THE IMPLEMENTATION OF UNITED NATIONS CHILDREN’S FUND (UNICEF) COOPERATION WITH THE GOVERNMENT OF INDIA IN ERADICATE CHILD MARRIAGE IN INDIA (2010-2012)

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A Thesis presented to the Faculty of Humanities President University in partial fulfillment of the requirements for Bachelor Degree in International Relations Concentration of Diplomacy Studies

2018
THESIS ADVISER
RECOMMENDATION LETTER

This thesis entitled “THE IMPLEMENTATION OF UNITED NATIONS CHILDREN’S FUND (UNICEF) COOPERATION WITH THE GOVERNMENT OF INDIA TO ERADICATE CHILD MARRIAGE IN INDIA (2010-2012)” prepared and submitted by Feronika Desy in partial fulfillment of the requirements for the degree of Bachelor of Arts in International Relations in the School of Humanities has been reviewed and found to have satisfied the requirements for a thesis fit to be examined. I therefore recommend this thesis for Oral Defense.

Cikarang, May 2018

Recommended and Acknowledge by,

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Thesis Adviser
DECLARATION OF ORIGINALITY

I declare that this thesis entitled “THE IMPLEMENTATION OF UNITED NATIONS (UNICEF) COOPERATION WITH THE GOVERNMENT OF INDIA TO ERADICATE CHILD MARRIAGE IN INDIA (2010-2012)” is, to the best of my knowledge and belief, an original piece of work that has not been submitted, either in whole or in part, to another university to obtain a degree.

Cikarang, May 2018

Feronika Desy
Panel of examiners stated that the thesis entitled “THE IMPLEMENTATION OF UNITED NATIONS (UNICEF) COOPERATION WITH THE GOVERNMENT OF INDIA TO ERADICATE CHILD MARRIAGE IN INDIA (2010-2012)” that was submitted by Feronika Desy majoring in International Relations from the School of Humanities was assessed and approved to have passed the Oral Examinations on Friday, May 11th 2018.

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ABSTRACT


This thesis will analyzed about the implementation of United Nations Children’s Fund (UNICEF) cooperation with the government of India to eradicate child marriage in India in the period of 2010-2012. The purpose of this study is to explain the implementation of UNICEF by analyzing the cooperation programs between UNICEF as the International Organizations (IGOs) part of the United Nations (UN) bodies with the government of India, analyze the effectiveness of UNICEF’s implementation in eradicate child marriage cases in India and to see the challenges and opportunities faced by UNICEF in dealing with child marriage cases in India. This research will using the qualitative methods with the analyze using the primary data from UNICEF. This research find out that in 2007, India become the second country with the highest rates of child marriage in the world. Therefore, the government of India set up national and international policies to handle child marriage cases in India. In trying to establish the policy, the government of India also in cooperation with UNICEF to face the case of child marriage in India. This thesis will be analyzed using the theory of International Organizations that will be seen from the roles of International organizations with regime approach. The result of this thesis found out that, the collaboration between UNICEF and government of India is capable of handling the causal factors of child marriage cases in India among others, education, culture and public perception regarding the safety of children. Then, UNICEF has an effective role in dealing with cases of child marriage in India is shown by the decrease in the number of child marriage in India in 2010-2012.

Keyword: UNICEF, Child Marriage, Children’s Rights Violations, India
ABSTRAK


**Kata Kunci:** UNICEF, Pernikahan Anak, Pelanggaran Hak Anak, India
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I can do all things through Christ who strengthen me.
Philippians 4:13

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Cikarang, May 2018

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ANMs</td>
<td>Auxiliary Nurse Midwives</td>
</tr>
<tr>
<td>ASHA</td>
<td>Accredited Social Health Activists</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>DLHS</td>
<td>District Level Household and facility Survey</td>
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<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ICPS</td>
<td>Integrated Child Protection Scheme</td>
</tr>
<tr>
<td>ICRW</td>
<td>International Center for Research on Women</td>
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<td>IGOs</td>
<td>Inter-Governmental Organizations</td>
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<tr>
<td>JRM</td>
<td>Joint Review Missions</td>
</tr>
<tr>
<td>KGBV</td>
<td>Kasturba Gandhi Balika Vidyalaya</td>
</tr>
<tr>
<td>MDGs</td>
<td>Millenium Development Goals</td>
</tr>
<tr>
<td>MS</td>
<td>Mahila Samakhya</td>
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<tr>
<td>NCW</td>
<td>National Commission for Women</td>
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<tr>
<td>NFHS</td>
<td>National Family Health Survey</td>
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<td>NPEGEL</td>
<td>National Programme for Education of Girls at Elementary Level</td>
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<tr>
<td>NGOs</td>
<td>Non-Governmental Organizations</td>
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<tr>
<td>OBC</td>
<td>Other Backward Classes</td>
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<tr>
<td>PBB</td>
<td>Perserikat Bangsa-Bangsa</td>
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<td>PCMA</td>
<td>Prohibition of Child Marriage Act</td>
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<tr>
<td>PTR</td>
<td>Pupil Teacher Ratio</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
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<tr>
<td>RTE</td>
<td>Rights to Education</td>
</tr>
<tr>
<td>SC</td>
<td>Scheduled Castes</td>
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<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>ST</td>
<td>Scheduled Tribes</td>
</tr>
<tr>
<td>SOWC</td>
<td>State of the World’s Children Report</td>
</tr>
<tr>
<td>SSA</td>
<td>Sarva Shiksa Abhiyan</td>
</tr>
<tr>
<td>UDISE</td>
<td>Unified District Information System for Education</td>
</tr>
<tr>
<td>UEE</td>
<td>Universal Elementary Education</td>
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<tr>
<td>UNFPA</td>
<td>United Nations Population Fund</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<td>WTO</td>
<td>World Trade Organizations</td>
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CHAPTER I
INTRODUCTION

I.1. Background of Study

In the current era of globalization many of the issues surrounding politics and security are beginning to turn to issues related to the environment, economic issues, human rights, and also labor. Issues concerning human rights began to develop such as child marriage underage. Here the author will discuss about child marriage in the country of India. India is one of the developing countries in South Asia that has a child marriage rate that is quite apprehensive.

In this case, child marriage is a form of coercion and violence against the rights of children who should still be able to enjoy the childhood with education and play. This result in children becoming unnaturally grown up, because children are forced to assume responsibilities where not ready yet in mentally, physically, and emotionally. Children also feel uncomfortable having to take care of the family so that it is isolated from social life and apart from parents and friends. Child marriage causes children to not continue their education anymore. Children, especially women, do not go to school because of several things: poverty, the status of women who are considered low in education, and the value of parents that women do not have to have high education. Conditions like these will be the factors that result in the child marriage underage. Early marriage as a form of behavior that can already be said to be entrenched in society.


International Organization, namely UNICEF. In India UNICEF’s data, child marriage has significantly decreased from 47% (2006) to 27% (2016).

Child marriage has become a culture in India since in the middle of century when politics was unstable and the law has not been regulated at the national level. The arbitrary powers held by monarchy. Therefore, the parents abandon responsibilities towards their daughter to marrying way too early. Since in the middle of century political system in India is gradually changing lifestyles and public opinion from simple to more complex forms, significantly limiting freedom. Girls lost their rights, must obey the rules, and behave. They are subject to the family honor. The young girl who falls in love cannot be considered irresponsible and irrational, so parents marry them at the age of 6-8 years for girls. Marriage used to determine compatibility between two families. At the time the believed that if two people have known each other age thought their daughter still live with their parents up to the age of puberty.

There is a policy created with the aim of eradicating child marriage cases in India. This policy that makes child marriage is illegal that should not be done in India. India’s first law governing the age limit is the Child Marriage Restraint made in 1929. The Prohibition of Child Marriage Act of 2006 set the legal age for marriage is 18 years for women and for men 21 years. This rule is made to punish anyone who commits, allows and enhance child marriage. The Supreme Court provides that any couple who are getting married, must register to the government, so that the implementation of the law easier. The National Plan of Action for Children of 2005 also regulates the elimination of marriage of minors.

The rules on child marriage have been made, but the desire and commitment to eliminate child marriage must be in accordance with the implementation of the law in enforcing the rules. Without firmness, the law only leads to hidden child marriages, with families conducting weddings in unknown

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places, at night or even in neighboring villages. Some people who do so will be punished. The fact that the 2006 rule is very strong, weakness will prove that the law is ineffective, especially in the areas needed. In the village there are some things that can break the rules. Law enforcement in remote villages is lacking. Plus one of the factors that led to the rise of child marriage in rural areas is the lack of legal affirmation by legal officers. Officers can be bribed to pretend not to know.

I.2. Problem Identification

Child marriage under the age 18 years old is a reality that must be faced by most of the children around the world. Most of them should strive for surviving or as a hope for raising the degree of household by getting married at a young age. In India, child marriage who are considered common. Almost all regions have a daughter who had been married before the age of 18 years. Even though some declaration has been released to protect the rights of children and to against child marriage, but ironically cases of child marriage under 18 years old still continues in some countries and became one of the most serious issues in several countries.\(^5\)

Children around the world have been protected by the children’s right which clearly have issued several children rights that must be obeyed by parents. However, some regulations such as The Prohibition of Child Marriage Act, 2006 (PCMA, 2006)\(^6\) are often in effective to be something that can protect children, especially the girls from cases of child marriage. This case can be caused by several factors such as customs, traditions, or social norms that regulate a segment of society. The practice of child marriage can be found in around the world. Based on the United Nations (UN) data in 2007, around 72 million women in the world who is 24 years old married when they are under 18 years old.\(^7\) Based on UNICEF data in 2009, child marriage rate ranged 46.8% in South Asia, 37.3% in Sub-


Saharan Africa, 29% in Latin America and Carribbean, 17.6% in East Asia and Pacific, and 17.4% in Middle East and North Africa.8

India has the second highest of child marriage in the world which is around 40%.9 In the UNICEF India research results in 2008, the incidence of child marriage of 15 years old around 43%, while those who marriage at the age of exactly 18 years old around 54%. About 13 thousand girls in India get married every day, so that recorded total married girls under 18 years old more than 23 million.10 The cases of child marriage in India are predominantly motivated by the assumption that having a daughter is considered a blessing that is priceless. Girls are cosidered to be able to improve the economic condition of their families, through marriage with wealthy merchants. They do not care about the consequences that must be accepted by their children who are still under age. In fact, parents in Bihar-India think that education for girls is not very important. They believe that every girl who has been married underage will improve the economic status of their parents.11

Traditionally in India, the responsibility for child care and protection lies with families and society. Families in India are generally patriarchal and have strong family ties in keeping children well. However, they do not have awareness that children are individuals who have their own rights. While the Indian Constitution guarantees the fundamental rights of children. The impact of early marriage is also a risk for the child, both in terms of psychology, health, education, and even cause death. In India, the impact of this child’s marriage leads to violence, coercion, and death. In Bihar and Jharkhand that many cases of child abuse occur in children who married at 18 years old. They are also often forced to have sexual intercourse without negotiating first, as a result of the more vulnerable children affected by HIV/AIDS and other sexually transmitted

11Ibid.
diseases. In addition, girls married under 18 years old are twice as likely to be at risk during pregnancy and labor as compared to women aged 20-25. Result from the UNFPA study in 2010 found the number 66.6% in girls aged less than 18 years of experience complications in childbirth.12

Child marriage is also not infrequently associated with child trafficking. Child marriage usually pushes on coercion, violence, fraud, slavery and even does not rule out the child will be traded. This motive is usually used to take advantage of the child (wife) to be a child sex worker (child prostitution) or labor.13 For example in Iran it is not uncommon for parents who marry their children with older men and then their children are trafficked and parents get rewarded for their child’s trading.14

The Government of India is working with UNICEF India to address everything that violates the human rights of children especially in overcoming the case of marriage of minors in India.15 UNICEF (United Nations Children’s Fund) is an international organization under the auspices of the United Nations that help the problems of children around the world, whether related to health issues, education, malnutrition, and issues of child rights abuses. UNICEF has been working in India since 1949. UNICEF has 15 branch offices based in New Delhi and 14 other Indian UNICEF office is located in Assam, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal. UNICEF conducted direct research and use of quality data to understand the problems that occur in children in India. UNICEF uses its knowledge at the community level to implement and ensure that women and children can access basic services such as

clean water, health service, and educational facilities. At the same time UNICEF also reviews directly to families to help them understand what they need to do to ensure their children are growing. In dealing with problems with children, UNICEF partnerships with other UN agencies, volunteer organizations active at the community level, women’s groups and donors.

UNICEF collaboration with the Government of India to ensure that every child born in India get the best start in life, to grow and to develop their full potential.16 UNICEF works in India to protect all children’s rights in India, this means the right for every child living in India. The assistance program provide by UNICEF is closely linked to children’s rights such as health care, education services, child protection program. The program is provided basically tailored to the program provided by the Indian government. UNICEF has several steps in addressing child marriage cases in India such as those related to child protection, and affirming children’s rights.17 Therefore, this study aims to see the role of UNICEF in handling child’s marriage cases in India and how effective the role of UNICEF is. The data used in this study was taken from 2010 to 2012, this is due the increased role and program established by UNICEF. Then, there is a decrease in the number of child marriage in India. By knowing these things, are expected to be formulated an affective analysis and appropriate in analyzing the case of child marriage in India.

I.3. Statement of Problem

This research on this thesis will be discuss about:

**Topic:** This research is about *The Implementation of UNICEF cooperation with the government of India to eradicate child marriage*

**Research Question:** How did UNICEF implement its cooperation with government of India to eradicate child marriage cases in India in 2010–2012?


17 Ibid.
I.4. Research Objectives
This research objectives aims to:
- to explain the implementation of UNICEF cooperation with the government of India to eradicate the case of child marriage in India.

I.5. Significance of Study
The benefits of this research are:

I.5.1. Academics
Generally, this research will help reader to gain some knowledge especially for International Relations student who have interest in children’s right violation issues to understand the implementation of UNICEF as the international organization cooperation with government of India to eradicate the country with highest rate of child marriage, such as India.

I.5.2. Practices
- To gain some knowledge and also expand perception about the implementation of UNICEF cooperation with government of India to eradicate the case of child marriage.
- To give more understanding about the UNICEF program in eradicate cases of children’s right violation.
- To gain more knowledge about the child marriage and the cause of child marriage.

I.6. Theoretical Framework
This research will use the International organization theory with the regime approaches and also will explain about the role of the International organization.
I.6.1. The International Organization Theory

The international organization is an organization that formed by several countries by making the agreement between its members also has a permanent system and have the duty to achieve common goals through the cooperation between its members.\textsuperscript{18} In a broad sense, international organization include public international organization which is an organization that consisting of state and is better known as inter-goverment organizations (IGOs) and international organizations that are private which consists of private institutions in various countries and is known as non-goverment organization (NGOs).\textsuperscript{19}

Clive Archer explained in his book that, the international organization is an organization that has a continuous structure and formed the organization based on the agreement that has been approved by its members.\textsuperscript{20} Since the very beginning, an international organization formed when an agreement between the autonomous political unit with the aim to affirm the rights and obligations between members to achieve cooperation and peace. International organization are not set up to fight each other or down among fellow members. In a general sense, the international organization can be defined as a union of transboundary which was established by a treaty and organs together.\textsuperscript{21}

As explained previously, in general international organization can be divided into two, which are: inter-governmental organizations (IGOs) and non-governmental organizations (NGOs). Inter-governmental organizations has members consisting of official government delegations such as the United Nations (UN) and the World Trade Organization (WTO). Non-governmental organizations consist of private group composed of various fields such as religious, scientific, cultural, economic, etc or example the International Committee of the Red

\textsuperscript{19}Sumaryo, Suryokusumo. (2007).”Pengantar Hukum Organisasi Internasional”.Pg: 3-4
The general characteristics of both types of these international bodies are that these both institution are a permanent organization whom perform certain functions, the membership is voluntary, the basic instrument stating the purpose, structure, methods of implementation and also consultative represent and they have is a permanent secretariat which has a function as administrative, research and information provider.\textsuperscript{23}

The international organizations can be classified by combining between membership and objectives. Such as, inter-governmental membership based organization and its objectives can be classified into eight categories, namely\textsuperscript{24}:

1. Global Membership and General Purpose.
2. An international intergovernmental organization with a global membership and has the intent and common purpose. Such as: the United Nations.
4. An international intergovernmental organization with a global membership and has a destination or specific goals. This organization is known as a functional international organization for running a specific function.
5. Membership and General Purpose Regional Organizations.
6. An international intergovernmental organization with a membership that regional or specific regions with common purpose and goals, which usually moves in a wide field such as security, politics, and etc.
7. Regional and Limited Purpose Membership Organizations.
8. An international intergovernmental organization with a membership of regional and had the intent and purpose of the specific and limited. These international organizations are engaged in military and defense.

