

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



## 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

ANM	Auxiliary Nurse and Midwife
ASHA	Accredited Social Health Activist
AWW	Anganwadi Worker
CABE	Central Advisory Board
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 & Support
CWC	Child Welfare Committee
DC	District Collector
DCPU	District Child Protection Unit
DCPO	District Child Protection Officer
DRDA	District Rural Development Authority
DRO	District Revenue Officers
DWO	District Welfare Officer
ICPC	Integrated Child Protection Committee
ICPS	Integrated Child Protection Service
IDI	In-depth Interview
IEC	Information Education and Communication
MEDVAN	Medak District Voluntary Agencies Network
NGO	Non-Government Organisation
PCMA	Prohibition of Child Marriages Act
POSCO	Protection of Children from Sexual Offences Act, 2012
PRI	Panchayat Raj Institution, a body of local governance in India
RDO	Revenue Divisional Officer
SALSA	State Legal Services Authority
SAA	Specialised Adoption Agency
SCPC	State Child Protection Committee
SERP	Society for Elimination of Rural Poverty
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 United 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. As an effect of the GO, the Andhra Pradesh Prohibition of Child Marriages Rules, 2012 came into existence and it is still applicable for the Telangana Government after bifurcation of the unified state of Andhra Pradesh on 2nd June 2014 as there is no further notification issued by the Telangana Government. According to the rules, the state has appointed Child Marriages 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.

Village Child Marriage Prohibition and Monitoring Committees have also been 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 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 Telangana and also to know the perceptions of different stakeholders and duty bearers about implementing the Act and proposing concrete recommendations for effectively rolling out PCM Act in Telangana State.

**The core objectives of the Study are to:**

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

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 on the underlying supporting factors and bottlenecks influencing the implementation of PCM Act in Telangana 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, mandal and district levels.

Based on the high prevalence of the marriages in last five years, Sangareddy and Gadwal districts were selected for the Study. State officials of Women Development and Child Welfare of Telangana, District Nodal Officers/ Officials including DCPU in Sangareddy and Gadwal districts, mandal and village level CMPOs and connected key stakeholders in Jogipet and Pulkal mandals were interviewed to see their level of awareness about the PCM Act, 2006 and G.O.Ms.No.13 State Rules.

The interviews also checked their awareness the about implementation of the G.O. Ms. No. 13 as well as the level of involvement of CMPOs in rolling out the Act in addition to figuring out the bottlenecks. It also aimed to seek suggestions towards the effective implementation of PCM Act at all levels.

## **FINDINGS**

Consultations with various stakeholders at the state, district, mandal and gram panchayat levels showed that state and district level trainings were conducted for CMPOs on PCMA, CRMA and other child protection issues. Further, exclusive trainings were conducted for CMPOs about the importance of implementation of PCMA.

Yearly, state level convergence meetings were conducted with NGOs/CSO, Stamps & Registration Department, union members of purohits, religious leaders, District Collectors, DROs, police officials, Education Department and Health Department officials PCMA as a point of agenda under child protection head was discussed.

The 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 DCPU is planning to conduct the same in the near future.

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

The implementation of PCMA is not under the purview of the DCPU. The DCPOs have not been appointed in Telangana State as the CMPO. 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. The JJ Act 2015 also mentions girl children at risk of child marriage as Children in Need of Care and Protection does not mention girl children brides.

There is no budget allocated for the implementation of PCMA 2006 and the State Rules; it was expressed that the DCPU can utilise sufficient budget allocated 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 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. 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.

Mapping of vulnerable children for child marriages has been done in all 33 districts of Telangana including school and college dropouts, out of school children, mentally retarded children, Children With Special Needs (CWSN), identification of orphan and semi-orphan children and children under the care of grandparents/ caregivers has taken place and instructions have been passed to the CMPO to be vigilant on these children so as to prevent their marriage below 18 years.

In this connection, child tracking system has been established at village level where the School Headmaster/ teachers are responsible for monitoring the children who are vulnerable to child marriage below 18 years and also children who have been rescued after child marriage. The DCPU and CDPO or Supervisor monitors the tracking system.

Regarding the convergence with other NGO/ CSO partners, the DCPU in collaboration with Mahita and Medvan organisations and Nehru Yuva Kendra (NYK) has conducted awareness campaigns on PCMA & CRMA and other acts related to child protection. However, convergence by the CMPOs involving other departments is limited. As a part of Girls Advocacy Alliance, Mahita has conducted many advocacy meetings at the state and district level with government line departments on importance of implementation of PCMA.

