCMA 2006.

We are thankful to Plan India for their inputs in designing the study terms of reference and for providing the research team with valuable suggestions through the course of the study. We also take this opportunity to thank the functionaries from various departments key in the implementation of the PCMA 2006 in providing information and inputs on the current situation and possible areas of improvement for effective implementation of the act.

We are hopeful that this study would go a long way in ensuring effective implementation while also guiding the state functionaries in addressing the bottlenecks, thereby ensuring that girls in the state are able to lead a healthy fulfilling life as children and free of the burdens of child marriage.

MAHITA

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Abbreviations

AP	Andhra Pradesh
ANM	Auxiliary Nurse and Midwife
ARSH	Adolescent Reproductive and Sexual Health
ASHA	Accredited Social Health Activist
AWW	Anganwadi Worker
CCL	Children in Conflict with Law
CDPO	Child Development Project Officer
CSSR	Centre for Social and Scientific Research
CMPO	Child Marriage Prohibition Officers
CRMA	Compulsory Registration of Marriages Act
CNCP	Children in Need of Care & Protection
CWC	Child Welfare Committee
DC	District Collector
DCPU	District Child Protection Unit
DCPO	District Child Protection Officer
DRO	District Revenue Officers
DLSA	District Legal Services Authority
ICPS	Integrated Child Protection Service
ICDS	Integrated Child Development Service
IDI	In-depth Interview
IEC	Information Education and Communication
NGO	Non-Government Organisation
PCMA	Prohibition of Child Marriage Act
POCSO	Protection of Children from Sexual Offences Act, 2012
PRI	Panchayat Raj Institution, a body of local governance in India
RDO	Revenue Divisional Officer
SLSA	State Legal Services Authority
SCPC	State Child Protection Committee
SHG	Self Help Group
SJPU	Special Juvenile Police Unit
VCPC	Village Child Protection Committee
VS	Village Secretary
WD & CW	Women Development & Child Welfare

CHAPTER I

EXECUTIVE SUMMARY

The Prohibition of Child Marriage Act, 2006 (PCMA, 2006) was notified on 10 January 2007 to overcome the constraints of the former legislations in effectively dealing with the problem of child marriages in India and to put in place a comprehensive mechanism. It came into force on 1 November 2007.

Five years after the Central Government Act was passed, the unified Andhra Pradesh (AP) state government had framed State Rules for the prohibition of child marriages in Andhra Pradesh (G. O. Ms.No.13) on 19.03.12 and as an effect of the GO, the 'Andhra Pradesh Prohibition of Child Marriages Rules, 2012' came into existence. According to the rules, the state has appointed Child Marriages Prohibition Officers (CMPOs) who are vested with the powers of a police officer to prevent child marriages in the State. It also designated a Nodal Officer for the purpose of implementation of the Act and the Rules.

Village Child Marriage Prohibition and Monitoring Committees have also been constituted with Gram Panchayat Secretary as the Chairman and Anganwadi worker as Convener and 10 other members. However, it was found that there were many bottlenecks in the uniform implementation of the Act. A greater pressing need was felt for policy changes to ensure effective implementation of the Act across the state.

In this context, the present study is commissioned to find out the different bottlenecks influencing the implementation of PCM Act with reference to G.O.Ms. No. 13 in Andhra Pradesh. It also aims to know the perceptions of different stakeholders and duty bearers for implementing the Act and propose concrete recommendations for effectively rolling out the PCM Act in Andhra Pradesh State.

The core objectives of the study are to:

1. Undertake a critical review and recommend on the legislation, the Prohibition of Child Marriage Act 2006 and the Andhra Pradesh Prohibition of Child Marriages Rules, 2012 (G. O.Ms.No.13)
2. Identify the bottlenecks in the implementation PCMA in Andhra Pradesh.
3. Propose concrete recommendations for effectively rolling out PCMA in Andhra Pradesh.

The study is conducted by the Centre for Social and Scientific Research between September and November 2019. The study used only qualitative information and collection of secondary data pertaining to the supporting factors and bottlenecks influencing the implementation of PCM Act in Andhra Pradesh State.

The appropriateness and relevance of this approach was monitored throughout the research process, right from training of the researchers to the subsequent collection of qualitative data at the village, gram panchayat, mandal, district and state levels.

Based on the high prevalence of marriages in last five years, Kurnool District was selected for the study. State officials of the Department of Women Development and Child Welfare of AP, District Nodal Officers i.e. PD-WD&CW/ officials including DCPU in Kurnool District, mandal, gram panchayat and village level CMPOs and connected key stakeholders in Kurnool Rural, Orvakallu and Peddapadu mandals were interviewed to gauge their level of awareness about the PCM Act, 2006, (G.O.Ms.No.13 State Rules), as well as the information they had about the implementation of G. O. No. 13. It aimed to gauge the level of involvement of CMPOs in rolling out the Act and the bottlenecks that impacted the process. It solicited their suggestions on the effective implementation of the PCM Act at all levels.

FINDINGS

Consultations with various stakeholders at the state, district, mandal and gram panchayat levels indicate that the G.O. Ms.No.13 on PCMA doesn't specify the requirement of specific budget allocation towards the implementation of the Act in the State; but specific budget is available under the child protection component. This is available with WD&CW and is being used for implementing PCMA activities whenever necessary.

Video conferences are conducted from State office with Project Directors of WD&CW at the district level discussing about implementation of Prevention of Child Marriage and allied Acts.

Monthly review meetings are conducted with DCPOs regarding the status of child marriage, cases prevented, children rescued and rehabilitated, awareness activities conducted etc.

During all state level trainings conducted for ICDS Supervisors, few sessions were allotted for discussion on PCMA and CRMA where they further disseminated the knowledge to AWWs at village level.

The TOT is planned for Village Secretaries in the entire state and further they would disseminate the trainings for Gram/ Ward Sachivalayam Volunteers on child protection issues including the implementation of PCMA in the entire state. The PCMA details are

incorporated in training TOT module and the module is launched on 2nd December 2019 at the state level.

The Government of AP has appointed a Women Police with designation of 'Women & Child Welfare Assistant for each gram panchayat for every 2000 population. She will closely work with ICDS and ICPS through WD&CW Department; which also helps in the implementation of PCMA.

There is no convergence happening at the State level with other line departments for the implementation of the PCM Act. Only need-based coordination with Departments to whoever has a requirement based on priority. District level convergence is happening regularly.

Superintendent of Police of Kurnool District conducts monthly review meetings with Police officials in the district on issues pertaining to women and children. These include discussion on issues such as the prevention of child marriage and allied Acts.

DLSA also conducts quarterly reviews on issues pertaining to women and children, including updates on the implementation of PCMA. Police officials, CWC members, ICPS Panel Advocates also participate in these review meetings.

New IEC material has been prepared for Kishori Vikasam, YSR Pelli Kanuka etc. and would be distributed to the entire state. Both these programmes are helpful in the prevention of child marriages and registration of marriages.

NGO/CBO such as SPES, SPREAD, Abhudaya Yuvajana Sangham, BIRDS NGO are involved at the mandal level in conducting awareness activities on the prevention of child marriages and child protection.

School awareness programmes were conducted by ICDS on Child Marriages and Adolescent Health (ARSH) with the involvement of Medical Officer/ANM/ASHA etc. in Kurnool District.

The implementation of PCMA does not fall under the purview of the DCPU. The DCPOs have not been appointed in AP as the CMPO. The JJ Act 2015 also mentions that girl children are at risk of child marriage as Children in Need of Care and Protection; but it has not mentioned girl child brides. Hence, their availability for the implementation of the PCMA is a wrong assumption to begin with, but since the other CMPOs are not functional, the implementation of PCMA is an added responsibility for them.

There is no budget allocated for implementing the PCMA, 2006 and the State Rules; it was expressed that the DCPU can utilise sufficient budget under child protection head for IEC, capacity building, convergence meetings and allied activities at both state and district levels. However, there is much ambiguity on the funds for the actual implementation of the Act.