United Nations Children’s Fund, wellknown as UNICEF is one of the UN programme that provide the humanitarian and development assistance for children

\textsuperscript{24}DR. Anak Agung Banyu Perwita, DR. Yanyan Mochamad Yani.(2011)."Pengantar Ilmu Hubungan Internasional". Pg:94.
in developing countries. According to type organization, UNICEF can be categorized as the inter-governmental organizations (IGOs) as explained before, UNICEF is part of UN bodies that not bound by any country and free to move. As part of the UN bodies that undertake the issues of children, UNICEF have major role in the case of child marriage in India. The implementation of the UNICEF is become the role of the organizations. The role can be determined as the role that played by an organization in the social portion. Based on Biddle and Biddle, the concept of this organizations is the role of an institutions in the form of assistance to the other party that can distinguished as below: 25

- Role as a communicator, means that an agency that submit the right information and be accountable.
- Role as a motivator which means an agency that act to provide encouragement to others in doing something in order to achieve the goal.
- Role as an intermediary, means an institutions seeking funds, power and effort and expertise required for community.
- Role as motivator run by UNICEF in providing encouragement to the international community to give more attention by giving support also protecting the rights of the child and against violations on the rights of the child. In this context, UNICEF also functions as the international organizations that ensure in promoting the cooperation between countries to prevent the abuse also the exploitation of children.
- Role as communicator that run by UNICEF include the collection of accurate data in the field to be reported to the forum. The report itself has the purpose to attract the international community in order to give the understanding about violations of child’s rights in the urgent circumstances to overcome given importance of children for their future.

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I.6.2. Regime Approach in International Organization Theory

There are two main approaches in the study of international organizations, which are the regime approach and institutional approach. In the institutional approach, there are two approaches that derivatives which are neofunctionalism and neoinstitutionalism approach. Regimes that means in the context is refer to the behavioral effects of international organizations towards the other actors, principally on states. They have been defined as sets of principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issues area. They key element of the regime approach is the focus on actor expectations, meanwhile the institutional approach looks at what happens within particular international organizations, rather than at the effects of international organizations to the other actors.\(^{26}\)

Regime approach is an approach that emerged in the 1950s and began to influence again in 1980-1990s. Regime approach has purpose to analyze the influence of the behavior of the other actors in international organizations, especially the state as a source of international politics. Regime approach is also used to look at the effectiveness rules made by an international organization in solving problems that occur in the field and also be able to know anything what it produced by an international organization and how its influence in overcoming a problem which occurs within a country.\(^{27}\)

Institutional approach appeared in 1950-1960s and is also referred to as formal institutional analysis. Institutional approach is an approach that sees an international organization internally, institutionalism approach in a more formal look at the structure, organization and bureaucratic hierarchy of international organization. On the early emergence of this institutional approach is based on a organization charter and going international agreements. The charter will become a basis for implementing the organization is run an in the recruitment of members. This approach also set the bureaucratic structure, strength, financing and etc.


\(^{27}\)Ibid.
There is dissatisfaction in institutionalism approach so that the approach evolved in two approaches neofunctionalism and neoinstitutionalism.28

Neofunctionalism approach is an approach that became the beginning of the regime approach that develop in the 1960s. Neofunctionalism approach not only focus on the issues that exist within international organizations but also on the international agenda at the international organization itself. In this approach, cooperation within international organizations prioritize the political aspects rather than the technical demands on the integration of global governance functions. Neofunctionalism approach more focused on the evolution pattern of the government in an institutional and organizational structures that exist, rather than on the creation of a new organization. On the other hand, Neoinstitutionalism approach emerged in the 1990s, this approach is more focused on seeing the rules and procedures established by international organizations to achieve formal mission of the international organization itself and also for effectiveness in keeping the rules and procedures they create. This approach is more to see that country as the main actors to encourage international organizations to perform certain tasks for them.29

The main difference between a regime approach and an institutional approach can be seen in whom the different approaches look to as actors. Institutionalists look to the international organizations as actors and ask what it is that the organizations do. Regime analysts look to the other actors, primarily states, as the source of outcomes in international politics, and ask what the effects the various principles, norms, rules, and decision-making procedures associated with international organizations have on the expectations and behaviors of states. Institutionalists study by looking at what happens within the organizations. Regime analysts study by looking at the behavior of states and at the effects of the norms and rules that the organizations embody on that behavior.30

29Ibid.
30Ibid.
Based on the issue that the author going to write in this thesis which is about the implementation of UNICEF cooperation with government of India to eradicate the case of child marriage in India, the author use theory of international organization with the assumption from the regime approach. As explained before, the regime approach could analyzed the influence the behavior of other actors in international organizations, especially the state and analyze how effectively the existence of an organization in solving the problems that are the focus of the international organization in a country, as well as to the output of the international organization. Based on the explanation, the regime approach can help the author in analyzing the implementation of UNICEF cooperation with Government of India to eradicate the case of child marriage and also to know the efficiency of UNICEF’s role in handling the factors of child marriage itself and reduce rate of child marriage in India.

I.6.3. The Roles of International Organizations

According to Archer, the role of international organizations can be divided into three categories, which are: first, as an instrument whereby the international organization used by the member of the states to achieve specific objectives based on their foreign policy objectives. Second, as the arena where the international organization set the meeting point for members to discuss problems encountered and international organizations sometimes used by some countries to discuss the problems within states territory or internal problems of another country in order to get international attention. And third, international can be categorized as independent actors who able to make their own decisions without being influenced by a country.31

Then, if analyzed deeper, the role of international organizations can be seen into several activities, such as: as the initiator, facilitator, mediator, reconciler and determiner.32 International organizations also have an important

role in implementing or monitoring the problems that arise due to a decision made by the member states.

As already explained before, the role of the international organization can be divided into three parts which are: as instrument, arena and also independent actor. As an instrument, an international organization used by its members consist of a sovereign state and can restrict the actions of the international organizations. In some cases, international organizations are used for the diplomacy of various sovereign states. The second role of international organizations, namely as a forum or arena, which is used by members of this role as a provider of meeting places to discuss, debate, or collaboration. International organizations provide an opportunity for its members to further enhance the views and proposals in a public forum that can not even be obtained in bilateral diplomacy. And lastly, the international organization as an independent actor that when international organizations take a decision or action without being influenced by outside forces.\(^{33}\)

International organization is functional that has multiple functions for its members. This function has the purpose to achieve the desired things related to the provision of assistance in overcoming some of the problems that arise over its members. According to A. Le Roy Bennet, some international organizations function are as follows\(^{34}\):

- *To provide means of cooperation among states in areas which cooperation provides advantages for all or a large number of nations.*
- *To provide multiple channels of communication among governments so the areas of accommodation may be explored and easy access will be available when problem arise.*

In understanding the role of international organizations, there are three ontology of the in international organizations which are: International organizations as the actors in their own right, or even as tools in the hand of other


actors or as the place where states come to hold a meeting. In the different situations and also different purposes the international organizations might act as an actor, or a forum or as the resource and also it could combining these three at once.35

- International organization as the actors.

As already explained before, the international organizations are one of the actor in the world of politics. IOs are constituted by the international law as the independent entities. Recognized as the actors, it requires some recognition of some kind of action. For the international organization, it means that they must be recognized by the international community and also the decisions that made by the international organizations must have the impact for the members. The impact of the international organizations as the actors is real in the world whenever the international organizations could influence the practice of the world politics for the other actors.36

- International organization as the forum.

In its roles as the forum for the members, international organizations provide the extension such as conferences among the governments, such as the firts Geneva Conventions. Most of the international organizations, the members are represented and as has the purpose is general deliberation about the work or themes of the organizations. The procedures for discussion in international organizations are relatively inclusive also open so that all its member has the opportunity to participate.37

- International organizations as the resources.

International organizations could be a political resources that the states use as a tool to pursue their goals, both in domestic or international. States sometimes use the decisions and the other outputs of the international organizations to

36Ibid.
37Ibid.
support their own positions. Many of international disputes include competing the interpretations of these materials. States spend a good deal of energy pursuing, deploying, and resisting these resources in around the international organizations. However, the IO have a limit control over how their names, decisions and also outputs are used by the states. Sometimes, international organizations seen as a tool rather than as solution emphasize the limits to their power and effectiveness.38

I.7. Scope and Limitation of Study

The scope and limitation of this research would specifically focus on the implementation of UNICEF cooperation with government of India in eradicate child marriage in India. This research would only describe on how UNICEF support and contribute in decreasing the rate of child marriage case in India by providing several highlight activities and data as the implementation. The author would use the time frame for the data research in the year of 2010-2012.

The author chose the time frame for data research in the year of 2010-2012, as already mentioned in problem identification this is because of an increase in the role and programs established by UNICEF. Then, there is a decrease in the number of child marriage in India. By knowing these things, are expected to be formulated an effective analysis and appropriate in analyzing the case of child marriage in India.

I.8. Research Methodology

In this research, the author would use the qualitative methods. Qualitative Research is used to gain an understanding of underlying reasons, opinions, and motivations. It provides insights into the problem or helps to develop ideas or hypotheses for potential quantitative research. Qualitative Research is also used to uncover trends in thought and opinions, and dive deeper into the problem. Qualitative data collection methods vary using unstructured or semi-structured

techniques. This study is a **descriptive analysis**, which describes the problem and the analysis the existing problems through data that has been collected and processed and prepared based on the theories and concepts used. It aims to deepen the knowledge about the symptoms with a view to formulating the problem in detail or develop hypotheses.

Due to some limitations in conducting this research, the author can not review directly to India, and the author also find some difficulties in collecting data per region in India. Therefore, this study primary data analysis which mean to search the literature or data and information with a wide variety of materials through the study of literature and search through the internet.

### I.9. Literature Review

In helping to adjust some informations to the writing of this thesis, the author took some resources to assist in the completion of this research. In this research, the writers use some books, journals and also reports to get the basic information about the UNICEF information, about the International organization theory in International relation, also about the child marriage itself.


This report published by the United National Population Fund (UNFPA) on 2012. This journal is explaining about the Child marriage as a violation of human rights and the deterrent to the development. Child marriage occurs when one or both of the spouses are below the age of 18. Child marriage is a violation of article 16(2) of the Universal declaration of human rights, which states that “marriage shall be entered into only with the free and full consent of the intending spouses.” article 16 of the convention on the elimination of all Forms of discrimination against Women (cedaW) states that women should have the same

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right as men to “freely choose a spouse and to enter into marriage only with their free and full consent”, and that the “bethoral and marriage of a child shall have no legal effect”\textsuperscript{40}. Based on this report, shows that child marriage become one of the violations of human rights which is special for the girls. Child marriage is mostly referred to as early or forced marriage since children on their age are not able to give free and informed consent to their marriage partners or to the timing of their marriage.


  This book was written by J. Samuel Barkin on 2006. This book explain about the international organizations based on the theories and institutions. This books is about IO theory, and how the use of this theory to understand international relations. It does not attempt to systematically review the world of IOs or to comprehensively describe the UN or any other particular organization.

  In this book, Barkin restricts the term international organizations (IOs) to inclusive intergovernmental organizations (IGOs) that are created by treaties signed by states, as opposed to nongovernmental organizations (NGOs) and corporations. In other words, it comprises institutions whose constituent members are states. The book put a significant emphasis on the theory of IOs and its application.

- **DR. Anak Agung Banyu Perwita, DR. Yanyan Mochamad Yani, Bandung. (2011) Pengantar Ilmu Hubungan International.**

  This book was written by DR. Anak Agung Banyu Perwita & DR. Yanyan Mochamad Yani on 2011. This book is about the growth of the international relations study that explain the introduction to the international relations study itself, also some basic topics in international relations such as International organizations and law. This book written in Bahasa makes this book easy to understand, especially in wrote the theoritical framework.

\textsuperscript{40}UNFPA: Marrying too young, end child marriage (2012). Retrieved December 30, 2017.
This paperwork written by United Nations Children’s Fund (UNICEF) on 2008. Child marriage violates the rights of the girl to be free from all forms of discrimination, inhuman and degrading treatment, and slavery. This paper analyses the different legal frameworks and human rights dimensions of child marriage within a feminist perspective. The paper highlights the interconnectivity between international human rights law, constitutional guarantees of gender equality, and other gender friendly laws in combating child marriage. The main thrust of this paper is that early marriage is a violation of fundamental human rights and that both state and non-state actors must be held accountable under international treaty obligations to combat early child marriage.  

This book was written by Jaya Sagade on 2005. This book places child marriage in the context of international human rights abuses. The book also shows how child marriage violate human rights especially child rights, such as: the right to health, education, equality, freedom and personal security and of course the right to choose a spouse. This book focuses on the impact of child marriage as on the health and development of girls. This shows how the practice of child marriage strengthens basic problems of low levels of health and education among women. The book also contains strong criticisms of the rule of law, and lack of gender sensitivity inherent in the provisions of various laws relating to marriage age, age of consent, and the validity of marriage.

In this book explains there are eight types of marriages in India include: first, Brahma, is a marriage where a man and a woman have the same caste. Secondly, Daiva, is a marriage where parents give their daughters to pay their debts. Third, Arsa, is a marriage where marriage is in accordance with dowry and there is a bridal price as measured by the price of a cow or a bull. Fourth, Prajapatya, is a marriage in which a woman gives her daughter without dowry and

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without an appeal price. Fifth, Gandharva, is a marriage that must be held with two celebrations on the approval of both parties. Sixth, Ashura, marriage that occurred with the purchase system. Seventh, Giant, marriage that happened because of the arrest. Eighth, Paisaca, a marriage that occurs because a person's seduction is unconscious or drunk.

I.10. Thesis Outline

Chapter I: INTRODUCTION

In this chapter contains the background of the definition of children’s rights also explain about the children’s right violation in general. This chapter also contains with identification of problems, purpose of the study research questions, scope and limitations of study, the definitions of terms and also the research methodology and the last is the the thesis outline.

Chapter II: CHILD MARRIAGE IN INDIA

In this chapter the author will explain about the child marriage case specifically in India. This chapter contains with some sub-chapter such as: The issues of child marriage, the factors of the child marriage, and the impacts of the child marriage.