## **BOTTLENECKS**

The respondents of district, mandal and panchayat level during in-depth interviews reveal that no specific agenda, exclusive meetings, reviews or action plans on Prohibition of Child Marriages Act exists at any level. 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, the discussion takes place on cases of identified child marriages, child marriages that have been prevented, number of FIRs booked, number of child marriage victims identified etc. But there is no specific plan of action about awareness creation, campaigns, convergence with other line departments and coordination with other stakeholders on the same, in general.

The newly formed Village Level Child Protection Committees and mandal level Child Protection Committees were just assigned the roles and responsibilities. They have not received any orientation, training about the Act, legislation, its importance and implementation process etc. Hence, implementation of PCM Act at ground level in such areas is therefore lacking.

In spite of the appointment of CMPOs and Child Marriage Prohibition and Monitoring Committee members for implementing the PCM Act and other acts in the state. Child marriages are still rampant in many districts and are more prevalent in tribal areas in districts



of Sangareddy, Mahaboobnagar, Medak, Gadwal, Adilabad and Vikarabad compared to other districts. Special focus and an effective monitoring system is lagging in these districts towards the prohibition of child marriages and effective implementation of PCM Act.

The major bottleneck in implementing the scheme is 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, conscious efforts are required from all the relevant departments from where the CMPOs have been allocated this responsibility towards their training and making them aware of their responsibilities. In most of the districts, important positions under DCPU are found to be on contractual basis and some have been vacant during the Study period.

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

No specific budget has been allotted for implementation of the PCMA. Orders are issued to DCPOs by State authorities towards the implementation of PCMA, but budget is not allocated for any activity. Hence, the implementation has become a challenge. Further, there is no direct budget allotted at mandal level for any activity related to the implementation of PCMA. The awareness activities are carried out by CDPOs during their general ICDS meetings which have no specific agenda.

The capacity building training has been conducted only once after the state bifurcation (June 2014) for panchayat secretaries and CMPOs at mandal level on child protection issues; that too not specifically on PCMA or CRMA.

## **KEY SUGGESTIONS**

Keeping in mind the above points, the following key suggestions are made for the effective implementation of the PCMA; the District Collector in 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 of the temple where the mass marriages are being held; Health, Education, Rural Development, Panchayat Raj, Women Development and Child Welfare, Police, Information and Public Relation, Adult Education, Revenue etc., for better coordination to ensure that no child marriages, including mass child marriages come to be solemnised.

Plan of action, awareness meetings, orientations, and reviews from state to village levels need to be planned exclusively for the implementation of PCM Act.

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

Capacity building training should be provided to newly appointed VCPCs and MCPCs to strengthen their knowledge about the implementation of PCMA and its provisions etc.

Involvement of corporators/ municipal commissioners/ MROs and municipal council members should be made mandatory in the implementation process of PCM Act.

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 implementation progress of PCMA.

The Child Marriage Prohibition Officers should submit monthly reports to the District Officer.

The CDPOs concerned should review the child marriage cases during project meetings and send monthly reports to the Project Director.

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

Regular awareness programmes should be conducted at grassroot levels involving IKP women, SHGs, CSO, NGOs involving mandal and village level CMPOs and Village Child Marriage Prohibition and Monitoring Committee members on the prevention of child marriages and importance of implementing the PCM Act.

Parents from forward communities are knowingly encouraging the child marriages to keep 'kith & kin' relationships to retain the properties with them, in the view of consanguineous marriages due to an insecure feeling about the girl child, so that she may be free from the burden of marriage etc. Hence, parental attitude towards these should be changed to avoid child marriages.

Child marriages are rampant in Tandas (Tribal communities) due to low level of literacy, low awareness about legal age for marriage, lack of knowledge on punishments and consequences of violation of the PCM Act. Hence, efforts should be made towards sensitisation of Tandas communities on these aspects.

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

Adolescent girls should be counselled at home, in schools/ colleges and at work places about the consequences of child marriages and consanguineous marriages. They should be educated about the prevention of child marriages and importance of PCM Act. Awareness programmes should be conducted at high schools, colleges, swadhar homes and KGBVs on importance of prohibition of child marriages and implementation of PCM Act.

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.

The platforms of Swaraksha Day campaigns, Arogya Lakshmi Scheme, Poshan Abhiyan programme and Kalyana Lakshmi or Shaadi Mubarak schemes also may be used for spreading awareness on prevention of child marriages and effective implementation of PCMA.

It is also suggested to bring out a **state and district level plan of action** on prohibition of child marriages to ensure concrete efforts and convergence.

## CHAPTER II

# INTRODUCTION AND REVIEW OF LITERATURE

The Prohibition of Child Marriage Act, 2006, which is the national law against child marriage; which defines a child to mean a male below 21 years and a female below 18 years of age. 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 the 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 are considered 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 child<sup>1</sup>.

Child marriages remain widespread in India, where about 27% of girls were married before reaching their 18<sup>th</sup> birthday<sup>2</sup>; this figure is 27.5% in Telangana.