The Village Level Monitoring Committees have been formed with 12 members in all villages; but they were not oriented on their roles and responsibilities towards implementing PCMA, CRMA etc.

Child marriages are highly prevalent among the Boya Caste that comes under Backward Caste (BC) in Ulchala gram panchayat in Kurnool Rural Mandal. The ICDS team will take the support of Police to prevent child marriages and rescue the victims in this area. In Kurnool District; Adoni, Aluru, Emmiganuru zones have also reported a high occurrence of child marriages as a tradition.

Awareness meetings were conducted about PCMA and CRMA at the gram panchayat level, Anganwadi centre and school level, involving PRI members, Police, school teachers, Child Line, Mahita, SPES organisations and Nehru Yuva Kendra (NYK). These meetings are not regular and do not have only PCMA as their agenda. This is only a part of ICDS mandal level meetings, as and when conducted. However, convergence by the CMPOs involving other departments is limited. The discussions in these meetings are mostly on prevention strategies of child marriages, complaint registration mechanism of child marriages, rescue & rehabilitation and follow-up etc. As a part of the Girls Advocacy Alliance, Mahita has conducted many advocacy meetings at the state and district level with government line departments on the importance of implementation of PCMA.

BOTTLENECKS

The respondents of state, district, mandal and gram panchayat level in the in-depth interview reveal that, in many cases, child marriages are performed in other states by border villagers, in hidden places, where the department is unable to identify or trace them during the marriage. This practice is rampant in Kurnool District and particularly in Adoni, Aluru, Emmiganuru and Mantralayam areas, as a tradition. The PCM Act should be strictly implemented with focus on these areas.

Only ICPS under WD&CW has taken the responsibility of implementing CRMA and PCMA at district and below levels. During the consultation with CSOs on G. O. Ms. No. 13, it was brought out that police are not providing full support to WD&CW to accompany the CMPO to rescue operations/ to stop child marriages, as they are not listed under state rules of PCMA. There is a poor convergence between the line departments specifically on issues

pertaining to child protection and allied Acts at the district or mandal level. When the district level quarterly review meetings are conducted with the Joint Collector, RDO, PD, DGP, DEO, SC, ST & BC Welfare Officers etc. the issues related to child protection are being discussed as a point. Implementation of PCM Act does not form part of the agenda for these meetings. There are meetings conducted by DCPO with DPO, DRDO, and DLSA etc. with the District Collector along with the above said line department heads; but with no specific agenda on PCMA or CRMA and it is common for child protection issues. The district authorities revealed that no convergence meetings are conducted with any mandal officials i.e. MRO, CDPO, SI/ Police, MEO, Labour Officers, Health Dept., SC, ST & BC Welfare Officers, Child Line etc. inspite of the fact that these are the people who are responsible for prohibition of child protection.

The major bottlenecks in implementing the scheme have happened because of the additional responsibility being given to the DCPOs who clearly are not the CMPOs designated under the G. O. Ms. No. 13 at the state and district levels. If this bottleneck has to be resolved, there have to be conscious efforts from all the relevant departments. The CMPOs who have been allocated this responsibility must be trained and made conscious of their responsibilities towards this issue.

Poor convergence between the line departments at the district and mandal levels leads poor implementation of PCM Act.

There is no specific budget that has been allotted for the implementation of PCMA at any level. If any budget is required in conducting activities related to child protection, it will be used from the budget under the JJ Act head subject to the prior approval of the state authorities of WD&CW. There is no specific budget allotted at the district level as well for any activity pertaining to the implementation of PCMA; but the District Nodal Officer i.e. PD, WD&CW can request for permission from the State Director, WD&CW and get the budget upon approval.

The awareness levels of VCPC and Child Marriage Prohibition and Monitoring Committee members are poor. Village Level Child Protection Committee members have just been assigned the roles and responsibilities. They have not received any orientations, trainings about the Acts, its legislations, its importance and details about the implementation process etc. Hence, the implementation of PCM Act at ground level is lacking.

There are no specific agenda or exclusive meetings or reviews, action plan on the Prohibition of Child Marriage Act at any level including state, district, mandal and panchayat/ village. The Department of Women & Child Welfare as a nodal agency for the implementation of

PCMA conducts monthly review meetings in every district. In such meetings, discussions happen on the number of cases of child marriages that have been identified, prevented, number of FIRs lodged, number of child marriage victims identified etc. There is no specific plan of action on awareness-creation, campaign-convergence with other line departments and coordination with other stakeholders on the same in general.

CMPOs should be proactive in ensuring strict implementation of PCMA. But, in few cases they are either silent or indirectly supportive of child marriages for various reasons. The reasons mentioned are political pressure, pressure in the village/ community/ religion and the CMPO being a relative to either bride or bridegroom.

KEY SUGGESTIONS

From the above discussions, the following key suggestions are made for the effective implementation of the PCMA: School dropouts should be reduced to prevent child marriages. More vocational trainings should be conducted for continuation of higher education among adolescents and youth to prevent child marriages.

District Collector with the capacity of District Level Child Marriage Prohibition Officer shall involve all the related departments; especially the Endowments/ Departments. i.e., Head of Festival Committees or the Executive Officer or the temple where the mass marriage are being held; Health, Education, Rural Development, Panchayat Raj, Women Development and Child Welfare, Police, Information Public Relation, Adult Education, Revenue official etc., for better coordination to ensure that no child marriage takes place. Mass child marriages are also must be prevented at all costs.

Strict implementation of disciplinary action against CMPOs and members of Village Child Marriage Prohibition and Monitoring Committee should be ensured in case of violation of the Act.

Involvement of Corporators/Municipal Commissioners/ MROs, municipal council members should be made mandatory towards the implementation of the PCM Act.

The officials suggested that, the important Acts such as PCMA and CRMA should be a part of school curriculum. This will help to improve awareness among children from early ages.

It is to be mandated that teachers be vigilant and responsible for the identification and prevention of child marriages in their locality and support the implementation of PCMA effectively.

The RTE Act should be strictly implemented in all areas to prevent child marriages; as most victims of child marriages happen to be school dropouts.

The Government should ban illegal websites/ pornographic sites in social media; which are adversely affecting children. Pornographic advertisements/ flash/ pop-ups should be strictly prohibited.

The Child Marriage Prohibition Officers should submit monthly reports to the District Officer. The report must have details about the number of marriages performed, number of child marriages performed, number of child marriages prohibited, challenges, support required etc. This information will help the higher authorities to know the situation and take apt decisions. Based on the data, regular review meetings should be conducted at the district, mandal and village level on the incidents, awareness programmes, identification and actions on child marriages and PCMA.

It is suggested to bring out a state and district level plan of action aimed at ending child marriages to ensure concrete efforts and convergence.

Positive parenting should be encouraged through counselling and awareness activities; Parents should be child-friendly and they must encourage children to discuss their views, aspirations, issues etc. The children should be given space to express their concerns with parents at home, school and in the community.

Adolescent girls should be given effective counselling in the family, at the institution and in workplaces on the consequences of child marriages, consanguineous marriages and prevention of child marriage and the importance of PCM Act. Awareness campaigns should be conducted at high schools, colleges, Swadhar homes and KGBVs on the importance of prohibition of child marriages implementation of PCM Act.

The platforms of YSR Pelli Kanuka, Beti Bachao Beti Padhao, Kishori Vikasam, YSR Ammavodi, Poshan Abhiyan programme also may be used for awareness-creation about the prevention of child marriage and effective implementation of PCMA.

Further, in-depth research is required for estimating the requirement of budget at all levels for the effective implementation of PCMA. Based on the recommendations of the study, adequate financial resources to be provided by the Government on the implementation of PCMA.

CHAPTER II

INTRODUCTION AND REVIEW OF LITERATURE

INTRODUCTION

The Prohibition of Child Marriage Act, 2006, is the national law against child marriage. It defines a child to mean a male below 21 years and female below 18 years. This marriageable age is derived from traditions where women were married off to older men. Despite existing laws, child marriage continues to be practiced openly across India and the world to date, with thousands of young girls and boys getting married with complete support of the family and society.