Chapter III: UNICEF AND GOVERNMENT OF INDIA COOPERATION IN ERADICATING CHILD MARRIAGE

This chapter will discuss about the UNICEF as the part of UN bodies that undertake the case of children rights violations case. This chapter also will explain about the implementation of UNICEF in eradicate child marriage in general and the national efforts of government of India in case child marriage in India.
Chapter IV: THE IMPLEMENTATION OF UNICEF COOPERATION WITH GOVERNMENT OF INDIA IN ERADICATING CHILD MARRIAGE (2010-2012)

This chapter will analyze UNICEF cooperation with government of India in implementing to eradicate the case of child marriage in India. Besides that, this chapter will analyzes the result of the implementation of UNICEF cooperation with government of India in eradicate child marriage in India and also the author will discuss about the challenges and opportunities in the implementation.

Chapter V: CONCLUSION
CHAPTER II
CHILD MARRIAGE IN INDIA

II.1. THE HISTORY OF CHILD MARRIAGE IN INDIA

In the history of India’s earliest known from 200 BC to 700 AD, women and young men liked liberal concept of love and they have the freedom to choose a partner and do romantic relationship with each other without any fear of scandal. However, from the Middle Age, as states and government flourished, the political system elaborated and modified Indian society gradually. It changes lifestyle and opinions of its people from simple to more complex forms, which significantly limit the idea of freedom. Women lose their rights and must obey the rules and respect the code to be behavioral. They were now subject to family discipline and honor of their clan. Since young women are considered irresponsible and irrational in love, parents marry them earlier before they get caught in any scandal. Though, age at which the girl was to be married differed and it was rare for girls younger than 12 to be married in ancient times. Nevertheless, the bride became younger towards the medieval period, and it became more common for girls as young as six and eight to be married as Indian society. The main concern for negotiating marriage is to find out the compatibility between the two families. It was believed in moments that if two persons know each other right from childhood it enhanced understanding and affection. Therefore, parents decide on marriage of their children at a very early age even though the daughter stayed with her parents until she reaches the age of puberty.42

Child marriage, known as ‘Bal Vivaha’, is believed to have begun during the medieval ages of India. Child marriage then becomes a widespread cultural practice with a variety of reasons to justify it, and many marriages were performed while the girl was still an infant. During times of war, parents often marry off young children to protect them from the raging conflicts around them.

42Marion, Aparna. “History of Child Marriage in India”. (October 2010)
Some families still use child marriages to build alliances, as they did during the middle ages. Statistically, a girl in a child marriage has less chance of going to school, and parents think that education will undermine her ability to become a traditional wife and mother. Virginity is an important part of Indian culture, and parents want to ensure their daughters are not having sex before marriage and child marriage is easy way to fix it.\textsuperscript{43}

India is the second most populous country in the world with around 1.348.124.787 inhabitants.\textsuperscript{44} India emerged as new economic power in the world in the 1990s.\textsuperscript{45} Since being recognized as a new economic power, India continues to develop as a democratic country with economic growth that can be said to grow rapidly. However, behind the success of India in economic field and in the international world, India is a country with a long record of human rights abuses against children and women. Based on six categories of violations of children’s rights: health, sexual and non-sexual violence, harmful practices in culture, tradition or religion such as child marriage, limited access to economic and human trafficking, India is the fourth most dangerous country for girls and women in categories of cultural practices such as child marriages.\textsuperscript{46}

\textsuperscript{46}Ibid.
South Asia is home almost half (42 per cent) of all child brides worldwide, India alone account for one third of the global total.\(^{47}\)

Child marriage is defined as marriages where the age of the groom was under 21 years and the age of the bride under 18 years old.\(^ {48}\) Child marriage in India has been happening since medieval times and is influenced by Indian caste culture. Over time, child marriage is considered a form of violation of the rights of the child, because if the child is underage married, then some of the rights of the child will be obstructed or limited, such rights are the right to education, the right to health care, the right to legal protection, and the right to grow and thrive. The majority of the victims of child marriage are girls. The bride often has to face dropping out of school, early risks of pregnancy and violence. In 2007 to 2010, about 23,000,00 girls in India faced this reality.\(^ {49}\) This has considerable impact not only on children as individuals, but also on families, communities and nations as a


whole. The majority of girls married at an early age are not allowed to finish their education and they just have little skill to work, this can increase the poverty rate in India.

Other data said that in 2007-2008 India is a country that has the number of child marriage the second largest in the world of 40% or about 23 million cases of child marriages. UNICEf India research in 2008, found that marriage rates of 15 year olds ranged 29%, while those married at the exact age of 18 were about 28% and nearly half (43%) of Indian women aged 20-24 were married while they were still under the age of 18. That census show us areas that have child marriage cases are quite high in India.  

Child marriage is become one of the serious problems that happened in the world nowadays. Child marriage is also categorized as an abuse of the human rights because girls are forced to play the roles as adults while actually they are still under age. In several areas, culturally this child marriage is accepted.

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especially in the rural areas in which poverty also become one of the main cause of this child marriage case. Child marriage does not only give the impact for the brides but also give the impact for the country developments. This impacts of early marriage in the micro level of country, it is interrupting the education of the bride, reducing the economic potentials, it is also give the high risk of dying in child birth for the girls, higher lifetime of fertility, great of rates of the poverty and that reasons are really perpetuates the level of poverty in several countries especially countries with the high rates of the child marriage.  

This issues is related to human security, issue like child marriage are simply not solved. These issues that can effect the stability of countries, also can effect the economic development.

Child marriage in India is a fairly complex issue because it deals with traditional customs, religions, and some social issues in India. In addition, the marriage of this child caused a severe impact because this child marriage is a case of violation of human rights even to the point of death. This child’s marriage is also a social problem that threatens the future life of Indian youth.

II.2. THE FACTORS OF CHILD MARRIAGE CASE IN INDIA

The main cause of the increasing number towards the cases of child marriages in some countries, especially in India is based on several key factors which are social and cultural beliefs which are deeply supported by weak legal conditions, educational and economic factors. Many people still assume that girls can become a property by their parents in improving the economic condition of the family. In some cases occurred girl’s parents is advocating early marriage, fueled by the idea that it was best decision for their daughter. This idea has influenced their belief that by the marriage they will gain both advantage in

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52 Ibid.
economic prosperity and security, they also think that school is not important for a girl. In some rural areas there are still a lot of families living under poverty.\footnote{UNICEF. (2009). The State of World’s Children: Maternal & Newborn Health. Retrieved on February 7, 2018. Pdf}


\textbf{- Poverty}

Economic factors are factors that have a major influence on this child’s marriage case. Economic considerations in a family greatly affect the occurrence of marriage minors. The result of the UNICEF study in 2011 found that about 56\% of child marriages occur in rural areas of India and 29\% of child marriages occur in urban areas of India.\footnote{UNICEF India, “Child Marriage Fact Sheet”, November 2011. Retrieved February 10, 2018, from \url{http://www.unicef.org/india/Child_Marriage_Fact_Sheet_Nov2011_final.pdf}.} Child marriage practices generally occur in rural or in areas with poverty levels with an average income of 5 to 100 Rupees per month.\footnote{World Bank, “World Development Report on Gender Equality and Development”, 2012, Pg. 154. Retrieved February 10, 2018, from \url{http://econ.worldbank.org/WEBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTWDRS/EXTWDR2012/0.,menuPK:7778074~pagePK:7778278~piPK:7778320~theSitePK:7778063~contentMDK:22851055,00.html}.} Weddings in India requires at least the cost of 8000 rupees, with the cost of a wedding are expensive and the economy is very minimal and limited then every family who has a child with underage girls choose to married their children before puberty in mass weddings to minimize wedding funds. In addition, parents have a high dependence on a rich man or merchant to marry their daughter in order to improve the family economy.\footnote{Ibid.} Poverty is a major driver of child
marriage in India, when poor parents seek economic improvements and an increase in social status at the expense of their girl brides.58

- **Insecurity and Gender Inequality.**

Public perception on child safety is a factor that can influence the occurrence of marriage of minors. The result of the ICRW study in 2011 stated that many parents in India are often worried about the safety and security of their daughters from sexual harassment or violence. By marrying their daughters at an early age they feel can keep the virginity of their daughters.59

The existence of the assumption that women are only considered as workers who are reproductive, while men are workers who are productive. So the division of labor arises where women are more quit at home or control household needs, while men are working out and looking for money. This one of the causes of gender inequality in India.60 Because of this gender inequality, women have no rights or can not make decisions and can not negotiate about education, work, family issues, and sexuality issues so girls tend to only accept what is given to them. This what encourages parents to marry off their daughters when they are very early age. In India, gender inequalities also drive the case of child marriage. In some communities where child marriage is practised, girls are not valued as much as boys because boys are unencumbered by the dowry system and boys do not have the risks that women have. In India, having daughters is considered to be a burden to the family, because having a daughter would spend a considerable amount of money for her living needs including paying dowry, so without think carefully they marry off their daughter regardless of status and age.61

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60 Solidarity for the Children of SAARC, “Child Marriage in South Asia: Realities, Responses and The Way Forward”, 2013, Pg. 5.
- **Protecting Family Honour.**

Child marriage is also one way to preserve wealth within the family among the higher socio-economic classes. Some very wealthy families have a tendency and are also encouraged by the need to protect the honor of their daughter and their family names, and with the status of family wealth. This makes them marry their daughters to families who have an equivalent level of economics.\(^6\) Unmarried daughters are considered the most important price for family honor. Child marriage is believed to be a way to ensure the purity and virginity of the bride, so parents marry off his daughter to preserve the family honor.\(^6\)

This child marriage happens not only among the low economy but also among the high economy. For wealthy families, many parents marry their children to a wealthy family in order to maintain the line of inheritance and property owned by his family.\(^6\)

- **Tradition and Culture.**

When viewed from traditional Indian customs and culture, child marriage in India is based on a number of motivations including: marriage is believed to be able to promote caste in everyday life if both couples marry a different caste, can increase fertility and multiply lineage and marriage of this child can assisting economic, political and social relationships among their families.\(^6\) Child marriage has become a tradition and has been abused by most Indians because it is not

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infrequently used as child labor and trafficked. Underage marriage makes, the status of women in India is viewed as low by men.

In addition, parents in India still believe that if they do not marry off their children before puberty, then they will sin. If their daughters are not married until their daughters are menstruated then their sins are the same as they kill people. With the existence of these beliefs, then parents choose to marry their children as early as possible in order to avoid sin.66 In Bihar and Rajashtan, there are still many parents who think that the girl is not required to go to school, because a girl will be a wife and obey a husband and have a daughter will protect or bring blessings to the family. So they consider to marry their daughter quickly without seeing any risks.67

Currently there are still abusive practices of women’s rights, mainly due to the tradition and culture of Indian society that has been rooted for a long time and that is still going on until now. One of them is the culture of “Bride Price” or Dowry, which has a negative effect on the living conditions of Indian women.68 Dowry is a gift made by the bride to the groom when married off her daughter, dowry can be in the form of cash, valuables such as jewelry, electronic equipment, furniture and so on, depending on the demand from the men.69 Sometimes the higher the social and educational status of the prospective groom, the higher the number of dowry demanded.

According to the result of a study conducted by Sonia Dalmia and Pareena G. Lawrence, Dowry is a gift and proof of affection from parents to his daughter when entering marriage. The gift was given to the men, so that their daughters

69Ibid.
could fully become members of the male family and enjoy their own wealth through the dowry. So that dowry is considered as compensation, because girls do not get inheritance rights like a boys. However, the view changed with the support of a strong relationship between hierarchical status and the number of dowry from the female family to the male side, the higher caste bride would receive a higher dowry count than the dowry for the groom from the lower caste. Often the request of the groom’s family does not stop at the beginning of marriage, but continues when their children are married. Women are required to provide what the male family wants if they want their children to be treated well by the families of the men.

This dowry culture has spread almost to all levels of Indian society. If in the last four centuries the dowry system was only run in certain circles like the Hindus, namely in the upper class caste group. Currently, the dowry tradition has spread to the middle and lower classes among Hindus, Christians, and Muslims in India. In northern India, Muslim societies have begun to pratice dowry for decades. Because of this dowry system girls are considered a burden to the family, they will burden the family financially in the future. With this dowry system the parents choose to marry their daughters as early as possible to be free from the dowry system.

In addition to dowry culture, from an early age, children are taught about their role and position in society, where men are higher than women and women’s role is only a means of reproduction. This tradition is reinforced by a caste system and belief in Gods and Spirits that are considered to play an important and inseparable part of their lives. In India it has four caste system that are Brahmana.

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71Ibid.
74Ibid.
composed of the highest classes such as clerics and priests, Kesatria composed of aristocrats and soldiers, Waisha consisting of groups merchants and peasants, Sudra consisting of ordinary.\textsuperscript{75}

Every caste in India teaches that only men are more valuable and dominant in Indian families. They act as heads of household, breadwinners and decision-makers.\textsuperscript{76} In addition to teaching about the position of men, the caste system also has other rules such as education until the age of the couple that they should marry.

Of the four castes, only three still have active rules until now: Brahmana has a rule that children must receive education for 8 years, Kesatria have a rule that children are required to get an education for 11 years and Waisha has a rule that children are required to get education for 12 years. After they get the education in accordance with their caste rules, they are required to continue their education on the caste they hold for 12 years. After they complete caste education then they must marry couples who have the same caste and have 12 years younger age difference.\textsuperscript{77} This encourages parents to marry off their daughters with a man who is much older and has a caste similarity with their daughters. Caste itself has an influence on the dowry system, because the greater the caste class the higher the amount of dowry that must be given.\textsuperscript{78}

- **Education**

  Lack of education also becomes the background factors of child marriage in India. On average, children who have a fairly high education are usually

\textsuperscript{78}Ibid.
married in advanced or over 18 years. Based on data from the National Family Health Survey (NFHS India), 40% of girls who have higher education in India were married at the age of 20-24 years. This indicates that a child who has higher education, the less likely a child to marry early age.

The low level of education in the parents and the lack of access to schools with a distance of 10 kilometers, especially in rural areas, is an obstacle for the education of children and the potentially lead early marriage. The study of the ICRW in 2011 in India found the absence of adequate infrastructures, lack of access to school and a considerable distance an obstacle for children to attend school. Most secondary schools in rural areas, India has a considerable distance and lack of transportation to get to school as well as high levels of crime in the village make the parents are worried concerned to send their children to school. It is also felt in the Andhra Pradesh area, based DLHS-3 in 2010, there were only 31% of children who remain in school and most of them are men, causing them to be dropped out of school at age 10 to 15 years. In the area of Rajasthan, according to NFHS-3, there are 23% of the children in attendance to school. In Bihar area, based on NFHS-3, 24% of children go to school and then have to quit school when they are 10 years old due to the concerns of their parents.

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84Ibid.
II.3. THE IMPACTS OF CHILD MARRIAGE PRACTICE IN INDIA

Child marriage has a negative impact for the child itself, both in terms of psychology, health, and education. Psychologically, children who marry at an early age will experience prolonged trauma, otherwise it will experience a confidence crisis. The child is also psychologically unprepared to take responsibility and act as a wife or mother, making it clear that child marriage is negatively affecting their psychological condition and personality development.  

- Health

On the health side, it is important to note that pregnancy at age less than 17 years increases the risk of medical complications, both in the mother and in the child. Pregnancy at a very young age is apparently correlated with maternal mortality and morbidity. In fact almost half (45%) of Indian girls die under the age of 20 years and 15% of them die during pregnancy and labor at a very young age. In India, girls aged 10-14 are five times the risk of dying during pregnancy or childbirth compared to the age of 20-24 years, while the risk is doubled in girls aged 15-19 years. Child’s anatomy is not ready for the process of pregnancy or childbirth, so it can occur complications in the form of obstructed labour and obstetric fistulas.  