Child marriage is more prevalent in rural than in urban areas. It is also deeply related to lower levels of education. Girls with a secondary school education or higher are less likely to marry earlier than those with primary education or lesser. There is also a strong correlation between poverty and child marriage. Across India, girls from poor households are much more likely to marry earlier than those from the higher strata of society's richest quintiles.

Factors that impact high prevalence of child marriage include widely accepted and sanctioned social norms; poverty, high wedding costs and other economic considerations; lack of easy access to schooling, especially at secondary level; political patronage, which weakens law enforcement agencies; vested interest groups and networks; and gender

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<sup>1</sup> HAQ: Centre for Child Rights, Child Marriage in India: Achievements, Gaps and Challenges

<sup>2</sup> National Family Health Survey - 4

norms and prescriptions. Together, these factors have ensured that child marriages continue to persist in India and the efforts of the government to ban the practice are resisted.

### **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 (viz. child marriage, child labour, Indian Penal Code laws etc) 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 their employment but only regulates it 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 15-18 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 between 6 and 14 years of age. 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 Telangana and also to know the perceptions of different stakeholders and duty bearers for implementing the Act and propose concrete recommendations for effectively rolling out PCM Act in Telangana 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 marriages were formally abolished in 1929, with the enactment of the Child Marriage Restraint Act (CMRA). However, as a result of the ineffectiveness of CMRA, 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 a female below 18 years of age. 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 marriage in India and to put in place a comprehensive mechanism. It came into force on 1 November 2007.

Child marriage is 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; and is a curtailment of personal freedom as well as of the opportunity to develop to a full sense of self hood as well as a denial of psycho-social and emotional well-being, 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, 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 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 brackets 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 vis-à-vis 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 Government 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 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 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 (AP) 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 has appointed Child Marriages 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 have also been constituted with Gram Panchayat Secretary as a chairman, 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 PCM Act across the State.

### **SIGNIFICANCE OF PRESENT STUDY**

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

### **OBJECTIVES OF THE STUDY**

The core objectives of the study are to:

1. Undertake a critical review and recommend on the following legislations, 'The Prohibition of Child Marriage Act 2006 and The Andhra Pradesh and Telangana Prohibition of Child marriages Rules, 2012 (GO.MS.No.13)'
2. Identify the bottlenecks in implementation of PCMA in Telangana State.
3. Propose concrete recommendations for effectively rolling out PCMA in Telangana.



## CHAPTER III

# RESEARCH METHODOLOGY

The Study used only qualitative information and collection of secondary data on the underlying supporting factors and bottlenecks influencing the implementation of PCM Act in Telangana 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 village, mandal and district levels.

Based on the high prevalence of the marriages in the last five years, Sangareddy and Gadwal districts were selected for the Study. State officials of the Women Development and Child Welfare Department of Telangana, District Nodal Officers/ officials including DCPU in Sangareddy and Gadwal districts, mandal and village level CMPOs and connected key stakeholders in Jogipet and Pulkal mandals were interviewed to see their level of awareness about the PCM Act, 2006 and its implementation. The interviews gauge the level of involvement of CMPOs towards rolling out the Act. Through these bottlenecks were identified and suggestions sought on the effective implementation of PCM Act at all levels.

### SAMPLE MATRIX OF THE STUDY

S.No	State Level	Sangareddy District		Gadwal District	
	IDI	IDI	FGDs	IDI	FGDs
1	APD-ICPS	DWO (WD&CW)	— (WD&CW)	DWO	—
2	CDPO-ICPS (PCMA)	DCPO (WD&CW)	Mandal & Village level CMPOs & Monitoring Committee members		Mandal & Village level CMPOs & Monitoring Committee members
3	CDPO - ICPS (CRMA)	CDPO & ICDS Supervisor	AWWs ANM, School Teachers PRI members, ASHA, SHG members, VCPC members	ICDS Supervisor	AWWs ANM, School Teachers PRI members, ASHA, SHG members, VCPC members
4	Extension Officer/Supervisor (ICPS)	Panchayat Secretary	—	PRI & VCPC member	—
<b>Total</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>2</b>

## CHAPTER IV

# STATE LEVEL REVIEWS AND FINDINGS

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

### APPOINTMENT OF CHILD MARRIAGE PROHIBITION OFFICERS (CMPO) AT DISTRICT LEVEL

The state government appointed the following officers as the Child Marriage Prohibition Officers (herein after referred to as the CMPO) for the whole State of Andhra Pradesh (Unified AP) from the date of notification in the official gazette/ district gazette G.O.Ms.No. 13 dated 19.03.2012 and it is still applicable for the Telangana Government after bifurcation of the unified state of Andhra Pradesh as there is no further notification issued by Telangana Government.