However, it creates confusion by declaring some marriages void and some others voidable. Marriage of a minor solemnised by use of force, fraud, deception, enticement, selling and buying or trafficking is a void marriage, while all other child marriages are voidable at the option of the parties to the marriage and hence valid marriages until they are nullified by the court. If the law does not attribute consent to a child, it must render all child marriages void, as all child marriages then become marriages that have taken place either through some form of coercion or use of fraud, trafficking and such other illegal means, or by influencing the mind of the child¹.

Child marriage remains wide spread in India, where about 27% of women between 20 and 24 years of age were married before reaching their 18th birthday²; this is 32.7% in Andhra Pradesh.

Child marriage is more common in rural than in urban areas. It is also strongly correlated with low levels of education. Girls with a secondary school education or higher, are much less likely to marry early than those with primary education or less. There is also a strong correlation between poverty and child marriage. Across India, girls from the poorest households are much more likely to marry early than those from the richest quintiles.

Drivers of high prevalence of child marriage include: widely accepted and sanctioned social norms; poverty, high wedding costs and other economic considerations; lack of easy access

¹ HAQ: Centre for Child Rights, Child Marriage in India: Achievements, Gaps and Challenges

² National Family Health Survey - 4

to schooling, especially at secondary level; political patronage, which weakens law enforcement agencies; vested interest groups and networks; and gender norms and prescriptions. Together, these drivers have ensured that child marriage continues to persist in India and has resisted government efforts to ban the practice.

PROHIBITION OF CHILD MARRIAGES ACT (PCMA)

Although PCMA 2006 signifies an improvement in the legal provisions against child marriage, there still exist inconsistencies in laws relating to children (child marriage, child labour, Indian Penal Code laws) that cause laxity in vigilance.

West Bengal has made marriage registration compulsory, but enforcement is weak. Rajasthan made a provision for those who marry before the legal age to register when legal age is attained, making it inconsistent with the national law. Further, although the Child Labour (Prohibition and Regulation) Act 1986, prevents employment of children below 14 years of age in certain hazardous industries and occupations, it does not prevent, only regulates, their employment in other occupations. With the recent amendments of this Act (amended in 2016 (CLPR Act)); employment of children below 14 years is completely prohibited and the employment of adolescents between 15 to 18 years in hazardous workplaces is regulated. This is in contradiction to the Right of Children to Free and Compulsory Education Act, 2009 that makes eight years of schooling mandatory for children aged between 6 and 14 years. The 10-state Study commissioned by the Planning Commission provides a detailed discussion on how laws are not always consistent and, at times, even contradictory (GB Pant Institute of Rural Studies, 2013). Some states have started giving great importance to strict vigilance on certain auspicious days that are considered ideal for marriage, which has created some fear and led to the prevention of some child marriages. Mass child marriages are known to be rampant on these occasions. However, enforcement agencies, such as police and local administration, themselves are not fully aware of the legal provisions and often not even convinced of the need for such a law (GB Pant Institute of Rural Studies, 2013). This calls for a strategy that also helps in changing the attitude of enforcement agencies.

In this context, the present study is commissioned to find out the different bottlenecks influencing the implementation of PCM Act with reference to G.O.Ms. No. 13 in Andhra Pradesh and also to know the perceptions of different stakeholders and duty bearers for implementing the Act and propose concrete recommendations for effectively rolling out of PCM Act in Andhra Pradesh State.

REVIEW OF LITERATURE

Studies show (Sarita & Zahra Wynne 2017) that, due to the social effects of child marriage on young children, especially girls, child marriage was formally abolished in 1929, with the enactment of the Child Marriage Restraint Act (CMRA). However, as a result of the CMRA's ineffectiveness, a new legislation was enacted 77 years later, in the form of the Prohibition of Child Marriage Act, 2006 (PCMA, 2006). The PCMA, 2006 defines a child to mean a male below 21 years and female below 18 years. This marriageable age is derived from traditions where women were married off to older men. Despite existing laws, child marriage continues to be practiced openly across India and the world to date, with thousands of young girls and boys getting married with complete support of the family and society.

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

The Prohibition of Child Marriage Act, 2006 (PCMA, 2006) was notified on 10 January 2007 to overcome the constraints of the former legislations in effectively dealing with the problem of child marriages in India and to put in place a comprehensive mechanism. It came into force on 1st November 2007.

Child marriage is thus child abuse and a violation of the human rights of the child. It has an extremely deleterious effect on the health and well-being of the child. It is a denial of childhood and adolescence; it is a curtailment of personal freedom and opportunity to develop to a full sense of self hood as well as a denial of psychosocial and emotional well-being and it is a denial of reproductive health and educational opportunities. The girl child is the most affected and suffers irreparable damage to her physical, mental, psychological and emotional development. It is important therefore, to examine whether the new law on child marriage (PCMA) takes into account and seeks to redress the disastrous effects of child marriage in a holistic manner. By making a provision for Child Marriage Protection Officers and giving powers to Magistrates to stop mass child marriages and by making child marriages both cognisable and non-bailable the new law certainly seeks to prevent child marriages from taking place and sets a machinery in place to do so. Further, by providing that ex-parte interim injunction orders can be given by a Magistrate to stop child marriages the new law is a definite improvement over the old law which stipulated that no interim injunction orders could be passed without notice. The enhancement of punishment in Sections 9, 10 and 11 for the guardian and others who promote or permit or fail to stop a child marriage, for a groom above 18 and for those who perform, conduct or direct any child marriage, up to two years from the earlier three months and the increase in fine up to rupees one hundred thousand are also welcome changes.

However, three important criticisms of the new Act have been made by Women's and Human Rights Groups and other concerned individuals. One of the main criticisms of the new Act has been that it does not invalidate a marriage even below a certain age. Thus, a child of 10, 11, 12 or 13 years of age can be married and subjected to sexual and other forms of abuse which normally have lasting and irreversible mental and physical consequences. Merely giving a girl child an option to end the marriage after the age of 15 years may not be sufficient. Also, though under the criminal law, sexual intercourse with a wife under 15 years is punishable, the marriage is still held to be valid under the new Act.

The new Act like the old CMRA continues to stipulate different minimum age for a girl and a boy to get married. This provision has been criticised by some as being discriminatory, biased and based on patriarchal notions of marriage. Another criticism that has been raised about the new Act is the fact that though a boy can opt out of the marriage till the age of 23 years, a girl can only do so till the age of 20 years (2 years after reaching the age of majority).

As part of the measures taken by the Andhra Pradesh State Govt. to enforce the PCMA, the Andhra Pradesh Prohibition of Child Marriages Rules came into being in 2012.

THE ANDHRA PRADESH PROHIBITION OF CHILD MARRIAGES RULES, 2012

Five years after the Central Government Act was passed, the AP state government framed State Rules for the Prohibition of Child Marriages in Andhra Pradesh (G.O. Ms.No.13) on 19.03.12 and as an effect of the G. O., the Andhra Pradesh Prohibition of Child Marriages Rules, 2012 came into existence.

According to the rules, the state has appointed Child Marriage Prohibition Officers (CMPOs) who are vested with powers of a police officer to prevent child marriages in the State. It also designated a Nodal Officer for the purpose of implementation of the Act and the Rules. Additionally, it provided for constituting a committee called Village Child Marriage Prohibition and Monitoring Committee in every village to monitor and supervise the implementation of the Act and the Rules within that village.

ABOUT THE G.O. MS. NO.13

The unified Andhra Pradesh State government had framed rules for the prohibition of child marriages in AP (G. O. Ms.No.13), five years after the central Government Act was passed. According to the rules, the state will appoint Child Marriage Prohibition Officers (CMPOs) who are vested with powers of a police officer to prevent child marriages across the state. Village Child Marriage Prohibition and Monitoring Committees will also be constituted with Panchayat Sarpanch as the Chairman, an Anganwadi worker as the Convener and 10

other members. However, it was found that there were many bottlenecks in the uniform implementation of the Act. A greater pressing need was felt for policy changes to ensure the effective implementation of the Act across the state.