Data from UNFPA India in 2006 found that of 957 obstetric fistula patients, in India 78% had childbirth at age 15-21 years or were married at less than 15 years of age and obstetric fistula was common in Uttar Pradesh, Punjab, Assam, Orissa, Bihar, Jharkhand, Madhya Pradesh and Rajasthan. Based on NFHS-3 data, from 50.000 to 100.000 girls giving birth per year recorded 22% of obstetric fistula patients are in Rajasthan, Punjab, and Uttar Pradesh, 20% are in

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Orissa, Bihar and Jharkhand, 18% in Madhya Pradesh. Fistula is a damage to the female organs that cause leakage of urine or feces into the vagina. Women younger than 20 years are particular susceptible to *obstetric fistula*. This *obstetric fistula* can occur also due to sexual intercourse at an early age.\(^8^8\)

When at a young age having first sexual intercourse also increase the risk of sexually transmitted diseases and transmission of HIV infection. Many girls who marry an early age quit school when they are married, they often do not understand the basics of reproductive health and do not have the ability to negotiate in the use of contraceptives, so they are easily infected with HIV.\(^8^9\)

Based on data from the Ministry of Health India 2009-2011, recorded about 116,000 women infected with HIV/AIDS, 14,500 of them are children.\(^9^0\) Not only that, this child marriage also affects the babies born, according to data from The State of the World’s Children Report (SOWC) India 2007, around 1,000 babies born per year, 19% of babies born to mothers under the age of 17 are premature.\(^9^1\)

- **Education**

  When viewed from the educational side, with the marriage of this child, the married child inevitably has to drop out of school and take care of housework, so the child does not have the opportunity to get an education. In regions such as Bihar, Mizoram, Rajasthan and Uttar Pradesh there are more than 60% of girls who drop out of school before completing their primary education and then get

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married at the age of 18 years. The earlier the girls marry the lower their education, leading to possibility of domestic violence, sexual harassment, and economic dependence. As a result, there was inequality in households and lead to discrimination and the low status of women.

Usually children who face domestic violence also tend not to resist and they are usually devoted to household chores with limited knowledge. That is why girls (wife) do not have the ability to negotiate and men (husband) tend to control and restrict women’s access to their lives. Because women or girls lack the power and skill to negotiate, they are often forced to stay home and do all kinds of domestic work and take care of child (for those who have children), and can not socialize as well as a housewife. Although there are different opinions, but in fact this child’s marriage is also included in the child trafficking. Does not rule out the possibility with the marriage of children will cause the nature of coercion, violence, deception, slavery and even until the child will be traded and used in prostitution.

- Violence and Abuse

In 2006, there were 76% of cases of child trafficking that occurred in the area of Tamil Nadu, Karnataka, Andhra Pradesh and Kerala because of early marriage. By marrying a child, this child will be used to take advantage of the child (wife) to be used as child sex (prostitution) or labor. Girls in West Bengal, India became victims of child trafficking that resulted from child marriages, girls in Bengal were sent to small areas like Kashmir. They are sex workers and forced to marry men who are much older.

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94Shulman, Juliana, “Child Marriage In India”. Retrieved February 12, 2018, from JShulman@uchicago.edu.
97Ibid.
In the South India, trade and prostitution of children is also supported by a culture “Devadasi”. Most of women who experience this devadasi earn their living by providing sexual services to members of the temple and the people who come to the temple.\(^9\) From 2006 to 2010, nearly 25,000 daughters who were affected by devadasi were in the Karnataka and Bengal. In 2007, there were 17,000 Joginis in Andhra Pradesh, Maharashtra and Orissa.\(^9\) Devadasi system is a religious practice which still practiced in some areas of Southern India. Where parents marry their daughters with Gods or their ancestral Spirit in the temple where they pray to be dedicated to their God or ancestral Spirit, then the child will settle in the temple where they are married. Usually this happens before their daughter reaches puberty. Devadasigirl also called Jogini and Jogini is forbidden to do the real marriage.\(^10\)

The last impact of child marriage in India is the occurrence of divorce cases and the incidence of widow status in children. In 2007, India had 7,000 divorce cases from child marriages scattered in Rajasthan, West Bengal, Bihar, Jharkhand, Uttar Pardesh and Madhya Pardesh areas. Usually this divorce case occurs mostly in rural India compared to urban areas.\(^11\) The region that has daughter with widow status in India is West Bengal which is 74%.\(^12\) These small widows usually experience discrimination that causes a sense of inferiority and a confidence crisis that limits the scope of itself.

Marriage should be done with the full consent of both partners. But the reality facing child marriage in India, marriage consent is often coercion or parental pressure, so the child agrees to marry and is often a form of devotion and

respect for the parents. Parents think that their children marry means a form of protection for the child, but this would cause a loss of opportunities for children to develop, grow healthy, and the loss of freedom in choosing.103

Based on the various impacts of child marriage are the psychological impact, health and education that has been described previously. So the practice of child marriage should be avoided and the government needs to take action to control the numbers of child marriage in India.

CHAPTER III

UNICEF AND GOVERNMENT OF INDIA
COOPERATION IN ERADICATING CHILD MARRIAGE

This chapter will provide the UNICEF as one of the United Nations bodies that is concerned about the issues of children’s rights violation such as child marriage. On the first sub-chapter, the author will give the introduction of this chapter so that reader could easily understand the overall chapter III. The second sub chapter is going to explain about the general overview of UNICEF as the main actor in this thesis, also provides several law regarding to child marriage issues.

III.1. THE GENERAL OVERVIEW OF UNITED NATIONS CHILDREN’S FUND (UNICEF)

III.1.1. The Establishment of United Nations Children’s Fund

In 1946, The UN established the United Nations Children’s Fund (UNICEF), after the World War II in order to provide needs such as food and clothing for children in Europe. Within a year of UNICEF’s founding as the United Nations International Children’s Emergency Fund, the governments of the United States and Canada had made substantial financial contributions to its operations. Another 46 national governments followed suit in the next few years. It constantly continued, so in 1953 UNICEF became a permanent body of the UN. After 6 years, the UN General Assembly issued a declaration of rights of children and establish the expansion of UNICEF field to identify children’s rights and needs of children such as child health and nutrition, education, and also the protection of children. Then, in December 1950 the UN General Assembly mandated the UNICEF to help children that lived in poverty, particularly in developing countries and eventually in October 1953, the UN decided that UNICEF set to become one of the UN body that deal with the children’s issues.
And up to now, UNICEF more commonly known as the United Nations Children’s Fund. In 1959, UNICEF’s mandate gained further traction when the UN general assembly accepted the Declaration on the Rights of the Child, the first international codification of children’s rights to protection, education and health care. During the 1989, the UN General Assembly adopted the Convention on the Rights of the Child. As the first global set of standards for protecting children from exploitation, abuse and neglect, the Convention became the most widely and rapidly accepted human rights treaty in history and the cornerstone of UNICEF’s global advocacy efforts.104

The 1990 Summit culminated in an action plan setting specific goals for child survival, health, nutrition, education and protection over the ensuing decade. With the new millennium, UNICEF continued to place children’s needs at the top of the world’s agenda. The 2002 Special Session on Children was the first United Nations General Assembly session devoted exclusively to children and the first to include young people as official delegates. When the MDG era came to an end in 2015, UNICEF and partners advocated for the next set of global goals to be more child-focused. The Sustainable Development Goals (SDGs), with their explicit pledges of protection and social inclusion for all girls and boys, show that these advocacy efforts were effective. The world increasingly recognizes the link between greater equity for the most disadvantaged children and the long-term social and economic development of any society.105

III.1.2. The Objectives of United Nations Children’s Fund

Over around 70 years, UNICEF spread an over several branches in 190 countries and territories through country programs and National Committee by agreement or cooperation with the local country. UNICEF is committed to ensure the protection of children in less fortunate situation, such as victims of natural disasters, children in war territory, poverty and all the forms of violation against

105 Ibid.
children. By providing a Nobel to UNICEF in 1965 it has become one of evidence that the welfare of children cannot be separated from the world peace. 106

UNICEF as one of the United Nations bodies that take care about children, believes that every child have their hopes. They also believe that every child born with the same inalienable rights to be healthy and have a safe childhood. UNICEF’s mission focus on the whole matter of child including the child’s mental and physical health, their access to have a proper education, the legal that protect the child, the access to have a proper life such as safe water and sanitation and also the social protection, etc. UNICEF’s also understands that the issues of poverty, disease and hunger in global development could leads to the violations of children’s rights. In ensure the rights of child, UNICEF works towards a world to guarantee that every child has a fair chance in life. UNICEF has a long record of success, its work is quantitative. In the 1980s, UNICEF led a global challenge in reduce childhood deaths and along with many allies succeeded beyond the most optimistic projections. 107

UNICEF designated to take care of children around the world and resolve the issue for children as well as helping the children and women around the world who need help in humanitarian crises. As one of the international organizations that are specifically concerned with the children and as a provider of living needs for the millions of children born in poverty in the poorest regions of the developing countries, UNICEF is actively cooperating towards everyone to create a safe environment for the children. UNICEF was made to relieve the suffering for children in emergency situations wherever the child feels threatened. 108

III.1.3. The Vision and Missions of UNICEF

As the organization UNICEF also has the vision and mission that focus on children. UNICEF’s vision is a world where the rights of every child are realized which means in everything that UNICEF does, they work to achieve a world where all children, especially the most vulnerable and disadvantaged, have equal opportunities to survive and thrive. Meanwhile, UNICEF’s missions consist of three main points such as to advocate for the protection of children’s rights, to help meet their basic needs and to expand their opportunities to reach their full potential; to establish children’s rights as enduring ethical principles and international standards of behaviour towards children; and UNICEF insists that the survival, protection and development of children are universal development imperatives that are integral to human progress. ¹⁰⁹

III.1.4. Scope of Work and Communication of UNICEF

In its operation UNICEF sets scope of work and communication as follows. ¹¹⁰

- UNICEF mobilizes political will and material resources to help countries, particularly developing countries, ensure a “first call for children” and to build their capacity to form appropriate policies and deliver services for children and their families.

- UNICEF is committed to ensuring special protection for the most disadvantaged children victims of war, disasters, extreme poverty, all forms of violence and exploitation and those with disabilities.

- UNICEF responds in emergencies to protect the rights of children. In coordination with United Nations partners and humanitarian agencies, UNICEF makes its unique facilities for rapid response available to its partners to relieve the suffering of children and those who provide their care.

There are some principles, goals and aims that should be obeyed by UNICEF, which are ¹¹¹:


¹¹¹ Ibid.
UNICEF is non-partisan and its cooperation is free of discrimination. In everything it does, the most disadvantaged children and the countries in greatest need have priority.

UNICEF aims, through its country programmes, to promote the equal rights of women and girls and to support their full participation in the political, social, and economic development of their communities.

UNICEF works with all its partners towards the attainment of the sustainable human development goals adopted by the world community and the realization of the vision of peace and social progress enshrined in the Charter of the United Nations.

The purpose of UNICEF is to promote the rights of every child, emphasizing the most advantaged, excluded and vulnerable children. Also, work with its partners to provide all children with opportunities to survive, develop and reach their full potential to the benefit of the sustained growth and stability of countries and a global standard of human rights for all.

III.2. THE ROLES OF UNICEF IN ADDRESSING THE ISSUES OF CHILDREN’S RIGHTS VIOLATION

As already explained before, UNICEF is mandated by United Nations General Assembly to advocate for the protection of children’s rights; to help meet the basic needs of child, and to expand the opportunities to reach their full potential. UNICEF works including in addressing the issues of child marriage are guided by the Convention on the Rights of Child and strives to establish children’s rights as enduring ethical principles and international standards of behaviour towards children.


The United Nations Secretary-General, Ban Ki-moon is supported the end of child marriage. As he stated that,

“I urge governments, community and religious leaders, civil society, the private sector, and families—especially men and boys—to do their part to let girls be girls, not brides,”[114]

Ending child marriage is actually quite related to UN Secretary General’s initiative in Every Women Every Child program in efforts to reach the Millenium Development Goals (MDGs) to promote the gender equality, in reducing the child marriage mortality and also improve maternal health.[115]

The roles of UNICEF to advocate for children’s rights around the world, contributing to the welfare and protection of children through its work plan and also provide medical assistance, education for children around the world. The work plan that owned by UNICEF’s child protection programs and social inclusion, child survival programs, educational programs, program in emergency and humanitarian action.(see table III.2.1).[116]

In handling child marriage cases, UNICEF incorporated the case into a child protection program. So that child protection program is one of the programs that concern UNICEF and in running this child protection program UNICEF is active in many countries on of them India.

Table III.2.1. UNICEF Programme 2006-2013

<table>
<thead>
<tr>
<th>Child Protection Programs And Social Inclusion</th>
<th>Child Survival Programs</th>
<th>Educational Programs</th>
<th>Program in emergency and humanitarian action</th>
</tr>
</thead>
<tbody>
<tr>
<td>The development of adolescents</td>
<td>Development of early childhood</td>
<td>Basic education and gender equality</td>
<td>UNICEF in an emergency</td>
</tr>
<tr>
<td>Child protection</td>
<td>Health</td>
<td>Girls education</td>
<td></td>
</tr>
<tr>
<td>Children with disabilities</td>
<td>HIV/AIDS</td>
<td>Innovation for education</td>
<td></td>
</tr>
<tr>
<td>Eradication violence against children</td>
<td>Immunization</td>
<td>Learning for peace from school initiatives</td>
<td></td>
</tr>
<tr>
<td>Inclusion of social</td>
<td>Nutrition</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[115]Ibid.
Based on the purpose, function and the above program, UNICEF has a policy which has always cooperated with the government in any country or any other party and to realize the work program.

### III.3. UNICEF COOPERATION WITH GOVERNMENT OF INDIA

UNICEF has been working in India since 1949. UNICEF is committed to working with the Government of India to ensure that every child who is born to get the best start in life, to grow, and develop its full potential. UNICEF India has 15 assistant offices based in New Delhi and 14 other UNICEF Indian offices located in Assam, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, and West Bengal. UNICEF noticed that cases of child marriage in India is a case that has become a cultural and should be addressed as violating the rights of children in India. UNICEF India in collaboration with the Indian government to address the problems that exist in India and help the children to overcome problems that occur in children, one of which is the problem of child marriage. UNICEF India activities conducted jointly with the government of the country concerned, and is responsible for carrying out the program directly or though organizations that are assigned by the government. Massive support is provide to programs that address children’s issues in India.

According to India country program document, India and UNICEF have developed cooperation within the framework of United Nations support to government program. It is conducted with consultation between UN agencies (UNICEF) with several partners from ministries or NGOs in India. The program was based on relevant data of situation of children in India and analysis of trends related to children and Millennium Development Goals. In 2008-2012, India and UNICEF established country program with the goals to fulfill the rights of women
and children in India to survive, develop, participate, and get protection by combating inequalities based on gender, caste, ethnicity or region. The program is addressed to achieve several results as follows.

“(a) Quality basic services provided to target populations with a special emphasis on excluded populations including Schedule Castes and Schedule Tribes through strengthening of the management, budget and delivery systems of child-related government programmes;
(b) Children’s rights mainstreamed into development planning, resource allocation, programme implementation and civic engagement;
(c) Increased capacities to prepare for and respond to emergencies at all levels.”

In implementing the program, UNICEF will provide fund as described in the budget summary below.