### DISTRICT CHILD MARRIAGE PROHIBITION AND MONITORING COMMITTEE

- 1 The District Collector of the concerned district is the 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 the 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 nine major components of the state rule is Village Child Marriage Prohibition and Monitoring Committees.

### **BUDGET ALLOCATION FOR IMPLEMENTATION OF PCMA ACT**

No specific budget is allotted for PCMA. The respondents expressed that they can utilise sufficient budget available under the Child Protection head for IEC, capacity building, convergence meetings etc. both at state and district level. However, the funds allocated for prevention and response mechanism in the event of information about child marriages still remains unknown.

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

State level trainings were conducted for CDPOs, ICPOs, Revenue Department officials and police officials on the prevention of child marriages, PCMA Act, CRM Act and other child protection issues. Further, exclusive trainings were conducted for CMPOs on the importance of implementing PCMA and CRMA.

Mapping of vulnerable children for child marriages has been done in all 33 districts of Telangana including school and college dropouts, out of school children, mentally retarded children, Children With Special Needs (CWSN). Orphan and semi-orphan children have also been identified as well as those children who are under the care of grandparents/ caregivers and CMPOs have been instructed to be extra vigilant to prevent their marriage before 18 years of age.

In this connection, child tracking system has been established at village level where the school headmasters/ teachers are responsible for monitoring the children who are vulnerable to child marriage and also children who have been rescued after child marriage. The DCPU and CDPO or supervisor will monitor the tracking system.

Prachara Rathalu were conducted as a campaign in the entire state which created awareness on child rights, child protection acts including PCMA and CRMA, violation of child rights and its punishments with special focus on POCSO and legal age for marriage etc.

Awareness camps were also conducted prior to marriage seasons in the state i.e. Kartikamasam, Maghamasam and other festival seasons. These campaigns are more focussed on Tandas (tribal communities) where child marriages are rampant.

These efforts have been made not only for implementation of PCMA; but also for making all the villages child-friendly so as to have nil incidences of child marriages, child abuse, children begging, child trafficking and child labour.

The State Department of WD & CW is closely working with the Labour and Education Department towards elimination of child labour and to ensure every child gets to study.

IEC material has been developed on PCMA Act and distributed to all districts which has helped CMPO and duty bearers in implementing PCMA and for gaining knowledge about the same.

During the conduct of all state level trainings for ICDS Supervisors, a few sessions were allotted for discussion on PCMA and CRMA where further dissemination of knowledge on the subject to AWWs at village level was done.

The Yuva programme has been conducted at the state level for children and adolescents on health and personal hygiene; this platform was also used to create awareness about child marriages and related acts.

### **CONVERGENCE ACTIONS**

Annual state level convergence meetings were conducted with NGOs/CSO, Stamps & Registration Department, union members of purohits, religious leaders, District Collectors, DROs, police officials, Education Department and Health Department officials and PCMA was discussed as an agenda point under child protection.

## CHAPTER V

### DISTRICT, MANDAL & GP LEVEL REVIEW AND FINDINGS

The discussions on implementation of PCMA and other related legislations have been conducted with the district level officers at Sangareddy and Gadwal Districts of Telangana State.

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. 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. The JJ Act 2015 also mentions girl children at risk of child marriage as Children in Need of Care and Protection but does not mention girl children brides.

#### 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 child protection head for IEC, capacity building, convergence meetings and allied activities at both the 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 an additional responsibility, they are not fulfilling their duties.

DCPUs are not the HR earmarked for the implementation. Also, all of them are employed on a contractual basis in both states of AP and TS.

#### IMPORTANCE OF IMPLEMENTATION OF THE PCMA

The DWOs expressed that none of the departments at district level is taking child marriage as a priority issue for them which includes implementation of PCMA; whenever they organise a meeting for their priority issues they discuss the child marriages issue as an agenda which is initiated by DWO of WD&CW Department as a Nodal Officer. There is no specific budget available for organising any meetings for convergence of PCMA.

## **ACTION PLANS**

The DCPU says that there are no specific action plans made so far at the district, mandal or village level on the implementation of PCM Act; however the activities below have been conducted under the child protection premise towards creating awareness.

- Awareness generation activities were conducted for all CDPOs and DCPUs on child protection issues, PCMA and CRMA during their regular meetings in all villages, mandals and also at district level.
- District level awareness camps were conducted through ICDS on PCMA and CRMA.