SIGNIFICANCE OF PRESENT STUDY

The purpose of this Study is to find out the different bottlenecks influencing the implementation of the PCM Act with reference to G.O. Ms. No. 13 in Andhra Pradesh State and also to know the perceptions of different stakeholders and duty bearers on implementing the Act and propose concrete recommendations for the effective rolling out of PCM Act in Andhra Pradesh State. Ultimately, the results of the study will help in drafting the advocacy plan for the department of WD&CW, Andhra Pradesh. Mahita, one of the leading non-governmental organisations working on child rights is going to use the outputs of this study and design an advocacy plan with the support of Plan India.

OBJECTIVES OF THE STUDY

The core objectives of the study are:

1. To undertake a critical review and recommend on the following legislation “The Prohibition of Child Marriage Act 2006 and The Andhra Pradesh Prohibition of Child Marriages Rules, 2012 (G. O.Ms.No.13).
2. Identify the bottlenecks in the implementation PCMA in Andhra Pradesh.
3. Propose concrete recommendations for effective rolling out PCMA in Andhra Pradesh.

CHAPTER III

RESEARCH METHODOLOGY

The Study used only qualitative information and collection of secondary data on the underlying factors and bottlenecks influencing the implementation of PCM Act in Andhra Pradesh State.

The appropriateness and relevance of this approach was monitored throughout the research process right from training of the researchers, subsequent collection of qualitative data at village, gram panchayat, mandal, district and state levels.

Based on the high prevalence of marriages in the last five years Kurnool District was selected for the study in AP. State officials of Women Development & Child Welfare of Andhra Pradesh, District Nodal Officers i.e. PD-WD&CW/ Officials includes PD- WD&CW, APD- ICPS in Kurnool District; Kurnool Rural Mandal, Orvakallu and Pedapadu mandals were also covered and village level CMPOs and connected key stakeholders were interviewed to see the level of their awareness about the CMP Act, 2006 and State Rules, information about implementation of Government Order Number 13, level of involvement of CMPOs and other duty bearers in rolling out the Act, ottlenecks and Suggestions on effective implementation of PCM Act at all levels.

SAMPLE MATRIX OF THE STUDY

S.No	State Level	Kurnool District	
	IDI	IDI	FGDs
1	Additional Director,	PD (WD&CW) WD&CW	—
2	PO-ICPS (PCMA)	APD, ICPS (WD&CW)	Mandal & village level CMPOs & Monitoring Committee members
3	Extension Officer/ Supervisor (ICPS)	CDPO-IDCS (1) & Addl. CDPO-ICDS (1)	AWWs ANM, School Teachers, PRI members, ASHA, SHG members, VCPC members
4	—	ICDS Supervisors (3)	AWWs
5	—	Village Secretaries (2)	Gram Sachivalayam Team
Total	4	8	4

CHAPTER IV

STATE LEVEL REVIEWS AND FINDINGS

The implementation of Prohibition of Child Marriages Act, 2006; G.O.Ms.No.13 is under jurisdiction of Department of Women Development & Child Welfare of the State Government.

APPOINTMENT OF CHILD MARRIAGE PROHIBITION OFFICERS AT DISTRICT LEVEL

The State Govt. appointed the following Officers as the Child Marriage Prohibition Officers (herein after referred to as the CMPO) for the whole State of Andhra Pradesh from the date of notification in the official Gazette/ District Gazette:-

DISTRICT CHILD MARRIAGE PROHIBITION AND MONITORING COMMITTEE

- (1) The District Collector of the concerned District is District CMPO.
- (2) Revenue Divisional Officer (RDO)/ Sub-Collector at the divisional level.
- (3) The Child Development Project Officers (CDPOs) at the Project level covering 3-5 mandals which is under their jurisdiction.
- (4) The Tehsildars at the mandal level for the villages which are under their jurisdiction.
- (5) The ICDS Supervisors at the mandal level covering their respective villages under their jurisdiction.
- (6) The Panchayat Secretaries of the Panchayat Raj Department and Village Administrative Officers of Revenue Department at the village level.

The State Rule very clearly depicts the process for appointment of CMPOs, duties and powers of the CMPOs and disciplinary action against CMPOs. It also designated a Nodal Officer for the purpose of implementation of the Act and the Rules. One of the 9 major components of the State Rule is the Village Child Marriage Prohibition and Monitoring Committees.

BUDGET ALLOCATION FOR IMPLEMENTATION OF PCM ACT

There is no specific budget allotted for PCMA. The respondents expressed that they can utilise sufficient budget under Child Protection head for IEC, capacity building, convergence meetings etc. activities at both State and District level. However, the funds allocated for prevention and response mechanisms in the event of the information of child marriages still remains ambiguous with the non-specification of the funds.

The G.O.Ms.No. 13 on PCMA doesn't specify the requirement of specific budget allocation towards implementation of the Act in the State. The 'no budget allocation' is affecting the implementation of the act at ground level.

1. There are no specific convergence or coordination meetings happening on PCMA at district and below levels.
2. There are no action plans made at any level on awareness aspects, capacity building to CMPOs and Child Marriage Prohibition and Monitoring Committee members.
3. There are no awareness campaigns or meetings happening at community level and institution levels (Schools/ Colleges etc.)
4. There are no coordination meetings happening with other departments and NGOs/ CBO at any level; No sufficient IEC is made on the Act.
5. Lack of monitoring visits by Nodal Officers and CMPOs to review and oversee the implementation of the Act.

STATE LEVEL INITIATIVES ON PREVENTION OF CHILD MARRIAGES & IMPLEMENTATION OF PCMA

Video conferences are conducted from State office with Project Directors of WD&CW at district level on implementation of Prevention of Child Marriages and Acts.

Monthly review meetings are conducted with DCPOs; status of prevention of child marriages, cases stopped, rescued, rehabilitated, awareness activities conducted etc. were updated by DCPOs.

Proposal is submitted to the Department of Education for joining of child marriage victims in schools in middle of the academic year and with age relaxation.

Kishori Vikasam³ Phase –III

Under this scheme the Training of Trainers (TOT) has been conducted to PGT (Peer Group Trainers) in entire the State on issues pertaining to child protection which include PCMA

³ The objective of **Kishori Vikasam** is to educate and create awareness among adolescent girls in areas of gender awareness, menstrual health and hygiene, nutrition and other social issues.

and CRMA; and further they would disseminate the trainings for adolescent girls in schools and colleges etc.

YSR Ammavodi⁴ is newly implemented entire state of AP. The enrollment of children is increased drastically in school dropout rate has reduced in this year due to the benefits of the scheme; which results in the reduction of child marriages.

The State Department of WD & CW is closely working with the Labour Department and Education Department on the elimination of child labour, and to ensure that all children get admission in schools.

IEC material has been developed on PCMA and distributed to all districts which helped CMPO and duty bearers of implementation of PCMA for gaining knowledge.

During all state level trainings conducted for ICDS Supervisors, few sessions were allotted for discussion on PCMA and CRMA where they further disseminated the knowledge to AWWs at village level.

The awareness platforms of the YSR Pelli Kanuka are used to create awareness about the implementation of PCMA and CRMA at the community level.

CONVERGENCE ACTIONS

There is no convergence happening at the state level with other line departments for implementation of the PCM Act. There is only need-based coordination with Departments to whoever is required on their priority issue. District level convergence is happening regularly.

ACTION PLANS

The TOT is planned for Village Secretaries in entire state and further they would disseminate the trainings for Gram/Ward Sachivalayam volunteers⁵ on child protection issues including the implementation of PCMA in the entire state. The PCMA details are incorporated in training TOT module and the module is launched on 2nd December 2019 at state level.

Government of AP has appointed a Women Police with designation of Women & Child Welfare Assistant for each gram panchayat for a population of every 2000 people. She will closely work with ICDS and ICPS through the WD&CW Department; which also helps in the implementation of PCMA.

⁴ The **Andhra Pradesh** Government has initiated the **YSR Ammavodi Scheme** which will be giving the following benefits to the beneficiaries: It will provide financial assistance to those families who are below the poverty line and help their children get access to higher education leading to the welfare of the family.