![Figure III.3. Budget Summary for India’s Country Program 2008-2012](https://www.unicef.org/about/execboard/files/India_final_approved_CPD_7_Sep2007.pdf)

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III.4. THE EFFORTS AND POLICY OF GOVERNMENT OF INDIA ON CASE CHILD MARRIAGE IN INDIA

III.4.1. National Efforts of Government of India on Case Child Marriage in India

National efforts of government of India under prime minister Manmohan Singh is increasingly aware that child marriage has become a serious problem, both as a violation of human rights, especially children’s right and hinder the development of the child’s future. India’s traditional culture precisely in the struggle for independence, Mahatma Gandhi as India’s national figure have been calling for equal rights for girls, that the post-independence India’s first task is to draw up a constitution to the public, without any distinction based on gender. This appeal forms the basis for the Indian government in handling child marriage cases, which must also concern about equal rights regardless of gender.\textsuperscript{118}

The Indian government is trying to deal with child marriage cases in various ways. Nationally the government of India has several efforts in dealing with child marriage. There are several ways that government have empowered women, encouraged Indian children to go to school, and changed the mindset of Indian society.\textsuperscript{119} India national efforts in eradicating child marriage in India is classified into preventive and curative as provided in the table below (See table III.4.1)

Table III.4.1. India’s National Efforts in handling cases of Child Marriage in India

<table>
<thead>
<tr>
<th>Preventive</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>The Compulsory Registration of Marriages Act</em></td>
</tr>
<tr>
<td><em>Obliging to all citizens of India to register the marriages.</em></td>
</tr>
</tbody>
</table>


| The Prohibition of Child Marriage Act, 2006 | Provisions age of marriage in India namely, women 18 years and men 21 years. |
| Kasturba Gandhi Balika Vidyalaya (KGBV) | Every child in India is entitled to education. |
| Dhanalakshmi | Cash funds used for child insurance in India. |
| Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA | Provide information on nutrition and reproductive health. |
| Sarva Shiksha Abhiyan (SSA) | Provide basic education that is reserved for children aged 6-14 years. Help address to gender inequalities and social disparities against children. |

| Curative |
| Integrated Child Protection Scheme (ICPS) | Providing care and protection for improving the welfare of children in difficult circumstances. |

- **The Compulsory Registration of Marriages Act**

  In 2006, the Supreme Court in India ruled to all Indian citizens to be required to register for all marriages. In addition the Indian government made *The Compulsory Registration of Marriages Act* or programs of action shall register the marriage. In this case states that every citizen of Indian shall register the marriage at the latest within ten days before the wedding day.\(^{120}\)

  Marriage will not be officially recognized unless the couple had obtained a certificate after registering to the appropriate authorities and couples who have registered the marriage has been confirmed that they are old enough to get married. In the process of marriage registration, the government also checks the

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age of each pair, so the government knows and can prevent the occurrence of child marriage practices in India.\textsuperscript{121}

The government in Madhya Pradesh, Uttar Pradesh, Haryana and Bihar where child marriage are large enough in the area still have not taken the initiative to require people to register the marriage, this is due to the gap between the central government laws and government in the region.\textsuperscript{122} With The Compulsory Registration of Marriages Act program, the central government has obliged all Indian citizens to register their marriage in order to know the social structure and local conditions and prevent the child marriages in various regions of India.\textsuperscript{123}

- \textbf{The Prohibition of Child Marriage Act, 2006 (PCMA, 2006)}

In the same year, the Indian government also makes The Prohibition of Child Marriage Act, 2006 (PCMA, 2006). The Prohibition of Child Marriage Act, 2006 was declared on January 10, 2007 and came into effect on November 1, 2007. This program is designed to address the growing of child marriage in India.\textsuperscript{124}

Prior to the establishment of The Prohibition of Child Marriage Act, 2006 (PCMA, 2006), the government of India has made The Child Marriage (Restraint) Act, 1929 and The Prevention of Child Marriage Act, 2004. Both programs have similarity to the goal of equally aims to against child marriages cases in India, just renewed and made in accordance with the development of child marriage cases every year.\textsuperscript{125} The Prohibition of Child Marriage Act, 2006 (PCMA, 2006) makes several laws classified into three parts: prevention, protection and prosecution for the offender. After the enactment of the Child Marriage Prohibition Act 2006 and


\textsuperscript{122}Kumari, Ranjana. Dr, “A Study on Child Marriage in India: Situational Analysis in Three States”, Pg. 17-18.

\textsuperscript{123}Ibid.


\textsuperscript{125}Kumari, Ranjana. Dr. “A Study on Child Marriage in India: Situational Analysis in Three States”. Pg. 16-17
the establishment of a *Child Marriage Officer*, the Government of India and all regions of India are required to follow and comply with existing regulations, and the *Child Marriage Prohibition Act* applies to all Indians regardless of religion and outside of India, but does not apply to areas of Jammu and Kashmir. In the case of child marriage there is a problem in the difficulty of law enforcement against violators, as evidenced by the fact that in 2010 there were 111 cases reported on PCMA and only 11 cases were proceeded to the legal course, (*National Bureau Crime Records*).\(^ {126}\)

The Indian government has taken a positive and progressive legal step to prevent this child’s marriage. India’s first law is to set the minimum age for getting married made by the *Child Marriage Restraint Act* and has been in force since 1929. Then the *Child Marriage Prohibition Officers* make a new law passed in December 2006, which prohibits child marriage and set the legal age for marriage at 18 years for girls and 21 years for boys. The new law mandates punitive measures against all those who commit, allow or introduce child marriages. These measures include a minimum penalty of two years in prison and fines of up to INR 100,000.\(^ {127}\)

- **Kasturba Gandhi Balika Vidyalaya (KGBV)**

  In 2007, the Indian government made *Kasturba Gandhi Balika Vidyalaya* (KGBV). *Kasturba Gandhi Balika Vidyalaya* (KGBV) is a component of the *Department of Elementary Education Sarva Shiksha Abhiyan* (SSA), *National Programme for Education of Girls at Elementary in India* to establish primary schools in the housing complex aimed at girls aged 11-14 years until old age or women who have quit their education for various reasons. *Kasturba Gandhi Balika Vidyalaya* (KGBV) was created to help prevent child marriage through the


education system, not only that, with this the presence of Kasturba Gandhi Balika Vidyalaya (KGBV) is aware that every child has the right to get an education.\footnote{Rawat, Sangeeta, " Status and Functioning of Kasturba Gandhi Balika Vidyalayas Uttarakhand", Visual Soft Research Development, Vol.2, Pg. 574-576.}

*Kasturba Gandhi Balika Vidyalaya* (KGBV) was created in 2004, but was inaugurated by the Indian government on April 01, 2007. *Kasturba Gandhi Balika Vidyalaya* (KGBV) has been implemented in 24 regions of India such as; Assam, Andhra Pradesh, Arunachal Pradesh, Bihar, Jharkhand, Gujarat, Haryana, Himachal Pradesh, Karnataka, Jammu and Kashmir, Madhya Pradesh, Chattisgarh, Manipur, Maharashtra, Meghalaya, Mizoram, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, Uttarakhand and West Bengal, Dadar and Nagar Haveli. There are 2180 KGBV passed by the Government of India until March 2007.\footnote{Ibid.}

Until now, there are total of 2578 such KGBVs in the country. While there are 427 in the following Muslim regions, 612 are in the scheduled tribal region and 688 in the schedule caste area. In consensus in January 2009, there were 2423 KGBVs operating with a total strength of 1,90,404 female students of whom 27% belonged to SC (50,630), 31% belonging to ST (58,682) and 26% in which OBC (50,161). There are 9% of the poverty line below (18,206) and 7% are from minority groups (12,725 girls). Of a total of 2578, 547 have been built while 1262 are work in progress. The remaining 769 has not started yet. This scheme has been combined with Sarva Shiksha Abhiyan which is part of Eleventh Five-Year Plan staring April 1, 2007.\footnote{IndianYojana, accessed from http://www.indianyojana.com/shiksha-yojana/kasturba-gandhi-balika-vidyalaya.htm}

**Dhanalakshmi**

In March 2009, the Indian government through The Ministry of Women and Child Development issued *Dhanalakshmi* or cash funds used for the insurance of girls in India. This method is designed to encourage every family especially with girls to register their child’s birth, maintain health and conditions by bringing
their daughters to immunization, and maintaining their child’s education until the eighth grade. In addition Dhanalakshmi also provides insurance coverage for their unmarried daughters when they are over 18 years old. Dhanalakshmi is also believed to be able to change the mindset of women (mothers) and children by utilizing the funds available for the welfare of their children. Thus, this insurance is made to maintain the welfare of girls in India.\(^{131}\)

- **Integrated Child Protection Scheme (ICPS)**

  During 2009 to 2010, *The Ministry of Women and Child Development* has issued an Integrated Child Protection Scheme (ICPS) programme with the intention of creating a safe environment in the country of India by providing care and protection to children aged 0-18 years, either children in conflict, children of migrant families, children of detainees, girls in prostitution, child labor, married children, trafficked children, or child victims of sexual crimes.\(^{132}\)

  The aim of the program is to contribute to improving the welfare of children in difficult circumstances, as well as reducing vulnerability to situations and actions that lead to abuse, neglect, exploitation, and separation of children. This program is achieved through: Improving access and quality of child protection services, raising public awareness about children’s rights, clear handling and responsibilities for child protection, established government structures that serve to provide legal services and support to children in difficulty, establishing a monitoring system based on evidence and evaluation results.\(^{133}\)

- **Sarva Shiksha Abhiyan (SSA)**

  Sarva Shiksha Abhiyan (SSA) or educational program was created in 2010 by the Indian government in achieving Universal Elementary Education (UEE) in India. The program is also a government flagship program aimed at providing quality basic education with a focus devoted to the education of girls aged 6-14 years and helping to strengthen school infrastructure. The SSA also helps address


\(^{132}\)Ibid, Pg. 45-46.

\(^{133}\)Ibid.
gender inequalities and social inequalities for children and ensure significant differences in the child’s education level.\textsuperscript{134}

SSA has made significant progress in achieving near universal access and equity. In accordance with UDISE 2015-2016, enrollment in primary school has increased from 18.78 crore in 2009-2010 to 19.67 crore children. There was a significant decrease in the number of school dropout children in the 6-14 year age group, from 134.6 lakh in 2005 to 81 lakh in 2009 and subsequently to 61 lakh by 2014. The annual average dropout rate at primary level has come down from 9.11\% in 2009-2010 to 4.13\% in 2015-2016. The transition rate from primary to upper primary has increased from 83.53\% in 2009-2010 to 90.14\% in 2015-2016. The Pupil Teacher Ratio (PTR) has increased from 32 in 2009-2010 to 24 in 2015-2016.\textsuperscript{135}

- **Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA**

  In 2011-2012 the Government of India through the *Ministry of Women and Child Development* to create a program of *Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA*. *Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA* is a program that promotes women’s empowerment, better nutrition and healthy habits through information on reproductive health, education and life skills among girls. SABLA is being conducted in Odisha area with the aim of improving the health and nutrition status of girls aged 11-18 years and empowering them by providing life skills education, health and nutrition education and so on. The program is focused on girls who have dropped out of school.\textsuperscript{136} In addition, the Government of India also has the primary responsibility to ensure that all needs of children are fulfilled and protect human rights, especially in the children’s rights.

\textsuperscript{134}Aide Memoire, “SARVA SHIKSHA ABHIYAN: Tenth Joint Review Mission”, July 2009, Pg. 5.


III.4.2. International Policy on Case Child Marriage in India

At the international level, India also participated and signed some International policies on human rights, especially children’s rights in accordance with the government of India regulations. These policies include; *International Covenant on Civil and Political Rights (ICCPR)*, *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, and *Convention on the Rights of the Child (CRC)*. (See table III.4.2)

Table III.4.2. International Policy ratified by India in dealing with child marriage cases in India.

<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>International Covenant on Civil and Political Rights (ICCPR)</em></td>
<td>Article 23:</td>
</tr>
<tr>
<td></td>
<td>(2) The rights of women and men of marriageable age to marry and to found a family shall be recognized.</td>
</tr>
<tr>
<td></td>
<td>(4) States parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.</td>
</tr>
<tr>
<td><em>International Covenant on Economic, Social and Cultural Rights (ICESCR)</em></td>
<td>Article 10:</td>
</tr>
<tr>
<td></td>
<td>(1) The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.</td>
</tr>
<tr>
<td><em>Convention on the Elimination of all Forms of Discrimination against women (CEDAW)</em></td>
<td>Article 16:</td>
</tr>
<tr>
<td></td>
<td>(1) States parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure gender equality.</td>
</tr>
<tr>
<td></td>
<td>(2) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify minimum age for marriage and to make the registration of marriages in an official registry compulsory.</td>
</tr>
<tr>
<td><em>Convention on the Rights of the Child (CRC)</em></td>
<td>Child marriage is not considered directly by the CRC, it provides an opportunity for children to express their views freely, protecting children against harassment and harmful traditional practices.</td>
</tr>
</tbody>
</table>
The Government of India has also been a part of the *Millennium Development Goals* (MDGs), which is a commitment to fulfill the rights of children for survival, health, education, and the protection that is declared at the Millennium Summit by 189 member states of the United Nations (UN) in New York in September 2000. All countries present at the meeting committed to integrate the MDGs as part of the national development program in a effort to handle the settlement of issues related to the very fundamental about the fulfillment of human rights and freedoms. The MDGs have eight targets including: Eradicate poverty and hunger, realizing basic education for all, promoting gender equality and empowering women, reducing child mortality, improving maternal health, combating HIV/AIDS, malaria and other diseases, ensuring environmental sustainability and growing global partnership for development.\(^{138}\)


\(^{138}\)Ibid.
CHAPTER IV

THE IMPLEMENTATION OF UNICEF COOPERATION WITH GOVERNMENT OF INDIA TO ERADICATE CHILD MARRIAGE IN INDIA (2010-2012)

IV.1. THE IMPLEMENTATION OF UNICEF COOPERATION WITH GOVERNMENT OF INDIA IN ERADICATING CHILD MARRIAGE IN INDIA

UNICEF India uses knowledge at the community level to develop innovative interventions to ensure that women and children can access basic services such as clean water, health visits and educational facilities, and other high quality services. UNICEF India reaches out directly to families to help them understand what they need to do to ensure the development of children in every family. In conducting its program, UNICEF India knows that the key to addressing the problem of children in India should be supported with the help of NGOs, women’s groups and existing donors. In general UNICEF programs in India include:

a. Health,
b. Nutrition,
c. Water, environment, and sanitation,
d. HIV/AIDS,
e. Education,
f. Child protection¹³⁹

India’s child protection program is a program that focuses on child labor, child trafficking, child marriage and children in other difficult circumstances. In India, the program is implemented with the approach of social, physical, mental, and spriritual so that children get the attention it needs, besides the program aims to raise awareness of child protection and children’s rights. Strategies undertaken by the program include: Educational promotion, as a precautionary measure and an important component for the rehabilitation of children, addressing poverty-related factors through self-help-group promotion, and social mobilization to handle child marriage cases.140

- **Eleventh Five Years Plan**

In 2008-2012, UNICEF participated in the *Eleventh Five Years Plan*, a five-year work plan created by the Indian government, by creating some programs and participating in child protection programs that have been made by the Indian government. UNICEF’s participation is to ensure the implementation of the child and women’s protection program in the 5-year work plan. The work plan includes:

a. Control and Equity of population growth.

b. Social sector services.

c. Improving the quality of human resources through education and skills development.

d. Reducing gender inequality.

e. Preserving the environment.

f. Improving agriculture, industry, and services sectors.141

Child marriage in India has become one focus of UNICEF, in addressing the issue of children in particular cases of child marriage in India, the Government of India and UNICEF through the *Eleventh Five Years Plan* refocus its work plan for handling child marriage in India, namely:

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a. Grouping the age of the child, so that children under the age of 18 should not be married.

b. Each resident is obliged to register his marriage and verify the age when they are married.

c. Strengthen the implementation mechanisms and the implementation of the Child Marriage Prohibitions Act, 2006.

d. Introducing Dhanalakshmi to the village community.\textsuperscript{142}

Not only the Eleventh Five Years Plan, UNICEF and the government of India have also started other programs in dealing with child marriage cases in India. UNICEF is working with the Indian government to sensitize the people of India not to marry off their children early age and improve the ability of Indian society, especially women in cases of early marriage. In addition, UNICEF also helps develop programs that have been undertaken by the government of India is based on a deeper understanding to identify and address social norms and economic realities that influence child marriage cases.