## **CAPACITY BUILDING TRAINING CONDUCTED ON PCMA**

- Exclusive district level orientation trainings were conducted on PCMA & CRMA for all panchayat secretaries.
- The capacity building trainings were conducted half yearly (June & Dec) by the DCPUs and DLSAs for the key stakeholders of PCMA i.e., CDPOs, Police, CSOs, Youth leaders, NGOs and religious heads at the district and mandal levels on the prevention of child marriages and its related acts.
- Trainings were conducted for the religious heads and purohits on PCMA at the mandal level.
- Orientation training was also conducted for mandal level government department officials i.e. the MRO, MDO, MEO, CDPOs, Police, CWC members, Child Line members, media representatives etc. on child protection issues including the PCM Act.

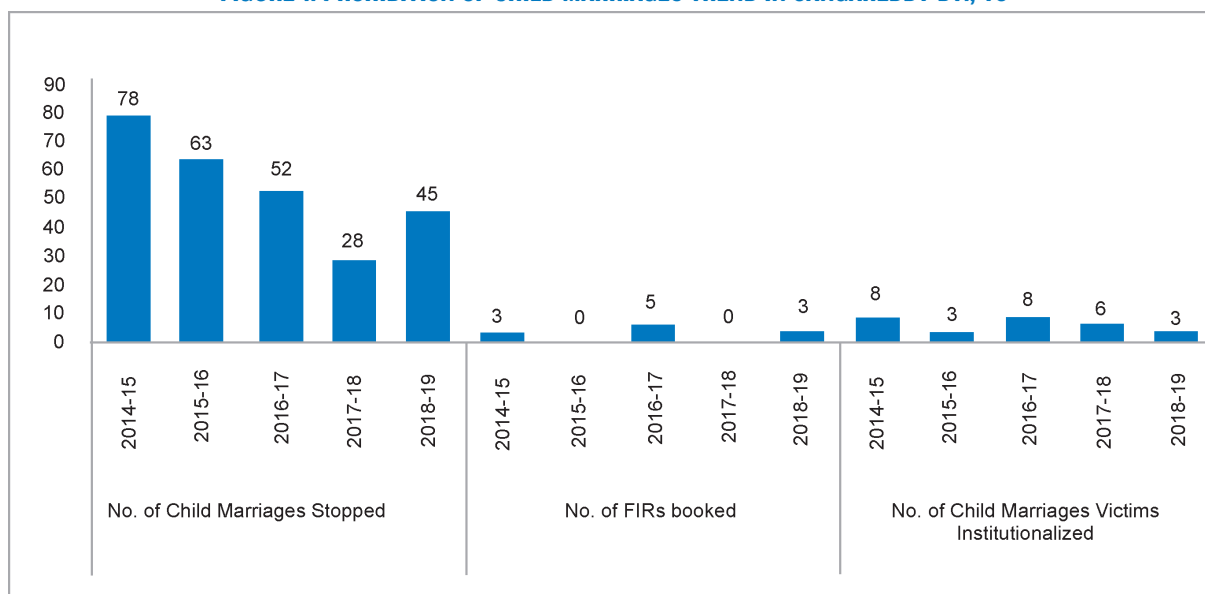
## **COLLABORATION WITH OTHER NGO/CSO PARTNERS ON IMPLEMENTATION OF PCMA**

The DCPU in collaboration with Mahita and MEDVAN 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 state and district level with government line departments on importance of implementation of PCMA Act.

## **BEST PRACTICES ADOPTED IN LAST 5 YEARS**

- Orientation trainings were conducted on PCMA & CRMA for VCPCs (Village Child Protection Committees) and MCPCs (Mandal Child Protection Committees).
- Conducted awareness through Prachara Ratham in campaign mode on PCMA and CRMA in 300 villages of Sangareddy during 2017, 2018 and 2019.
- Conducted awareness on PCMA programmes during CRC Week in every November.

**FIGURE 1: PROHIBITION OF CHILD MARRIAGES TREND IN SANGAREDDY DT., TS**



Source: DCPU

The above figure shows that a significant number of child marriages were prevented during the years 2014 & 15 vis a vis 2018 & 19. 3, 5 & three FIRs were booked respectively in the year 2014-15, 2016-17 & 2018-19 respectively. These FIRs have been booked during marriage performance at the marriage venue where the parents also did not cooperate to stop the child marriage. FIRs were not booked for those cases where parents were willing and child marriage was stopped through counselling/ awareness by CMPO and others prior to solemnising of the marriage. Among the child marriages stopped forcibly during the marriage, the victims were institutionalised temporarily and reintegrated with their family taking the consent of the parents that they would not enter into marry till they attain the legal age for marriage. The data in the above figure shows institutionalised child marriage victims year-wise in the range between 8 and 3 between the year 2014-15 and 2018-19.

### **MANDAL AND PANCHAYAT LEVEL REVIEWS AND FINDINGS**

The discussions on implementation of PCMA and other related legislations have been conducted with the mandal and gram panchayat level officers.