⁵ Gram/ Ward Sachivalayam volunteers are appointed for every 50 households in both rural and urban areas by the Govt. of AP in the year 2019.

CHAPTER V

DISTRICT, MANDAL & GP LEVEL REVIEW AND FINDINGS

The discussions on implementation of PCMA have been conducted with the district level officers at Kurnool Districts of Andhra Pradesh.

The implementation of PCMA is not under the purview of the DCPU. The DCPOs have not been appointed in both AP and TS as the CMPO. The JJ Act 2015 also mentions that girl children are at risk of child marriage as Children in Need of Care and Protection but has not mentioned girl children brides. Hence, their availability for the implementation of the PCMA is a wrong assumption to begin with, but since the other CMPOs are not functional, the implementation of PCMA is an added responsibility for them.

Superintendent of Police of Kurnool District conducts monthly review meetings with Police officials in the district on issues pertaining to women and children which include prevention of child marriage and related Acts.

DLSA also conducts quarterly reviews on issues pertaining to women and children which include updates on the implementation of PCMA. The Police, CWC members, ICPS Panel Advocates also participate in these meetings.

AWARENESS ACTIVITIES

The new IEC material is prepared for Kishori Vikasam, YSR Pelli Kanuka etc. and would be distributed to entire state. Both of these programmes are helpful in the prevention of child marriages and registration of marriages.

NGO/CBO such as SPES, SPREAD, Abhudaya Yuvajana Sangham, BIRDS NGO are involved at the mandal level in conducting awareness activities about prevention of child marriages and child protection.

Ministry of Information and Broadcasting, Govt of India fielded Outreach Bureaus, are also conducting awareness meetings about the prevention of child marriages and its allied Acts.

As a part of BBBP⁶ (Beti Bachao, Beti Padhao), the high prevalent Child Marriages Villages and Mandal are identified and awareness programmes are held on prevention.

⁶ Beti Bachao, Beti Padhao is a campaign of the Government of India that aims to generate awareness and improve the efficiency of welfare services intended for girls in India.

SHGs and AP Mahila Police are frequently involved in awareness programmes on prevention of child marriages.

School awareness programmes were conducted by ICDS on child marriages and adolescent health (ARSH) with the involvement of the Medical Officer/ ANM/ASHA etc. in Kurnool District.

BUDGET ALLOCATION

There is no budget allocated for implementation of the PCMA 2006 and the state rules; it was expressed that the DCPU can utilise sufficient budget under the child protection head for IEC, capacity building, convergence meetings etc. activities at both state and district level. However, there is much ambiguity on the funds for the actual implementation of the act.

HR AVAILABILITY

The G. O. Ms. No. 13 has allotted CMPOs in the state who are personnel from different departments. However, due to lack of awareness and as this is an additional responsibility, they are not fulfilling their responsibilities.

DCPUs are not the human resources applicable for the implementation. Also, all of them are contractual in both states of AP and TS.

IMPORTANCE OF IMPLEMENTATION OF THE PCMA

The District level authorities expressed that none of the department at district level is taking Child Marriage as a priority issue for them which includes implementation of the PCMA; whenever they organise a meetings for their priority issues they will discuss the child marriages issue as a point of discussion in agenda which is initiated by PD of WD&CW Department as a Nodal Officer. There is no specific budget available for organise any meetings, convergence for PCMA.

ACTION PLAN

The District Child Protection Unit says there is no specific action plan made so far at the district, mandal or village level on the implementation of PCM Act; however the following activities have been conducted under the child protection premise on awareness-generation.

DCPU is conducting coordination meetings on PCMA regularly at the district level. Review meetings happen with ICDS Supervisors bi-monthly and discuss on PCMA. For all district level meetings under PCMA, officials of the Police Dept, Health Dept, Revenue Dept in addition to lawyers, NGOs etc., are involved.

ICDS team are representing in during district level VELUGU programme meetings and explaining on prevention of child marriages as agenda point.

Awareness activities were conducted for all CDPOs and DCPUs on Child Protection issues, PCMA and CRMA during their regular meetings on in all villages, mandals and also at the district level.

MANDAL AND GRAM PANCHAYAT LEVEL REVIEWS AND FINDINGS

The reviews have been conducted at Kurnool Rural, Orvakallu and Pedapadu in Kurnool District with CDPOs, ICDS supervisors, Anganwadi workers, ANM, school teachers, PRI members, ASHA, SHG members, VCPC members etc.

ACTIVITIES IN GENERAL

Child Marriages are highly prevalent among 'Boya' Caste under Backward Caste (BC) in Ulchala GP in Kurnool Rural Mandal. ICDS team will take the support of Police to prevent the child marriages and rescue the victims. In Kurnool District; Adoni, Aluru, Emmiganuru zones also reported high child marriages as a tradition.

Shakti Team (formerly SHE teams) is also involving in awareness programmes and child marriage prohibition activities.

Awareness meetings were conducted on PCMA and CRMA at the panchayat level, Anganwadi centre level and school level, involving PRI members, Police, school teachers, Child Line etc; these meetings are not regular and are not convened with the agenda of ICDS and this is a part of ICDS mandal level meetings, as and when conducted. The discussions in these meetings are mostly about the prevention strategies of child marriages, complaint registration mechanism of child marriages, rescue & rehabilitation and follow-up etc.

COLLABORATION WITH OTHER NGO/ CSO PARTNERS ON IMPLEMENTATION OF PCMA

The DCPU in collaboration with MAHITA, SPES organisations and Nehru Yuva Kendra (NYK) has conducted awareness campaigns on PCMA & CRMA and other acts related to child protection. As a part of the Girls Advocacy Alliance, MAHITA has conducted many advocacy meetings at the district level with government line departments on the importance of implementing of PCMA.

VILLAGE CHILD MARRIAGE PROHIBITION AND MONITORING COMMITTEE

A committee has been constituted in every village to monitor and supervise the implementation of the Act and the rules within that village. The committee shall comprise of the following persons.

S.No	Person	Designation
1	Gram Panchayat Sarpanch	Chairperson
2	Gram Panchayat Secretary	Member
3	Village Administrative Officers of Revenue Dept.,	Member
4	Local School Teacher	Member
5	Members of Self-Help Group/Gram Samakhya	Members
6	Elected Panchayat Women Members	Members
7	ANM	Member
8	NGO functioning in the area	Member
9	A member from Youth Organisation	Preferably a woman
10	Village Officers	Members
11	ASHA	Member
12	Anganwadi Worker	Convener

The above shown village level monitoring committees have been formed with 12 members in all villages; but they were not oriented on their roles and responsibilities on PCMA and CRMA etc.

The committee members are intended to identify the vulnerable children for child marriages and provide training to the population in those areas on PCM Act and consequences & punishments on violation of the Act.

The mandal and panchayat level team also expressed that there is no budget available for any kind of activities under PCMA. They were formed as a monitoring committee and informed about the roles and designations; that is all. There are no inputs/ orientations provided on how to implement the Act etc. They also have discussed few times about the PCMA when the 'Yuva' programme was conducted at villages by ICDS Department.

The impact of YSR Pelli Kanuka scheme⁷ introduced by the Government of Andhra Pradesh is significant **as t has** caused a reduction in the occurrence of child marriages as they get benefits of the scheme only when they get married after attaining legal age and are able to produce the certificates of evidences. The awareness platforms of this scheme at village levels are also used to create awareness on the implementation of PCMA.

⁷ YSR Pelli Kanuka scheme is a welfare scheme for providing financial assistance for marriages by the Government of AP, a novel scheme for all poor people in the state.

CHAPTER VI

BOTTLENECKS

LACK OF INFORMATION FOR TRACING OF HIDDEN CHILD MARRIAGES

The respondents of the district, mandal and panchayat level in the in-depth interview reveals that, in many cases; Child Marriages are performed in other states by border villagers, hidden places, where the department is unable to identify or trace them during the marriage. This is still rampant in Kurnool District and particular in Adoni, Aluru, Emmiganuru and Mantralayam areas as a tradition. The PCM Act should be strictly implemented focussing on these areas.