- The National Programme for Education of Girls at Elementary level (NPEGEL School)

The cooperation undertaken by UNICEF and Government of India among others; UNICEF and the Government of India through the Ministry of Education in India work together to increase access to quality education and ensure that the gender gap could be eliminated through education, to create a program of the National Programme for Education of Girls at Elementary level (NPEGEL school) or national education in girls at the primary school level, the program is a component and development of the Sarva ShikshaAbhiyan (SSA) program created by the Indian government in 2010.\textsuperscript{143}

In this program UNICEF provides additional support for the poor and disadvantaged girls in elementary schools in addition to SSA’s own interventions.


Such additional support is like providing tools and human resources in building NPEGEL. UNICEF also trained the girls in making decisions by practicing what they have learned in an illustration made by UNICEF, and UNICEF also often hold a special dialogue on the importance of education in the case of child marriage in India.  

The National Programme for Education of Girls at Elementary Level (NPEGEL school) is designed to establish schools in rural housing by conducting more routine community socialization and the registration process is more easily monitored. In addition, the program is designed to facilitate access to schools, reduce gender inequalities in the education sector, ensure the participation of women and girls in education, improve the equality of education, especially for women and girls to empower their abilities.

This NPEGEL school has been established in areas of India such as; Assam, Haveli Andhra Pradesh, Arunachal Pradesh, Bihar, Chhattisgarh, Gujarat, Jharkhand, Haryana, Himachal Pradesh, Karnataka, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Meghalaya, Mizoram, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttaranchal Meghalaya, West Bengal and Uttar Pradesh. In 2010-2012, there were 38,462 students who joined in NPEGEL school.

In addition to the National Programme for Education of Girls at Elementary Level (NPEGEL school), UNICEF is working with the Indian government through the Ministry of Human Resource Development of India to promote women’s rights and mobilize the people of India, especially girls.


Ibid.
- **Mahila Samakhya**

  To change social norms that harm them, including discrimination, gender inequality and the low value of girls in the social environment by creating a program Mahila Samakhya or housing schools. The program is devoted to women, whether married woman, drop-out women or women employed. In Sanskrit, “Mahila” means women, “Samakhya” is derived from “Same” which means the same or equal and “Akhyta” which means appreciated, thus Mahila Samakhya is a program of women’s empowerment and gender based education for women in marginal groups in rural areas. Mahila Samakhya was founded in 2001 with the aim of providing knowledge on the importance of women’s empowerment as a prerequisite for facilitating their daughters into the field of education and providing an alternative to mobilizing women’s empowerment and for addressing gender discrimination in their environment.

  In addition, Mahila Samakhya’s vision and mission is to increase women’s self-esteem and confidence, build a positive image of women by recognizing their contribution to society, government and economy, developing critical thinking skills, encouraging decision-making and action through collective processes, enabling women to making informed choices in areas such as education, employment and health (especially reproductive health), ensuring equal participation in the development process, providing information, knowledge and skills for economic independence, raising awareness and information on laws relating to the rights of children and women as well as their rights in society with a view to increasing their participation in all fields.

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149. Ibid.

**Mahila Samakhya** is implemented in several areas such as Andhra Pradesh, Assam, bihar, Chattisgarh, Gujarat, Jharkhand, Karnataka, Kerala, Uttarakhand and Uttar Pradesh. In 2009-2011 there were 14,582 women who graduated from this housing school.\(^{151}\)

- **The Ministry of Women and Child Development**

  In 2010, UNICEF and the Government of India through the *Ministry of Women and Child Development* in India to work together to establish and enforce appropriate legislation to increase the minimum age of marriage for girls at about 18 years old and raising public awareness about child marriage as a human rights violation especially women by making a pocket book about *Prohibition of Child Marriage Act 2006*.

  This pocket book describes the provisions of the *Prohibition of Child Marriage Act 2006* and the responsibilities of government stakeholders such as Child Marriage Prohibition officers, police, local government, *Panchayat Members* and teachers in identifying child marriage cases in India.\(^{152}\)

  This book is used to discuss opportunities, actions of others such as; *Anganwadi* workers, Accredited Social health Activists (ASHA), Auxiliary Nurse Midwives (ANMs), child welfare committee and local welfare officers in handling cases of child marriage in India.\(^{153}\) This book is also used to build awareness of the Government in being responsible for implementing the law in dealing with child marriage cases in India. This is done to improve the implementation of laws that ban child marriages that is *Prohibition of Child Marriage Act, 2006* on every government policy and the environmental community to delay the age of marriage.

  In addition, UNICEF also provides technical support to the *Ministry of Women and Child Development* in India in the implementation of the Integrated

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Child Protection Scheme (ICPS) which provides an excellent opportunity to build and strengthen the child development system in India.154

One of the effects of child marriage in India is the spread of HIV/AIDS. UNICEF, in collaboration with the Indian government and civil society, in particular with the Ministry of Women and Child Development, Ministry of Labor, women’s empowerment and the police to protect and preserve the rights of women and children in cases of child marriages and prevent the spread of HIV/AIDS. According to UNICEF if child marriage can be avoided then automatically HIV/AIDS can also be avoided.155

In addressing HIV/AIDS in India, UNICEF is working with the Indian government through the Ministry of Health to help expand and improve the quality of programs to reduce HIV/AIDS transmission from mothers and children in various ways such as providing medical supplies, increasing staff capacity to help improving communications, improving and monitoring approach to the public through seminars to discuss the prevention and treatment of HIV/AIDS and reproductive education for women. UNICEF also supports efforts to reduce discrimination against children or women affected by HIV/AIDS and is committed to ensuring the importance of health, social welfare and educational services for all Indians.156

- Religious Leaders (katha vachaks)

In Bihar, in December 2010, UNICEF and the government of India held a workshop on peace for children and women, or “Promotion of interreligious and intercultural dialogue, understanding and cooperation for peace” with katha vachaks or religious leaders in India as well as asking for help to religious leaders in helping to handle child marriage cases in India.157 In partnership, no manufacture specific program but UNICEF to build the capacity of katha vachaks or religious

leaders in helping to address cases of child marriage in India with several ways such as using the teachings from religious texts that emphasize the protection of children in worship, religious education or in the process religious ceremonies made on holiday and traditional ceremonies and interpret the principles of child protection in accordance with their religious and customary teachings thereby raising greater awareness of child protection issues.\textsuperscript{158}

Second, religious leaders also use religion media, such as radio and television network run by religious organizations, to spread the message about the importance of dealing with cases of child marriages or other child rights violations. In addition religious leaders opposed all forms of violence against children, including corporal punishment, sexual harassment of girls and boys, in religious and customary communities, then made it clear that harmful cultural practices for children, such as marriage led to violence and commerce, not part of religious beliefs and practices.\textsuperscript{159}

Religious leaders have also begun to develop and implement ethical codes of interactions appropriate to children in places of worship, customary and religious organizations, institutions (including schools and orphanages) to communities, including reporting and response mechanisms for child abuse. Furthermore, religious leaders help in promoting education and training for families, teachers and other in the community to address all forms of violence against children by inviting experts such as teachers, doctors, or social workers from religious communities to talk about children’s rights, child development and the importance of positive parenting and discipline without violence by members of their own during a religious event.\textsuperscript{160}


\textsuperscript{160} Ibid.
Religious leaders also campaign on issues of child protection on religious holidays to strengthen the legal and monitoring system to protect children’s rights. Religious communities can also facilitate or assist in community monitoring mechanism, mobilize people to take action to protect children and assess their needs such as ensuring family based safe care for vulnerable children, orphans, married children due to caste, providing spiritual support to difficult families and increasing access to necessary social services such as counseling classes.\footnote{161}{UNICEF, “Partnering with Religious Communities for Children”, 2012. Retrieved April 7, 2018, from http://www.unicef.org/about/partnerships/files/Partnering_with_Religious_Communities_for_Children_%28UNICEF%29.pdf.}

Through the \textit{Ministry of Health and Family Welfare}, UNICEF and the Government of India are also using media such as television, radio, newspapers and community theater as a way to inform children’s marriage ban. In this case there is no special program created by UNICEF and the government of India but UNICEF and the government of India make the media as an alternative means of mobilizing and disseminating information to the public. UNICEF already has 8 broadcast television and 6 radio broadcast and more than 10 advertisements in print media that discuss about child marriage cases in India.\footnote{162}{UNICEF India, “Delaying Marriage for Girls in India: A Formative Research to Design Interventions for Changing Norms”. New Delhi, March 2011, Page: 62-64. Retrieved April 7, 2018, from http://www.icrw.org/files/publications/Delaying-Marriage-for-Girls-in-India-UNICEF-ICRW.pdf.}

\textbf{- The Right of Children to Free and Compulsory Education Act, 2010 (RTE)}

UNICEF is working with the Government of India to implement \textit{the Right of Children to Free and Compulsory Education Act, 2010 (RTE)} through primary schools and home schools established from UNICEF and government programs. The \textit{Rights of Children to Free and Compulsory Education Act, 2010 (RTE)} focuses on providing free education and is required for children 6 to 14 years of age. This law requires the government to provide free primary education and...
ensure the presence of children in the school environment and completion of basic education for each child in the age group of 6 to 14 years.\textsuperscript{165}

This law has determined to employ trained teachers and forbid any teacher to use physical punishment or mental abuse against students. This law also requires all local governments to monitor the admission, attendance and completion of primary education for every child in their territories. The local government and Panchayat members are required to keep records of reports or entry records until the end of primary education for all children aged over 6 years in their area, in addition to monitoring to ensure quality education their area. UNICEF was supporting the government to obtain a new partnership, thus creating a \textit{Right of Children to Free and Compulsory Education Act, 2010} (RTE).\textsuperscript{164}

Additionally in 2010, UNICEF and government of India through the Ministry of Education in Rajasthan conducted a campaign to raise awareness of child marriage in India by including a pictorial message on the back cover of 40,000,000 textbooks or school lesson modules to help inform and increase insight into cases child marriage in India.\textsuperscript{165}

Viewed from the cooperation programs undertaken by UNICEF and the government of India describe above, it is necessary to review how the result of the implementation of UNICEF in handling child marriage cases in India.
IV.2. THE RESULTS OF THE IMPLEMENTATION OF UNICEF AND GOVERNMENT OF INDIA

In this case, the result the cooperation of UNICEF in dealing with cases of child marriage can be seen from the ability of UNICEF in addressing factors that cause cases of child marriage in India and the amount of decrease in the number of child marriage in India.

Education is one of the causes of child marriage in India. Education is also the most important and must be owned by every child and woman in India, besides education becomes the main focus of governmnet of India and UNICEF in handling child marriage case in India this reinforced by making Right of Children to Free and Compulsory Education Act, 2010 (RTE) by the government of India with support from UNICEF. Lack of education due to limited facilities and difficult access to school is one of the obstacles faced by parents in sending their children to school. Besides the lack of education on parents also led to a lack of education on their children.  

Thus, in the aspect of education with the making of Right of Children to Free and Compulsory Education Act, 2010 (RTE), Mahila Samakhya education program and The National Program for Education of Girls et Elementary Level (NPEGEL school) is considered effective in handling child marriage cases in India. This is evidenced by the increasing number of 68 Mahila Samakhya in 2008-2010 to about 97 Mahila Samakhya which was built in 10 regions of India in 2011-2012. In addition, there were more than 20,000 women graduated from Mahila Samakhya School and 76% went to formal school such as Kasturba Gandhi Balika Vidyalaya (KGBV).  

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Based on the report the *Joint Review Missions* (JRM) India issued by the *Ministry of Human Resource Development, Department of School Education and Literacy*, in Karnataka, school *Mahila Samakhya* has helped women to change their mindset and habits. So that every woman, especially a parent who has a daughter, ensures that their daughter should prioritize education rather than early marriage that could have a negative impact on the future of their daughter.\(^{168}\)

While the achievement of *The National Program for Education of Girls at Elementary Level* (NPEGEL School) in accordance with its objective is addressing gender inequality in education in India. NPEGEL School has proven the effectiveness of its program can be seen of a change in attitudes and behaviors that are better than every girl who goes to school at NPEGEL. Change in attitudes and behaviors are reflected in higher level of self-confidence supported by self-defense training, educational tour, counseling guidance, mobile library and talent search test.\(^{169}\)

In addition, by following this school girls have more self-awareness of gender discrimination, the nature of patriarchy and awareness of the right to get an education so that this awareness has led many women to protest the unfair treatment and even they are ready to stand up against traditional practices harmful, such as child marriage, child trafficking or violations of other children.\(^{170}\)

Based on the report *Briefing Paper Series: Innovations, Lessons and Good Practices. Community Based Interventions on Child Marriage* issued by UNICEF India, in Assam area, girls formed *Kishori manchas* (like teen groups) to share


information in taking action to solve problems of gender inequality in the society.  

In addition, they also participate in self-defense training by participating in karate or taekwondo sports, so they have changed their perceptions of their own ability to fight gender inequalities. They assume if they can learn karate, they will have a trained ability and courage higher level so that the boys can be more respect and appreciate them.  

Housing school program such as the National Program for Education of Girls at Elementary Level (NPEGEL School) and Mahila Samakhya were created to help prevent child marriage through the education system. Additionally, Right of Children to Free and Compulsory Education Act, 2010 (RTE) has also helped to increase 85% of children in India get education, especially at the elementary level. UNICEF and the government of India believe that this program can help improve the quality of education in India, both for children and parents so that they can help to reduce child marriages in India.  

In term of culture, religious leaders are believed to have an important role in society in shaping social values and inform responsible behavior, respecting the dignity and sanctity of every life and not infrequently religious leaders become skilled and influential communicators and can reach hearts and minds communities because they have more access to private environments than most other outside actors, religious leaders also serve to provide spiritual guidance so as to improve the personal and social community. The religious leaders can also play an important role in mediating the return of the children to the family or community who may not receive them back by offering spiritual guidance, to

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172 Ibid.
perform religious rituals or prayers, so that these children can restore their dignity. Especially for girls who are vulnerable to becoming victims of discrimination.\textsuperscript{175}

UNICEF and the government of India recognizes that collaborate with religious leaders is an effective way in dealing with religious leaders is an effective way in dealing with cases of child marriage in India. In addition, religious leaders consider that UNICEF has an influence in empowering religious leaders to participate in protecting children’s rights because so far many people think consider that they do not have to participate in this.