### **REVIEW AND FINDINGS WITH THE TEAM**

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 were not regular and are not within the agenda of ICDS and are a part of ICDS mandal level meetings, as and when conducted. 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.



## 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	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 DCPU is now planning to conduct the same in near future.

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

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

The impact of **Kalyana Lakshmi** Scheme<sup>3</sup> introduced by the Government of Telangana is significant in the reduction of child marriages as they get benefits of the scheme only when they get married after attaining the legal age of marriage and producing the marriage certificate as evidence. The awareness platforms of Kalyana Lakshmi Scheme at village levels are also used to create awareness on implementation of PCMA.

**Swaraksha**<sup>4</sup> Day campaigns were conducted at the village level from January 2016 to May 2016. The caravan stopped in each of the districts of Telangana. The campaign aims to awaken the communities on the dangers of human trafficking, motivating them to protect themselves and giving them the tools to say “NO” to traffickers. This platform has been used for creating awareness about the prevention of child marriages; but not specifically about the PCM Act.

The ICDS organises **Arogya Lakshmi**<sup>5</sup> meetings which are also used as a platform for motivating pregnant women and lactating mothers towards the cause of prohibition of child marriages.

Awareness was created for adolescent girls and women in the communities on prohibition of child marriages during the implementation of **Poshan Abhiyan**<sup>6</sup> Programme.

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<sup>3</sup> **Kalyana Lakshmi** scheme or and Shaadi Mubarak is a welfare scheme for providing financial assistance for marriages by the Government of Telangana, a novel scheme for all poor people in the state

<sup>4</sup> **Swaraksha days** were conducted from January 9th 2016, to May 2016, the caravan will stop in each of the districts of *Telangana*. The campaign aims to awaken the communities on the dangers of human trafficking, motivating communities to protect themselves, and giving them the tools to say “no” to traffickers.

<sup>5</sup> **Arogya Lakshmi** scheme is a nutritional program me to support pregnant and lactating women by the Government of **Telangana**. The scheme is available for women below and above poverty line; over 2.71 lakh pregnant women and 2.03 lakh lactating mothers are being served one full meal at 35,000 *Anganwadi* centres in the State.

<sup>6</sup> **Poshan Abhiyan**, is a Central government programme aimed at addressing the problem of malnutrition among children, adolescent girls and women. Balamrutham is the weaning food introduced under ICDS to provide supplementary nutrition to children aged between seven months and three years.

## CHAPTER VI

# BOTTLENECKS

### **LACK OF SPECIFIC REVIEW MEETINGS AT ANY LEVEL ON THE IMPLEMENTATION OF PCMA**

The respondents of district, mandal and panchayat level during the in-depth interviews reveal that, there are no specific agenda, exclusive meetings, reviews and action plans about the Prohibition of Child Marriage and its allied Act at any levels. The Women & Child Welfare Department as a nodal agency for the implementation of PCMA conducts monthly review meetings in every district. In such meetings discussions happen on the cases of child marriages that have been identified and prevented, number of FIRs booked, number of child marriage victims identified etc. There are no specific plans of action on awareness creation, campaigns, convergence with other line departments and coordination with other stakeholders for the same in general. Occasionally, during the marriage seasons i.e. before Maghamasam & Sravanamasam etc. The action plans are made for awareness creation on the prevention of child marriages that too for specific areas and tribal tandas where child marriages are rampant.

### **LACK OF STRICT DISCIPLINARY ACTIONS AGAINST CMPOS**

CMPOs should be pro-active in ensuring strict implementation of PCMA. But, in a 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.

### **LACK OF AWARENESS AMONG THE PARENTS ON PCMA AND COMMUNITY DYNAMICS IN PERFORMING CHILD MARRIAGES**

The CMPOs and Child Marriage Prohibition and Monitoring Committee members at village and mandal level reveals that though they are always available in the villages and vigilant about the prevention of child marriages, the incidences are still happening without anyone's knowledge. In the state of Telangana, 26% of women in the age group of 20-24 were married before the legal age of 18 as per the NFHS-IV. These marriages are not limited to love marriage as claimed by many government officials; there were many incidences where parents performed the child marriages due to various reasons; such as to ensure a girl child's safety/ insecurity fearing a love affair, abuse, harassment, elopement,

consanguineous marriages and due to other vulnerabilities. Lack of awareness about the Act is also a significant reason for such incidences.