AGE DETERMINATION IS A CHALLENGE DUE TO FAKE CERTIFICATES OF AGE PROOFS

Fake age proofs are being submitted in many cases in Aadhar and other ID proofs. In some cases, education certificates are not provided saying that they have studied in private schools/ colleges and could not get the certificates. In such cases, age determination is difficult to stop the child marriages for CMPOs.

POOR CONVERGENCE BETWEEN THE LINE DEPARTMENTS AT DISTRICT AND MANDAL LEVEL LEADS POOR IMPLEMENTATION OF PCM ACT

Only ICPS under WD&CW is shown responsibility on implementation of CRMA and PCMA at district and below levels. During the consultation with CSOs on Go Ms. No. 13, it was brought out that police are not providing full support to WDCW to accompany the CMPO to rescue operations/ to stop child marriages, as they are not listed under state rules of PCMA. There is a poor convergence between the line departments specifically on the Child Protection issues and the Acts at District or Mandal level; when the district level quarterly review meetings conducted with Joint Collector, RDO, PD, DGP, DEO, SC, ST & BC welfare Officers etc the Child Protection issues are being discussed as a point. There is no agenda for discussion on implementation of PCM act. There are meetings conducted by DCPO with DPO, DRDO, and DLSA etc with the District Collector along with the above said line departments heads; but with no specific agenda on PCMA or CRMA and its is common for CP issues. The district authorities revealed that there are no convergence meetings conducted with any mandal officials i.e. MRO, CDPO, SI/ Police, MEO, Labour officers, Health dept, SC, ST & BC welfare officers, Child Line etc. who are responsible for the prohibition of child marriages.

LACK OF STRICT DISCIPLINARY ACTIONS AGAINST CMPOS

CMPOs should be pro-active in ensuring strict implementation of PCMA. But, in few cases they are either silent or indirectly supported for child marriages for various reasons. The reasons mentioned are political pressure, pressure in the village/ community/ religion and the CMPO is a relative to either the bride or the bridegroom.

LACK OF AWARENESS AMONG VCPCS AND CHILD MARRIAGE PROHIBITION AND MONITORING COMMITTEE MEMBERS ON THE PCMA

The awareness levels of VCPC and Child Marriage Prohibition and Monitoring Committee members are poor. Village level Child Protection Committee members were just assigned the roles and responsibilities. They were not received any orientations, trainings about the Acts, legislations, its importance and implementation process etc. Hence, there is lack of proper implementation of the PCM Act at the ground level.

LACK OF REVIEW MEETINGS AT ANY LEVEL ON IMPLEMENTATION OF PCMA AS SPECIFIC

There are no specific agenda or exclusive meetings or reviews, action plans on Prohibition of Child Marriages and its Act at any level including state, district, mandal and panchayat/ village. The Department of Women & Child Welfare as a Nodal agency for implementation of PCMA conducts monthly review meetings in every district. In such meetings the discussions happen on cases of child marriages identified, prevented, no of FIRs booked, no of child marriage victims identified etc. as a part. There is no specific plan of actions on awareness creation, campaigns, convergence with other line departments and coordination with other stakeholders on the same in general.

NO SPECIFIC BUDGET ALLOTTED FOR IMPLEMENTATION OF PCMA

There is no specific budget has been allotted for implementation of PCMA at any level. If any budget is required related to Child Protection activities it will be used under the JJ Act head based on the prior approval of the state authorities of WD&CW. There is no specific budget allotted at the district level as well for any activity on implementation of PCMA; but the District Nodal officer i.e. PD, WD&CW can request for permission from the State Director, WD&CW and get the budget, upon approval.

There is no direct budget allotted at the mandal level for any activity on implementation of PCMA, the awareness activities are carried out by CDPOs during their general ICDS meetings which has no specific agenda. If incidence of child marriage to be prevented the CDPO would take the support of police, Child Line etc. and use her vehicle or Police vehicle for transportation to reach the place/ deal with the cases.

INADEQUACY OF REGULAR STAFF, SUPPORT IN SERVICE DELIVERY AND STATUTORY BODIES

The major bottlenecks in implementing the scheme have happened because of the additional responsibility being given to the DCPOs who clearly are not the CMPO'S designated under the GO. MS. No. 13 at the State and district levels. If this bottleneck has to be resolved, there has to be conscious efforts from all the relevant departments from where the CMPOs have been allocated this responsibility are trained and made conscious of their responsibilities towards this issue.

DCPOs are always contractual staff, as per the scheme guideline and the tenure for the same DCPOs get extended very rarely. Hence, there are new DCPOs in every year. It takes almost 6 months to orient the new DCPOs or make them acquainted to the roles and responsibilities. By the time these DCPOs are ready to take charge of their work, their tenure gets finish.

CHAPTER VII

SUGGESTIONS AND RECOMMENDATIONS

SCHOOL DROPOUTS SHOULD BE 'O' FOR PREVENTION OF CHILD MARRIAGES

One of the main reasons for child marriages is school dropouts. Hence, school dropouts should be reduced to prevent child marriages, recently due to introduction of new Scheme in Andhra Pradesh i.e., YSR Ammavodi the enrollment is increased drastically, and dropout rate is reduced. Such programmes should be implemented effectively for reduction of child marriages. Vocational trainings also should be implemented more for continuation of higher education among adolescents and youth to prevent child marriages.

DISCIPLINARY ACTIONS AGAINST INFLUENCERS OF CHILD MARRIAGES

Involvement and influence of political leaders, police and other influencers on child marriages should be avoided. In such cases appropriate action against the concern should be entailed. Punishments also should be entailed for parents who encouraged for child marriages.

PCMA AND CRMA SHOULD BE PART OF EDUCATION CURRICULUM FOR CHILDREN AND YOUTH

The official also suggested that, the important Acts like PCMA and CRMA should be part of school curriculum; which helps to improve awareness among children from early ages and effective implementation of Acts.

TEACHER SHOULD BE PRIME VIGILANT FOR PREVENTION OF CHILD MARRIAGES

It is to be mandated that, Teacher should be vigilant and responsible for identification and prevention of child marriages in their locality and support for implementation of PCMA effectively.

STRICT FOLLOW UP ON RESCUE CHILD MARRIAGE CASES

After the prevention and or rescue of Child Marriage; follow-up action should be prepared and implemented strictly.

STRICT IMPLEMENTATION OF RT E ACT IN IMPLEMENTATION OF PCMA

Rt E Act should be strictly implemented in all area to prevent child marriages; as most of the child marriages are happening with school dropouts.

BASIC CHILD RIGHTS SHOULD BE STRICTLY IMPLEMENTED

The four Important Child rights i.e., Right to Survival, Right to development, Right to Participation and Right to Protection should be implemented compulsory in the case of Girl child; where children can raise their voice and can take the decision in the case of prevention of child marriages.

EFFECTIVE FUNCTIONING OF VCPC IN IMPLEMENTATION OF PCMA

At present, VCPCs are not functional in most of the places. Hence, VCPC should be functional and active everywhere. VCPC should be linked up with Grama/ Ward Volunteers for better coordination among these issues and effective implementation of the Acts.

BANNING OF ILLEGAL WEBSITES IN SOCIAL MEDIA

Government should ban illegal websites/ pornographic sites in social media; which are adversely affecting the children. Pornographic advertisements/flash/pop ups should be strictly prohibited.

REGULAR REPORTING BY CMPOS ON PROHIBITION OF CHILD MARRIAGES

The Child Marriage Prohibition Officers should submit periodical reports to District Officer at every month; which includes number of marriages performed, number of child marriages performed, number of child marriages prohibited, registered, gaps, challenges, support required etc; which helps the higher authorities to know the situation and take de decisions.

Based on the data, regular review meetings should be conducted at the district, mandal and village level on the incidents, awareness programmes, identification and actions on child marriages and PCMA.