The collaboration conducted by UNICEF and religious leaders, the challenge of custom or tradition that has existed since a long time already beginning to be addressed piecemeal. In Karnataka and Andhra Pradesh where \textit{devadasi} or \textit{Jogini} has become culture in the area it has been ensured that no more girls apply the culture. One way is to change the cultural tradition through the cultural festival \textit{Nag Panchami} festival where people must bring \textit{Gudiya Pitahe} or doll that represent women and girls and then the doll are ready to be tortured like beaten, torn, and whipped.\textsuperscript{176}

This tradition makes it symbolic of the habit of hitting newlyweds with tools such as sticks as she enters her husband’s home. Given these consequences, the religious leaders in Karnataka and Andhra Pradesh decided to change the tradition of \textit{Nag Panchami}, where the dolls were not beaten or tortured but embraced that symbolized care and love for women and girls, and raised as high as possible that symbolizes women have a price high self and appreciate the newlyweds as she enters her husband’s home. With the changing of traditions, the religious leaders have convinced the villagers to make fundamental changes in the traditions they have been following.\textsuperscript{177}

\textsuperscript{177} Ibid.
There are several factors influencing the decrease in the number of child marriage in India such as education and culture. The existence of cultural traditions owned by parents and children who are not in school, so they would not want to enter in a marriage in early age. Therefore, UNICEF contributes to making educational programs and collaborating with religious leaders. Although, UNICEF program cannot be directly linked to the rate of decline of child marriage. But the efforts made by UNICEF and the government of India in the educational and cultural aspects can be helpful in reducing the root causes of child marriage in India.

Another party that supports the effectiveness of the role of UNICEF is the mass media. UNICEF and the government of India became the media as an alternative means of mobilizing and disseminating information to the public. According to the government of India and UNICEF this media approach can play an important role in changing social norms as happened in Rajasthan and Bihar.\textsuperscript{178} Thus, the use of this media is considered quite effective in helping to handle child marriage cases in India. Techniques done in the media provide information about child marriage is quite innovative to reach anyone men, women, or children.

In Rajasthan and Bihar, media messages are spread through television, radio, billboards, newspaper and magazines, not only that way of delivering these media message are also made interesting as theater productions of local people and puppet shows and videos or short films so attract the public interest in the area. Most of the messages conveyed about the child’s marriage ban and informed about the government made program in dealing with child marriage cases in India. Newspapers and radio have played an important role in awareness-raising to Rajasthan and Bihar communities about the impact of child marriage cases in India.\textsuperscript{179}

Programs of education, health and collaboration with religious leaders conducted by UNICEF was effective in reducing the root causes of child marriage.

\textsuperscript{178} UNICEF India, “Understanding the Perceptions of UNICEF Partners in India: Findings of a Study”, India, Maret 2011

\textsuperscript{179} Ibid.
marriage, so it can help reduce the number of child marriage in India. It’s proven a decreased in the number of child marriage in India. (See table IV.2.1)

Table IV.2.1 (%) Rate decrease cases child marriage in India.

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>44.5%</td>
</tr>
<tr>
<td>2011</td>
<td>30.2%</td>
</tr>
<tr>
<td>2012</td>
<td>19%</td>
</tr>
</tbody>
</table>

Sources: http://www.unicef.org/infobycountry/india_statistics.html

As seen in the (Table IV.2.1) in 2010, India has about more than 18 million or 44.5% of cases of child marriage, then decreased in 2011 to 30.2%, or more than 10 million cases of child marriage and in 2012 was only 19%, or more than 4 million children who married at the age of 18 years.180 In November 2012, UNICEF and the Ministry of Health in India stated, in 2005 there were more than two million people living with HIV/AIDS at the age of 15 to 49 years and showed a decreased which is 0.33% or about 6.600 in 2007 to 0.27%, or about 5.400 in 2011.181

Data on the decline in child marriage is an indication that UNICEF has a contribution in dealing with child marriage cases in India. Nevertheless, in addition to some UNICEF programs undertaken in reducing child marriage cases in India, there is also a possibility that there are other factors that help in dealing with child marriage cases in India.


IV.3. THE CHALLENGES AND OPPORTUNITIES IN THE IMPLEMENTATION

In working on program in India, UNICEF faces a number of challenges in handling child marriages in India. Not infrequently, this challenge poses difficulties for UNICEF in handling cases of problems for girls in India. The challenges faced by UNICEF include; first, if compared to other programs, the Child Protection program is a new program and not yet widely known in the society, so it still cannot understand for the people of India.\textsuperscript{182} So it is necessary to re-explain the understanding and purpose of this program to increase the importance of protecting children’s rights in India. In addition, staff recruitment for this program is also often delayed due to political reasons such as election or other procedural government barriers.\textsuperscript{183}

Second, the social and cultural backgrounds are quite complex and patriarchal and still hold firm belief in their cultural origins such as like one of them by still maintaining caste culture and dowry culture. In this case UNICEF has not been able to handle the problems that exist in the Indian culture, for example the influence of the caste system, which is believed by the people of India as part of their religious beliefs, making it difficult for the achievement of UNICEF work for most people of India believe human destiny predetermined by God. Another problem occurred on the dowry system are faced with the demands of marriage proposed price on the part of the bride.\textsuperscript{184} Besides the main reason behind child marriage have also been turned into a habit and put pressure related to religious values. And with the authoritarian parent-child relationship strengthens the religious values that support the child’s marriage.\textsuperscript{185}


\textsuperscript{183}Ibid.


The parents think that education is not a priority for children in India, resulting in illiteracy rates quite a lot which is about 8,000,000 inhabitants in 2009-2012.\textsuperscript{186} This is a challenge faced by UNICEF in implementing a learning system at home schools established by UNICEF. As happened in Bihar, illiterate students often experience discrimination in the education they receive, so UNICEF should be more observant and more re-selecting students who are members of the home school program.\textsuperscript{187}

Not just challenges but UNICEF also has an opportunity to handle child marriage in India. These opportunities such as political will or support of the Indian government in handling cases of child marriage in India, so that UNICEF and the government has a good working relationship and be able to collaborate in dealing with cases of child marriage in India.\textsuperscript{188}

Some of the UNICEF office in India that the government shows good response in dealing with cases of child marriage. Assessment of the involvement of UNICEF seems to produce good results as begin their public awareness, parents, and children of the dangers of child marriage.\textsuperscript{189}

In addition they began to recognize the existence of laws that prohibit the practice of child marriage and the availability of health services. Education and social protection in order to make better choices or incentive for protection and investment in girls, such as the decline in social pressure that can condition girls and parents to engage in child marriage. An increase in attendance and school graduation rates, and improved policy on the quality of the legal and action framework by the Indian government.\textsuperscript{190}


\textsuperscript{189}Ibid.

In addition, eight UNICEF offices in India are coordinating to handle child marriages in India. Coordination is conducted through the media, visit the areas that have the number of child marriages were quite large, and the role of child protection committees in local government and civil society to promote children’s rights, including efforts to end child marriage in India.\textsuperscript{191}

The support of the mass media is also an opportunity for UNICEF efforts in addressing cases of child marriage in India. Dissemination of information by the media can stimulate positive social change is also supported also with their expertise in the field of communicative owned by UNICEF so as to further develop communication and accelerate the delivery of information to the public. For example, UNICEF India produce films that have a storyline to end child marriage in the society.\textsuperscript{192}

The next opportunity is the interest and enthusiasm of children in India to attend school. Children in India feel their right to go school is not yet able to fought, it is also supported by the long distance, lack of transportation and a less secure environment also make their parents worried to send their children to school.\textsuperscript{193}

In addition, there are support from 470 schools in 14 regions in India such as Andhra Pradesh, Assam, Chhattisgarh, Maharashtra, Bihar, Rajasthan, Odisha, Uttar Pradesh, Gujarat, Jharkhand, Karnataka, West Bengal, Mumbai and Madhya Pradesh to assist programs undertaken by UNICEF and many volunteers willing to become teachers in educational programs created by UNICEF and the Indian government.\textsuperscript{194}

Given UNICEF’s challenges and opportunities to handle child marriages in India, UNICEF can contribute and have a positive impact on the handling of

child marriages in India. Not only that, the chances of the above provides the opportunity for UNICEF to continue programs that have been created and does not stop until the year 2012.
CHAPTER V
CONCLUSION

Child marriage has become a widespread phenomenon in India. There are a number of factors that cause child marriages in India, including traditional culture of India which is patriarchal, lack of education, economic factors, and public perception of child safety. In an effort to respond to the phenomenon of child marriage, the government of India made a number of national and international policies in handling child marriage cases. In dealing with cases of child marriage, the government of India in collaboration with UNICEF in addressing cases of child marriage in India.

*United Nations Children’s Fund* (UNICEF) as an organization under the auspices of the United Nations is committed to addressing issues related to children. UNICEF has important duties in paying attention to children’s education, child’s protection, child’s health and nutrition. UNICEF in its efforts against all forms of exploitation and discrimination in children. UNICEF has a role in addressing cases of child rights violations in India especially child marriage in India, by creating a work program aimed at protecting children’s rights from the threat of discrimination.

UNICEF and the Government of India to work together in a five-year work plan or *Eleventh Five Years Plans* (2007-2012) which makes the case of child marriage as a main focus. Then, UNICEF focuses this child marriage case into *Child Protection* program. Not only that, the role of UNICEF in eradicate child marriage cases in India is also seen from other programs and activities both in the aspects of education, culture and health. In the aspect of education, the role of UNICEF made visible with *NGEPEL School program, Mahila Samakhya*, and UNICEF is helping the government of India to implement the RTE to the people of India. In the cultural aspect, UNICEF and the Government of India in collaboration with religious leaders in changing traditions that cause negative effects for girls. While in the health aspect, UNICEF is working with the government of India in providing women’s reproductive education and prevention.
of HIV/AIDS. Another role is that UNICEF is helping to implement PCMA, 2006 and ICPS to the people of India.

The result of the implementation of UNICEF in this study is seen in two ways, namely the ability of UNICEF in addressing the causes of child marriage and the decline in child marriages in India. In handling the factors causing child marriages in India, especially on the educational side, home school programs created by UNICEF and the presence of free school facilities are an effective way of addressing the underlying causes of child marriage in India. On the cultural side, working with the religious leaders is an effective way for UNICEF to change the traditions of Indian society gradually, so that UNICEF can provide information regarding the prohibition of child marriage on religious activities. In terms of health, women’s reproductive education and regular seminars on the prevention and care of HIV/AIDS is an effective way of dealing with the causes of child marriage. The effectiveness of UNICEF’s other role can be seen from the decline of child marriage in India.

UNICEF supports any program that aims to promote the rights of children and women in India. UNICEF also takes into account social policy, planning, monitoring and evaluation of the program to ensure close cooperation and collaboration with the government of India.

UNICEF assisted the Indian government in developing every program made by the government of India, beside that UNICEF also has a very good relationship with the government of India, so the cooperation made by UNICEF and the government of India mutually benefit each other. Thus UNICEF has an important role and succeeded in handling cases of violation of children and women, particularly in child marriages in India. This is evidenced by the ability of UNICEF in helping to reduce the root causes of child marriage and the decrease in the number of child marriage in India, in addition to UNICEF and the government of India also made the case of child marriage is the primary focus in the next program.
However, in carrying out its role, the performance of UNICEF still faces a number of challenges and opportunities. The challenges faced by UNICEF include: Child Protection program is a new program compared to other programs, so it is still not understandable for the society, and need to be introduced again to the society. The second challenge is the existence of social and cultural backgrounds are quite complex and are patriarchal, where the position of men is higher than women. The third challenge the high rate of illiteracy in India, the majority of parents prefer to marry off their children rather than attend to school by reason of the limited access to go to school.

In addition to the challenge, UNICEF also has an opportunity in handling child marriage cases in India. These opportunities include: first, political will, so that UNICEF and the Government of India have good cooperation in dealing with cases of child marriage in India. Secondly, there is support from the mass media, so that it can facilitate the dissemination of information to the public, and the last opportunity, the interest and high spirit of the children in India to attend school.
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APPENDIX 1

56,000
MATERNAL DEATHS IN 2010
UN Population Fund

44.5%
OF GIRLS MARRIED BEFORE 18
International Center for Research on Women (ICRW)

52%
OF WOMEN THINK IT'S JUSTIFIABLE FOR A MAN TO BEAT HIS WIFE
UNDP (2010)

India 19

*India, women and girls continue to be sold as chattels, married off as young as 10, burned alive as a result of dowry-related disputes, and young girls exploited and abused in domestic slave labour.

—Gulshan Raihman, health Programme Development Advisor
Save the Children UK

Full coverage: Calcutta.nic.in
APPENDIX 2

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

NOTIFICATION

In exercise of the powers conferred by Sub Section (1) of Section 19 of the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007) read with the Govt. of India, Ministry of Home Affairs, Notification No. 743 F. No. 11018/3/2008-U.TI dated : 30/05/2008, the Administrator, U.T. of Daman and Diu, hereby makes the following rules, namely :-

1. **Short title and commencement** – (1) These rules may be called as the Union Territory of Daman and Diu Prohibition of Child Marriage Rules, 2008.

   (2) These rules shall come into force on the date of their publication in the official Gazette of U.T. of Daman and Diu.

2. **Definitions** – In these rules, unless the context otherwise requires :-
   
   (a) “Act” means the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007);

   (b) “Complaint” means any allegation made orally or in writing by any person to the
       Prohibition Officer;

   (c) “Section” means a form appended to these rules.

   (d) Words and expressions used and not defined in these rules but defined in the Act
       shall have the same meanings respectively assigned to them in the Act.
Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "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;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(d) "Child Marriage Prohibition Officer" includes the Child Marriage Prohibition Officer appointed under sub-section (7) of section 16;

(e) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1954 exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(f) "minor" means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained his majority.

3. (1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Provided that a petition for annuling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage:

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, and, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. (1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. (1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.
(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

7. The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

8. For the purpose of grant of relief under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnized or where the parties last resided together or the petition is residing on the date of presentation of the petition.

9. Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

10. Whoever performs, conducts, directs or abets a child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organization or association of persons who does any act to promote the marriage or permits it to be solemnized, or negligently fails to prevent it from being solemnized, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees.

Provided that no woman shall be punishable with imprisonment.

(2) If the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnized.

12. Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place, or

(c) is sold for the purpose of marriage, and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.
13. (1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriage.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take suo moto cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as Akshaya Tritiya, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (7) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (7) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (7).

(9) Where an application is received under sub-section (7), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (7) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

Provided that no woman shall be punishable with imprisonment.

14. Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void ab initio.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable.
16. (1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in such notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request a responsible member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public service undertaking or an officer of any non-governmental organisation to assist the Child Marriage Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(3) It shall be the duty of the Child Marriage Prohibition Officer—

(a) to prevent solemnization of child marriages by taking such action as he may deem fit;

(b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;

(c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnization of child marriages;

(d) to create awareness of the evil which results from child marriages;

(e) to sensitize the community on the issue of child marriages;

(f) to furnish such periodical returns and statistics as the State Government may direct; and

(g) to discharge such other functions and duties as may be assigned to him by the State Government.

(4) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

17. The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

18. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything which he does or intends to do in pursuance of this Act or any rule or order made thereunder.

19. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

20. In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely—

"(c) in the case of contravention of the condition specified in clause (d) of section 3, with rigorous imprisonment which may extend to two years or with fine which may extend to one thousand rupees, or with both,“

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

K. N. CHATURVEDI,
Secy. to the Govt. of India.
Press Releases
Working Together to Reach All of India’s Children: Government of India and UNICEF Sign Five-Year Plan of Action

Ms. Ann Hasselbalch, Officer-in-Charge of UNICEF (extreme right) signing the five-year Country Programme. Facing her is the Government of India team, headed by Dr. Manjula Krishnan, Economic Advisor, Ministry of Women and Child Development (second from left)

New Delhi, 03 June 2008 – The Government of India and UNICEF today reaffirmed their joint commitment to tackling the most pressing problems impacting the survival and well-being of the children of India with the signing of a new five-year action plan, the GOI-UNICEF Country Programme Action Plan 2008-2012.

Over the last few years, India has seen impressive economic growth as well as significant progress in social development. The economy has gone from strength to strength, while the proportion of the population below the poverty line has been gradually decreasing.