- The CMPOs explored that, there were incidences of ‘manipulation of evidences i.e. age proofs/ birth certificate etc. for registration of marriages’; where CMPO and committee members couldn’t do anything though they were aware that the boy or the girl were below the legal age of marriage.
- After the rescue of a child also the perpetrators produced fake documents of age/birth certificate and got back the rescued children. In some cases, the parents or perpetrators gave a written letter to the CMPOs/ authorities/ Child Marriage Prohibition Officers and Monitoring Committee members assuring that they won’t perform the marriage; but after some time, they go ahead with the marriage in hidden places i.e. a small temple/other villages/ distant places etc.
- Last minute communication about child marriages, because of which the CMPOs or Child Marriage Prohibition and Monitoring Committee members were not able to reach the place.
- Lack of effective convergence between line departments about the implementation of the Act.

#### **LACK OF AWARENESS AMONG NEWLY FORMED VCPC/ MCPC AND CHILD MARRIAGE PROHIBITION AND MONITORING COMMITTEE MEMBERS ON THE PCMA AND LACK OF EFFECTIVE FUNCTIONING OF VCPC/ MCPC ON THE ACT**

The newly formed Village Level Child Protection Committees and Mandal Level Child Protection Committees were just assigned the roles and responsibilities. They were not given any orientation/ training about the Acts, its legislations and their importance and its implementation process etc. leading to problems in implementation of PCM Act at ground level in such areas.

#### **LACK OF EFFECTIVE MONITORING SYSTEM IN REMOTE RURAL AND TRIBAL COMMUNITIES ON PREVENTION OF CHILD MARRIAGES AND IMPLEMENTATION OF PCMA**

In spite of appointment of CMPOs and Child Marriage Prohibition and Monitoring Committee members to implement the Prohibition of Child Marriages Act and other Acts in the State; child marriages are still rampant in many districts and more prevalent in tribal areas in districts such as Sangareddy, Mahaboobnagar, Medak, Gadwal and Adilabad, Vikarabad compared to other districts. Special focus and an effective monitoring system is lacking in these districts for the prohibition of child marriages and the effective implementation of PCM Act.

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

The major bottlenecks in implementing the scheme have happened because of the additional responsibilities 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 has to be conscious efforts from all the relevant departments from where the CMPOs have been detailed. It is their responsibility that they are trained and made conscious of their responsibilities towards this issue. In most of the districts, important positions under DCPU were found to be on a contractual basis and some were vacant during the study period.

DCPOs are always contractual staff, as per the scheme guideline and the tenure for them rarely got extended. Hence, there are new DCPOs every year. It takes almost six 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 finishes. This is also due to bifurcation of existing districts in Telangana<sup>7</sup>.

### **POOR CONVERGENCE BETWEEN THE LINE DEPARTMENTS AT DISTRICT AND MANDAL LEVEL LEADS TO POOR IMPLEMENTATION OF THE IMP ACT**

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 and do not accompany the CMPOs 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 were conducted with Joint Collector, RDO, DWO, DGP, DEO, SC, ST & BC Welfare Officers etc. the child protection issues are being discussed as an agenda point. However, there is no agenda for discussion on implementation of the PCM Act. 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 or child protection 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 and Child Line etc. who are responsible for child protection.

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<sup>7</sup> Government of Telangana has taken up the task of Districts reorganization of the existing districts excluding Hyderabad, for better administration and development of the areas comprised therein and for matters connected there with as per the Telangana Districts Formation Act, 1974 and Telangana District Formation Rules, 2016. Including Hyderabad, the State now comprises of 33 districts with the newly bifurcation decision of the districts.

### **NO SPECIFIC BUDGET ALLOTTED FOR IMPLEMENTATION OF PCMA**

No specific budget has been allotted for implementation of PCMA. Orders are issued to DCPOs by state authorities on implementation of PCMA, but budget is not allocated for any activity. Hence, implementation has become a challenge. There is no direct budget allotted at mandal level for any activity on implementation of PCMA and the awareness activities are carried out by CDPOs during their general ICDS meetings which have no specific agenda.

If incidence of child marriages are to be prevented; the CDPOs would take the support of police, Child Line etc. and use their vehicle for commuting to the place where child marriage is being held and deal with the cases. The capacity building training has been conducted only once after the state bifurcation (June 2014) for Panchayat Secretaries, CMPOs at mandal level on CP issues and not specific to PCMA or CRMA. Hence, the implementation of the Act has become a challenge.

## CHAPTER VII

# SUGGESTIONS AND RECOMMENDATIONS

### CONDUCT REVIEW MEETINGS AND ACTION PLANS ON IMPLEMENTATION OF PCMA

The District Collector in 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 of the temple where the mass marriages are being held; Health, Education, Rural Development, Panchayat Raj, Women Development and Child Welfare, Police, Information and Public Relation, Adult Education, Revenue etc., for better coordination to ensure that no child marriage including mass child marriages are solemnised.