CONDUCT REVIEW MEETINGS AND ACTION PLANS ON IMPLEMENTATION OF PCMA

The District Collector with the capacity of District Level Child Marriage Prohibition Officer shall involve all the related departments; especially of the Endowments / Departments. i.e., Head of Festival Committees or the Executive Officer or the temple where the mass marriage being held; Health, Education, Rural Development, Panchayat Raj, Women Development and Child Welfare, Police, Information Public Relation, Adult Education, Revenue etc., for better coordination to ensure that no child marriages happens, Including mass child marriages are solemnised.

Action plans, awareness meetings, orientations, reviews from State to village levels needs to be planned exclusively for implementation of PCM Act; at present the discussions were held during the other programme priority meetings such as district/ mandal level review meetings with line departments for their issues, during YSR Pelli Kanuka meetings, Arogya

Lakshmi meetings, Swaraksha Day campaigns, ICDS meetings such as ECCD Day, Supplementary Nutrition Programme, adolescent girls meetings, Poshan Abhiyaan⁸ meetings, CRC Week celebrations and other meetings related to child protection in general.

DISCIPLINARY ACTIONS AGAINST CMPOS AND MONITORING COMMITTEES

Strict implementation of disciplinary actions against CMPOs and Village Child Marriage Prohibition and Monitoring Committee should be ensured in case of violation of Act.

CAPACITY BUILDING OF NEW MEMBERS OF VCPCS ON IMPLEMENTATION OF PCMA

Recently, VCPCs are formed in few villages and mandals and in some places the members were changed; but not provided any trainings/ orientations on PCMA. Hence, regular capacity building exercises to be done for newly formed VCPCs to strengthen their knowledge on implementation of PCMA, its provisions etc. Ownership is to be increased in the communities to prevent the Child Marriages. Regular review meetings to be conducted with VCPC members on PCMA awareness, on Acts, punishments etc.

MAPPING OF VULNERABLE CHILDREN FOR CHILD MARRIAGES

Mapping of vulnerable children for child marriages should be made mandatory for CMPOs and Village Child Marriage Prohibition and Monitoring Committee members in entire state and necessary steps should be taken in awareness generation on PCMA at all levels and strict implementation of the Act should be ensured.

STRENGTHEN CMPOS AND MONITORING COMMITTEES AT GRAM PANCHAYAT LEVELS

Strengthening of CMPOs and Village Child Marriage Prohibition and Monitoring Committee members at gram panchayat or village level on implementation of PCMA should be a specific agenda for effective implementation of the Act.

AWARENESS MEETINGS WITH LINE DEPARTMENTS/ FRONT LINE WORKERS/ NGOS/ CBOS AT GRASS ROOT LEVEL

Regular awareness programmes should be conducted at grass root levels involving DRDA-SERP-VELUGU women, SHGs, CSO, NGOs involving mandal and village level CMPOs and Village Child Marriage Prohibition and Monitoring Committee members on prevention of child marriages and importance of implementation of PCM Act.

AWARENESS MEETINGS FOR PARENTS

Awareness should be increased among parents on legal age at marriage, child marriage Acts, consequences etc. Parents from forward communities are knowingly encouraging

⁸ POSHAN Abhiyaan is a Indian flagship programme to improve nutritional outcomes to children, adolescents, Pregnant women, Lactating mothers by leveraging technology, a targeted approach and convergence.

the Child Marriages to keep kith & kin relationships to retain the properties with them, in the view of consanguineous marriages due to feeling of insecurity girl child, to be free from marriage burden etc. Hence, parental attitude toward these should be changed to avoid child marriages.

AWARENESS GENERATION THROUGH MASS MEDIA ON PROHIBITION OF CHILD MARRIAGES

Wide publicity should be given on consequences of child marriages in the local language and use creative and mass media through films, hoardings, posters, pamphlets, loudspeakers, cultural programmes etc. and advertisements in the TV, radio and newspapers and on buses and trains etc.

COUNSELLING FOR ADOLESCENT GIRLS AT FAMILY, INSTITUTIONS AND WORKPLACES ON PREVENTION OF CHILD MARRIAGES AND PCM ACT

Adolescent girls should be given counselling at family, institution and workplaces effectively on consequences of child marriages, consanguineous marriages and prevention of child marriages and importance of PCM Act.

Awareness should be conducted at high schools, colleges, swadhar homes and KGBVs on importance of the prohibition of child marriages implementation of PCM Act.

RESOURCE DIRECTORY FOR TRACKING 'AT-RISK CHILDREN' FOR CHILD MARRIAGES

Improve innovative use of technology in maintaining resource directory and tracking children at risk for child marriages. This may be developed with the involvement of Child Marriage Prohibition Officers and duty bearers and duty bearers at all levels.

PROVISION OF ADEQUATE FINANCIAL RESOURCES

Further in-depth research is required for estimating the requirement of budget at all levels for effective implementation of PCMA; based on the recommendations of the study, adequate financial resources to be provided by the Government for the implementation of PCMA.

EFFECTIVE IMPLEMENTATION OF NATIONAL AND STATE LEVEL SCHEMES FOR ROLLOUT OF PCMA

The platforms of YSR PelliKanuka, Beti Bachao Beti Padhao, Kishori Vikasam, YSR Ammavodi, Poshan Abhiyan programme also may be used for awareness creation about the prevention of child marriages and the effective implementation of PCMA.

IMPROVE CONVERGENCE AND NETWORKING AMONG DIFFERENT STAKEHOLDERS

Collaborative efforts and hand holding with all concerned agencies, departments and stakeholders found to be very poor in sample districts. In these districts, WD & CWs/ DCPU, Revenue department and police found to be active in rescue, restoration processes.

Networking with NGOs need to be encouraged in all districts so that specialised NGO services can be availed by children, CMPOs and Marriage Prohibition and Monitoring Committee as and when required.

Among the CMPOs, the Village Secretary and Village Revenue Officer can play critical role in strict implementation of PCM Act. They can disqualify the benefits of Ration, all other Government subsidies, should stop the social welfare schemes/ services for those who violates the PCM Act including parents, CMPOs and Village Child Marriage Prohibition and Monitoring Committee members.

ENCOURAGE POSITIVE PARENTING

Positive parenting should be encouraged through counseling and awareness activities; Parents should be child friendly to know and discuss their views, aspirations, issues etc. The children should be given space to express their concerns with parents at home, school and community.

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ANNEXURE

PCMA_WD&CW_G.O.MS.NO. 13

ABSTRACT

The Prohibition of Child Marriages Act, 2006 – Framing of Rules – Orders – Issued.

DEPARTMENT FOR WOMEN, CHILDREN, DISABLED & SENIOR CITIZENS (WP)

G.O.Ms.No. 13

Dated:19-03-2012

Read-

From the Director, WD & CW Department, A.P., Hyderabad Lr.No.1937/B1/2008,
Dt: 05-01-2008 and Dt:19-02-2008.

ORDER:

The following Notification will be published in the Extra Ordinary issue of the Andhra Pradesh Gazette dated: 20-03-2012.

NOTIFICATION

In exercise of the powers conferred by Sub Section (1) of section 19 of the Prohibition of Child Marriages Act, 2006 (Central Act No.6 of 2007), the Governor of Andhra Pradesh hereby makes the following rules.

RULES

1. Short Title, Extent and Application:

- (1) These Rules may be called “THE ANDHRA PRADESH PROHIBITION OF CHILD MARRIAGES RULES, 2012”.
- (2) It extends to the whole State of Andhra Pradesh.
- (3) These Rules shall be applicable to all Indian citizens, and foreigners residing in/visiting Andhra Pradesh, including their families, enforcement agencies and the Government.

2. DEFINITIONS:

In these rules, unless the context otherwise requires:-

- (i) "Act" means "The Prohibition of Child Marriages Act, 2006";
- (ii) "Child" means a person who, if a male has not completed twenty-one years of age; and if a female, has not completed eighteen years of age;
- (iii) "Child Marriage" means a marriage to which either of the contracting parties is a child;
- (iv) "Contracting party" in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;
- (v) "District Court" shall in addition to those mentioned in the Act includes the Court of the Judicial First-Class Magistrate, and all other Children's Courts in Andhra Pradesh that shall be constituted under the Commission for Protection of Child Rights Act, 2005;
- (vi) "Marriage Officer" means an Officer duly appointed by the State Government under the Andhra Pradesh Compulsory Registration of Marriages Act, 2002;
- (vii) "Nodal Officer" means the Commissioner/ Director of Women Development and Child Welfare at State Level and the Collector of the District at District Level or as may be notified by the Government;
- (viii) 'Section' means a Section of the Act; and
- (ix) "Rules means" The Andhra Pradesh Prohibition of Child Marriages Rules, 2012".