Action plans, awareness meetings, orientations, reviews from state to village level needs to be planned exclusively for the implementation of PCM Act; at present the discussions were held during other programme priority meetings such as district/ mandal level review meetings with line departments for their issues, during Kalyana Lakshmi meetings, Arogya Lakshmi meetings, Swaraksha Day campaigns, ICDS meetings such as ECCD Day, Supplementary Nutrition Programme, adolescent girls meetings, Poshan Abhiyaan<sup>8</sup> meetings, CRC Week celebrations and other meetings related to child protection, in general.

### DISCIPLINARY ACTION 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 concerned person should be entailed.

### 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.

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<sup>8</sup> *Poshan Abhiyaan* is an Indian flagship programme to improve nutritional outcomes to children, Adolescents, pregnant women, lactating mothers by leveraging technology, a targetted approach and convergence.

### **CAPACITY BUILDING OF NEW MEMBERS OF VCPCS AND MCPS ON IMPLEMENTATION OF PCMA**

Recently, VCPCs & MCPCs are formed in few villages and mandals and in some places the members were changed; but were not provided any trainings/ orientations on PCMA. Hence, regular capacity building exercises to be done for newly formed VCPCs/ MCPCs 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 other acts, punishments etc. **Form and Strengthen Prohibition of Child Marriages Monitoring Committees in Urban Areas**

There is a lack of monitoring committees in urban areas compared to rural areas to monitor the implementation of PCM Act in the prevention of child marriages. Hence, involvement of Corporators/ Municipal Commissioners/ MROs, Municipal council members should be made mandatory on implementation process of PCM Act.

### **CONDUCT REGULAR REVIEW MEETINGS AT ALL LEVELS ON IMPLEMENTATION OF PCMA**

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

### **THE CHILD MARRIAGE PROHIBITION OFFICERS SHOULD SUBMIT MONTHLY REPORTS TO DISTRICT OFFICER**

The Child Development Project Officers (CDPOs) concerned should review the child marriage cases during project meetings and send monthly reports to Project Director.

### **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 towards 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/FRONTLINE WORKERS/NGOS/CBOS AT GRASSROOT LEVEL**

Regular awareness programmes should be conducted at grassroot 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**

Parents from forward communities are knowingly encouraging the child marriages to keep 'kith & kin' relationships to retain the properties with them, in the view of consanguineous marriages due to insecure feeling about girl child, to be free from marriage burden etc. Hence, parental attitude towards these should be changed to avoid child marriages.

### **EXCLUSIVE AND FREQUENT AWARENESS MEETINGS FOR TANDA COMMUNITIES**

Child marriages are rampant in Tandas (tribal communities) due to low level of literacy, low awareness about legal age for marriage, lack of knowledge on punishments and consequences of violation of PCM Act. Hence, efforts should towards sensitisation of tanda communities on these aspects.

### **AWARENESS GENERATION THROUGH MASS MEDIA ON PROHIBITION OF CHILD MARRIAGES**

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

### **COUNSELLING FOR ADOLESCENT GIRLS AT FAMILY, INSTITUTIONS AND WORKPLACES ON PREVENTION OF CHILD MARRIAGES AND PCMA**

Adolescent girls should be counselled at home, schools/ colleges and workplaces about consequences of child marriages and consanguineous marriages. They should be educated about prevention of child marriages and importance of PCM Act. Awareness programmes should be conducted at high schools, colleges, swadhar homes and KGBVs on the importance of prohibition of child marriages and implementation of PCM Act.

### **RESOURCE DIRECTORY FOR TRACKING CHILDREN AT RISK FOR CHILD MARRIAGES**

Improve innovative use of technology in maintaining a 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 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 implementation of PCMA.

### **EFFECTIVE USAGE OF NATIONAL AND STATE LEVEL SCHEMES FOR ROLLOUT OF PCMA**

The platforms of Swaraksha Day campaigns, Arogya Lakshmi Scheme, Poshan Abhiyan programme and Kalyana Lakshmi or Shaadi Mubarak schemes also may be used for spreading awareness on prevention of child marriages and effective implementation of PCMA.

### **IMPROVE CONVERGENCE AND NETWORKING AMONG DIFFERENT STAKEHOLDERS**

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

Networking with NGOs needs 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 a critical role in strict implementation of PCM Act. They can disqualify the benefits of ration, all other government subsidies and, social welfare schemes/ services for those who violate the PCM Act including parents, CMPOs and Village Child Marriage Prohibition and Monitoring Committee members.

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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.

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**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 solemnized;
- (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 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.

**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 24<sup>th</sup> September 2003.
- (3) 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 forthwith initiate all necessary action, including addressing the Police and Officers concerned. 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 coordination 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 proactive 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<br>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 solemnizations of child marriages, on occasions such as Akshaya Tritiya, 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 strategising 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 levels 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 PS to Chief Secretary.

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


**// FORWARDED: BY ORDER //**

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