Words and expressions used and not defined in these rules but defined in the Act shall have the means respectively assigned to them in the Act.

3. "Appointment of Child Marriage Prohibition Officers":

The State Govt. appoint the following Officers as the "Child Marriage Prohibition Officers" (herein after referred to as the CMPO) for the whole State of Andhra Pradesh from the date of notification in the official Gazette/District Gazette:-

- (1) The District Collector of the concerned District is District CMPO.
- (2) Revenue Divisional Officer (RDO)/ Sub-Collector at the divisional level.
- (3) The Child Development Project Officers (CDPOs) at the Project level covering 3-5 mandals which is under their jurisdiction.

- (4) The Tahsildars at the mandal level for the villages which are under their jurisdiction.
- (5) The ICDS Supervisors at the mandal level covering their respective villages under their jurisdiction.
- (6) The Panchayat Secretaries of the Panchayat Raj Department and Village Administrative Officers of Revenue Department at the village level.

4. “Duties of the Child Marriage Prohibition Officers”:

In addition to the duties enlisted in the Act, all the “Child Marriage Prohibition Officers” at all levels, shall be duty bound to:

- (1) Ensure implementation of the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 and Rules made under the said Act vide G.O.Ms.No.35, WD, CW & DW (Progs) Department dated 24th September 2003.
- (2) Immediately act upon any information of the solemnisation or proposed solemnisation of any child marriage that may be received through any mode of communication, including in written or oral form i.e., through a letter, telegram, phone, e-mail, etc., or by any other means maintaining the confidentiality of the informant or source of information or suo moto on any instance coming into his/ her knowledge or reported in media and forth with initiate all necessary action, including addressing the Police and Officers concerned.
- (3) Furnish Returns and Statistics in formats as may be prescribed by the Government from time to time.
- (4) Cause the publication and wide circulation of the Act and the Rules in Telugu and Urdu in all offices under this Act and public places and in all villages etc.
- (5) Associate and Work in Co-ordination with the respective village/ Mandal/ Divisional/ District Child Marriage Prohibition and Monitoring Committee, NGOs, SHGs, VDP, Mandal Samakhyas, Zilla Samakhyas and departments concerned.
- (6) Initiate legal action and cause registration of cases under appropriate provisions of the Act, and Rules for their violation.
- (7) Formulate concrete strategies for the identification, rescue, rehabilitation and reintegration of Victims of child marriages.
- (8) Activate the Balika Mandals and Peer Groups to sensitise other adolescent girls.
- (9) Take all such measures as required to sensitise and promote awareness against child marriages and to prevent child marriage.

5. “Powers of the Child Marriage Prohibition Officers”:

Under the Act, “Child Marriage Prohibition Officers” are vested with the powers of a police officer and shall exercise the powers of investigation, summoning of parties and witness, recording of statements, booking of cases against individuals and parties concerned. The said Reports shall be treated as material evidence for punishing the offenders legally.

The “Child Marriage Prohibition Officers” shall also have the power to seek the assistance of the police and the police shall be duty bound to provide such assistance to the “Child Marriage Prohibition Officers” to enable her/him to carry out his/her duties under the Act and the Rules.

6. Disciplinary Action against Child Marriage Prohibition Officers:

Every Child Marriage Prohibition Officer shall be responsible for taking pro-active steps to prevent Child Marriages including furnishing of timely information of any such marriages or proposed marriages to Police and Superior Officers concerned. Any failure in this regard shall entail appropriate action against concerned.

7. Designation of Nodal Officer:

- (i) The Commissioner/ Director of Women Development & Child Welfare at State Level and the District Collector at the District Level and RDO’s/ Sub Collectors at the divisional level shall be the Nodal Officers respectively for the purpose of implementation of the Act and the Rules.
- (ii) The Commissioner/ Director of Women Development & Child Welfare at State Level and the District Collector at the District Level and RDO’s/ Sub Collectors shall periodically review the functioning of the “Child Marriage Prohibition Officers” which shall not be less than once in six months within her/his respective State/ District/ Division and take all necessary measures for the proper and effective implementation of the Act and the Rules.

8. Village Child Marriage Prohibition and Monitoring Committees:

A committee shall be constituted in every village to monitor and supervise the implementation of the Act and the Rules within that village. The Committee shall comprise of the following persons:

1. Gram Panchayat Sarpanch	- Chairperson
2. The Panchayat Secretary	- Member
3. Village Administrative Officers of Revenue Dept.,	- Member
4. Local School Teacher	- Member
5. Members of self-help group/ Gram Samakhya	- Members
6. Elected Panchayat Women Members	- Members
7. ANM	- Member
8. NGO functioning in the area	- Member
9. A member from Youth Organisation Preferably a woman	- Members
10. Village Officers	- Members
11. ASHA	- Member
12. Anganwadi Worker	- Convener

9. Mass Solemnisation of Child Marriages:

The CMPO's and officials concerned shall, during the mass solemnisations of child marriages, on occasions such as Akshya Trutiya, Mahashivaratri, Birappa Pandaga, Samakka Sarakka Jatara, Sravana and Maga (Kalyanamastu Programme) etc. take all necessary steps to prevent child marriages including the following:-

- (1) The District Collector shall involve all the related departments; especially of the Endowments/ Department, i.e. Head of Festival Committees or the Executive Officer of the temple where the mass marriages are being held; Health, Education, Rural Development, Panchayati Raj, Women Development and Child Welfare, Police, Information & Public Relation, Adult Education, Revenue etc., among others, for better coordination to ensure that no child marriages, including mass child marriages are solemnised.
- (2) The District Administration should begin planning and strategizing well before such occasions with constant awareness drives etc., against child marriages including mass child marriages.
- (3) The Officials shall ensure scrupulous adherence to the Andhra Pradesh Compulsory Registration of Marriages Act, 2002
- (4) The Nodal Officers at State Level and District Level with the help of Village Level Child Marriage Prohibition Committee and CMPOs etc., at various levels should among others take the following measures:

- (i) Give wide publicity about the negative consequences of child marriages in the local language and use creative and mass media through films, hoardings, posters, pamphlets, loudspeakers, cultural programmes etc., and advertisement on the TV, radio and newspapers and on buses and trains etc.
- (ii) Take a serious note of any form or means of glorification of child marriages and initiate appropriate measures, including legal action, against child marriages and must initiate appropriate measures, including legal action, against such person/ organisations responsible for such glorification.
- (iii) Ensure that officials and professionals such as doctors etc. on no account issue false medical/ birth/ age certificates and initiate appropriate action when they are found doing so.
- (iv) Necessarily involve NGOs having a track record of working on issues related to children, in particular against child marriages.

10. Budget:

The Nodal Officers and Child Marriage Prohibition Officers at various level shall be provided adequate funds to implement and monitor the implementation of the Act and Rules.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P.V. RAMESH, PRINCIPAL SECRETARY TO GOVERNMENT (I/c).

To

The Commissioner of printing, Stationery and Stores Purchase (Printing Wing) Govt. of A.P. (with a request to publish the notification in extraordinary issue of the A.P.Gazette and furnish 300 copies of this Department).

All Departments of Secretariat.

The Director, WD & CW Department. All Heads of Department.

All District Collectors and Magistrates. All Superintendents of Police.

The Spl. Secretary to Chief Minister.

The P.S to Minister, Department for WCD & SC. The P.S to Chief Secretary.

The PS to Principal Secretary, Department for WCD & SC. SF/SC.

// FORWARDED: BY ORDER //

SECTION OFFICER

Note

A series of 20 horizontal dashed blue lines for writing notes.



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