The Government of India (GOI) recognises that the benefits of the remarkable growth rates that India has seen in recent years also need to reach its most disadvantaged populations.

“GOI has adopted National Development Targets which are in line with, and at times even more ambitious than, the Millennium Development Goals. While the rate of progress needs to be accelerated in order to meet many of these targets, the Government’s commitment to ‘inclusive growth’ presents a unique opportunity to improve the lives of all Indian children,” said Manjula Krishnan, Economic Advisor, Ministry of Women and Child Development, GOI. “Around one fifth of all the world’s children live in India. If the world is to achieve the MDGs, it is imperative that India achieve the MDGs. The new GOI-UNICEF Country Programme Action Plan for 2008 to 2012, is a joint plan designed to help India achieve its goals and to ensure that no child is left behind as India moves forward,” said Ann Hasselbalch, Officer-in-Charge, UNICEF India Country Office.

With the signing of the GOI-UNICEF Country Programme Action Plan 2008-2012, UNICEF commits its support to the Government of India’s flagship programmes in the social sector in order to support and strengthen their essential work. UNICEF will increase its engagement with civil society and establish innovative partnerships to promote the well-being and survival of India’s children.

UNICEF commits to raising $512 million for this five-year programme of cooperation in India.

The GOI-UNICEF Country Programme Action Plan 2008-2012 will be implemented in 15 states of India and focuses on the reduction of India’s infant mortality and maternal mortality rates (IMR and MMR), fighting undernutrition, tackling HIV, providing quality education, ensuring safe water and environmental sanitation, as well as progress on child protection issues.

APPENDIX 4

India

Country programme document
2008-2012

The draft country programme document for India (E/ICEF/2007/P/L.20) was presented to the Executive Board for discussion and comments at its 2007 annual session (4-8 June 2007).

The document was subsequently revised, and this final version was approved at the 2007 second regular session of the Executive Board on 7 September 2007.
Basic data:
(2005 unless otherwise stated)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
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<tr>
<td>Child population (millions, under 18 years)</td>
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<tr>
<td>U5MR (per 1,000 live births)</td>
<td>74</td>
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<tr>
<td>Underweight (%, moderate and severe, 2005-2006)</td>
<td>46†</td>
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<td>Maternal mortality ratio (per 100,000 live births, 2001-2003)</td>
<td>390‡</td>
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<tr>
<td>Primary school attendance (% net, male/female, 2000)</td>
<td>79/72</td>
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<tr>
<td>Primary schoolchildren reaching grade 5 (%), 2003)</td>
<td>79</td>
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<td>Use of improved drinking water sources (%), 2004)</td>
<td>86</td>
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<tr>
<td>Adult HIV prevalence rate (%)</td>
<td>0.9</td>
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<tr>
<td>Child labour (% children 5-14 years old, 2000)</td>
<td>14</td>
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<tr>
<td>GNI per capita (US$)</td>
<td>720</td>
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<tr>
<td>One-year-olds immunized against DPT3 (%)</td>
<td>59‡</td>
</tr>
<tr>
<td>One-year-olds immunized against measles (%)</td>
<td>52‡</td>
</tr>
</tbody>
</table>

* More comprehensive country data on children and women are available at www.unicef.org.
† Data for children under age three years.
‡ WHO/UNICEF/UNFPA adjusted 2000 MMR estimate is 540 per 100,000 live births, which is adjusted for misclassification and underreporting.
§ The latest National Family Health Survey 2005-2006 shows 55% for DPT3 and 59% for measles.

The situation of children and women

1. India’s recent development performance is a contrast of impressive economic growth and major challenges in the social sector. The Government’s commitment to child rights is reflected in national targets which relate closely to the Millennium Development Goals (MDGs). Given India’s population of 1.1 billion, of whom 421 million are children, the achievement of the Goals globally depends on its success. For example, approximately 39 per cent of all underweight children worldwide and 32 per cent of all households without sanitation globally are in India. However, at the current rate of progress, many of the targets will not be reached by the deadlines.

2. National-level indicators do not adequately reflect internal disparities. Poverty is more widespread in the populous states of Uttar Pradesh, Bihar, Rajasthan, Orissa, Chhattisgarh, Jharkhand and Madhya Pradesh. There are pronounced disparities in indicators across and within states. For example, the national infant mortality rate (IMR) is 58 per 1,000 live births, but IMR ranges from 76 per 1,000 live births in Madhya Pradesh to 14 in Kerala.

3. The underlying challenge across all sectors is social exclusion. The Eleventh Five Year Plan emphasizes “inclusive growth” and recognizes that social exclusion and inequality constrain the achievement of the MDG targets. For example, the under-five mortality rate among Scheduled Castes and Scheduled Tribes is more than 50% higher than the rest of the population and the alarming decline in sex ratios of children aged 0-6 years, from 960 females per 1,000 males in 1981 to 927 in 2001, is but one manifestation of pervasive discrimination against girls and women.

4. India is one of the world’s most disaster-prone countries, with frequent floods, cyclones, earthquakes, landslides and droughts. Almost 80 per cent of India’s geographical area is considered vulnerable to such natural disasters, which cause extensive loss of lives, property and livelihoods.
5. Following the 2004 observations by the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in India, the Government has addressed several recommendations, including strengthening child budgeting, establishing the Commission for the Protection of Child Rights and strengthening the Child Labour Act. The Government is currently preparing its combined third and fourth periodic reports for submission to the Committee in July 2008. A review by the Committee on the Elimination of all Forms of Discrimination against Women in January 2007 made a number of recommendations including strengthening the protective environment for children and women.

6. Recent policy developments have contributed towards a more enabling environment for child rights. Positive changes include the elevation of the Department of Women and Child Development to an independent Ministry of Women and Child Development (MWCD), the establishment of a Parliamentary Forum for Children and the launching of the Integrated Child Protection Scheme (ICPS). There has been a significant increase in resources to social sector programmes although concerns remain about turning "outlays into outcomes" and the ability to utilize budget allocations. As the economy continues to grow in the next 10 years, the challenge will be to ensure greater equity and benefits to the social sector.

Key results and lessons learned from previous cooperation, 2003-2007

Key results achieved

7. The current Government of India-UNICEF country programme contributed to the following national policies and schemes through advocacy efforts, expanded partnerships and the provision of technical assistance:

(a) Re-instatement of the ban on the sale of non-iodized salt for human consumption increased the use of adequately iodized salt in households from 37 per cent in 2002 to 57 per cent in 2006;

(b) Adoption of Integrated Management of Neonatal and Childhood Illnesses (IMNCI) as a key strategy for child health within the national Reproductive Child Health Programme II (RCH II) and National Rural Health Mission (NRHM);

(c) Acceleration of the Total Sanitation Campaign (TSC) raised household sanitation coverage from 23 to 42 per cent from 2002 to 2007;

(d) Increased convergence between the TSC and SSA resulted in 65 per cent of schools having water supply and sanitation;

(e) Improved in-service teacher training, school governance and child-friendly classroom environments;

(f) HIV/AIDS prevention education for adolescents mainstreamed in 75 per cent of all government secondary schools;

(g) Availability of services for prevention of parent-to-child transmission of HIV (PPTCT) in all states tripled the network of antiretroviral (ARV) treatment centres since 2004;

(h) Development of the National Plan of Action for Children.

8. The following results in service delivery and evidence-based models were achieved through project implementation and the development of effective communication strategies for families and communities:

(a) Community-based projects in West Bengal, Rajasthan, Orissa and Bihar reduced malnutrition rates by up to 10 per cent in two years and are being scaled up by the governments in these states;

(b) Initiatives to reduce child and maternal mortality in 48 high-mortality and high-malnutrition districts in five states through support for newborn care units and nutritional rehabilitation centres resulted in a 45-per-cent reduction in neonatal mortality in these facilities;²

(c) In collaboration with the Government, the World Health Organization (WHO) and the Clinton Foundation, paediatric AIDS treatment is being scaled up in high-risk states to reach 10,000 children, constituting 33 per cent of all children with HIV/AIDS;

(d) The rate of birth registration increased from 56 to 62 per cent between 2004 and 2006.

9. As part of the United Nations Tsunami Recovery Support team, UNICEF is supporting interventions in health, nutrition, HIV/AIDS, trafficking, primary education, livelihoods, permanent shelters, water, sanitation and environmental protection. In disaster-prone states, UNICEF has been working with the Government, non-governmental organizations (NGOs) and communities to build capacities in disaster preparedness and management. UNICEF is the lead United Nations agency in supporting the Government in preparing a communication response to avian influenza and pandemic influenza.

10. The number of reported polio cases dropped from 1,680 in 2002 to 66 in 2005 although there was an increase in 2006 with 674 cases, mostly concentrated in Uttar Pradesh. Despite this temporary setback, transmission of the virus can be stopped and Government is embarking on its most aggressive and ambitious immunization schedule to date.

Lessons learned

11. Based on reviews, including the 2005 mid-term review, the following lessons have been learned: (a) the programme needs to shift to influencing policy and capacity-building by strengthening management and budget systems to plan and deliver services; (b) participatory and convergent programming in the 17 “integrated districts”⁷ has facilitated community empowerment, behavioural change and service delivery; (c) an increased emphasis on child protection and on disadvantaged groups, particularly the

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⁷ The integrated districts were selected based on a combination of indicators related to child rights and existing partnerships with district administration.
Scheduled Caste and Scheduled Tribe communities and urban poor, is required to accelerate children’s rights; and (d) its state offices allow UNICEF to collaborate closely with partners and government and leverage the technical expertise of staff.

**The country programme, 2008-2012**

**Summary budget table**

<table>
<thead>
<tr>
<th>Programme</th>
<th>Regular resources</th>
<th>Other resources</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reproductive and child health</td>
<td>20 000</td>
<td>80 000</td>
<td>100 000</td>
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<tr>
<td>Child development and nutrition</td>
<td>20 000</td>
<td>55 000</td>
<td>75 000</td>
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<td>Child environment</td>
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<td>Child protection</td>
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</tr>
<tr>
<td>Children and AIDS</td>
<td>17 000</td>
<td>43 000</td>
<td>60 000</td>
</tr>
<tr>
<td>Social policy, advocacy and behavioural change communication</td>
<td>23 000</td>
<td>24 000</td>
<td>47 000</td>
</tr>
<tr>
<td>Emergency preparedness and response*</td>
<td>5 000</td>
<td>3 000</td>
<td>8 000</td>
</tr>
<tr>
<td>Cross-sectoral costs</td>
<td>22 895</td>
<td>--</td>
<td>22 895</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>162 095</strong></td>
<td><strong>350 000</strong></td>
<td><strong>512 095</strong></td>
</tr>
</tbody>
</table>

* Additional other resources will be raised in response to emergencies as needed.

**Preparation process**

12. Under the leadership of MWCD, the country programme was developed within the framework of the United Nations support to the government priority programmes through consultations with United Nations agencies, concerned ministries, bilateral and other multilateral development partners and NGOs. The programme is well grounded on available disaggregated data relevant to the situation of children and women in India as well as on an analysis of trends across child-related indicators for the Millennium Development Goals and their causal links.

**Goals, key results and strategies**

13. The overall goal of the 2008-2012 country programme is to advance the fulfillment of the rights of all women and children in India to survival, development, participation and protection by reducing social inequalities based on gender, caste, ethnicity or region. *

14. The country programme will contribute to the following strategic results:

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* It is important to note that the target populations in the programme interventions detailed in paragraphs 18-47 below include marginalized groups, especially Scheduled Castes and Scheduled Tribes.
(a) Quality basic services provided to target populations with a special emphasis on excluded populations including Schedule Castes and Schedule Tribes through strengthening of the management, budget and delivery systems of child-related government programmes;

(b) Children’s rights mainstreamed into development planning, resource allocation, programme implementation and civic engagement;

(c) Increased capacities to prepare for and respond to emergencies at all levels.

15. The overarching strategies to achieve these results and address the causes of social exclusion are:

(a) Providing technical assistance and support to improve knowledge management systems and sharing of lessons learned, support establishment of concurrent systems of monitoring of child-related programmes to influence policy and programme management, and leverage resource allocations of government programmes.

(b) Strengthening the systems for delivery of services at the state level, with an emphasis on enhanced capacities, accountability and effective implementation of government programmes related to children;

(c) In 17 districts, improving district capacities and systems, empowering communities, promoting behavioural change and ensuring that lessons in overcoming local obstacles in service delivery and in building government capacities and systems are replicated elsewhere to sustain efforts and results around child rights;

(d) Partnering with communities, the private sector, mass media, civil society organizations representing excluded populations, and youth and children’s organizations to accelerate behavioural and social change to promote the rights of children and women;

(e) Capitalizing on the UNICEF presence in 14 physical locations\(^5\) as follow:

(i) The Delhi office will work closely with the central Government in ensuring that children’s rights are reflected and resourced in policies and programmes;

(ii) Focus resources in terms of programming, policy and advocacy in seven "priority" states with high IMR and large marginalized groups (Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Orissa, Chhattisgarh, Jharkhand, Assam, West Bengal, Gujarat, Maharashtra, Tamil Nadu (covering Kerala), Andhra Pradesh (covering Karnataka) and New Delhi.\(^6\) These are also the seven priority states identified in the UNDAF. These states have large child populations and together account for 64 per cent of infant mortality in the country.

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\(^5\) Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Orissa, Chhattisgarh, Jharkhand, Assam, West Bengal, Gujarat, Maharashtra, Tamil Nadu (covering Kerala), Andhra Pradesh (covering Karnataka) and New Delhi.

\(^6\) These are also the seven priority states identified in the UNDAF. These states have large child populations and together account for 64 per cent of infant mortality in the country.
(iii) In the eight comparatively better-off states of Assam, West Bengal, Gujarat, Maharashtra, Tamil Nadu, Kerala, Andhra Pradesh and Karnataka, where progress has been made in the social sector, continue with limited-scale programming balanced with advocacy and influencing policy, including work in selected low-performing districts;

(iv) In all other states and union territories, technical assistance will be provided to influence government programmes and resources for children.

(I) Working through coordination mechanisms with partners including donors and government in order to improve coherence, harmonization and alignment in all sectors covered by the Country Programme as well as promote synergies amongst government agencies and effectively address gaps in sectors.
APPENDIX 5

PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA

KASTURBA GANDHI BALIKA VIDYALAYAS
New Delhi, February 25th, 2015

Kasturba Gandhi Balika Vidyalayas (KGBVs) which are residential upper primary schools for
girls have been opened in Educationally Backward Blocks (EBBs) with rural female literacy
below the national average as per Census 2001 with 75% seats allocated to SC, ST, OBC,
Muslim & BPL girls. The pay scales and other service benefits of KGBV teachers is a State
matter.

Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, provision for a
neighbourhood school within walking distance as per State/UT Government norms is provided
under Sarva Shiksha Abhiyan (SSA) school infrastructure component. However, in sparsely
populated hilly or densely forested areas with difficult geographical terrain, where opening of
new primary or upper primary school may not be viable, and for urban deprived children,
homeless and street children in difficult circumstances without adult protection, 263 residential
schools have been provided under SSA. The State-wise details are at Annexure-II.

The funds allocated and spent under KGBVs Scheme during the last three years and the current
year, year-wise is as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds Allocated</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-12</td>
<td>223187.59</td>
<td>108751.39</td>
</tr>
<tr>
<td>2012-13</td>
<td>183938.44</td>
<td>91277.00</td>
</tr>
<tr>
<td>2013-14</td>
<td>168695.62</td>
<td>104077.21</td>
</tr>
<tr>
<td>2014-15</td>
<td>197033.55</td>
<td>32980.45 (upto September, 2014)</td>
</tr>
</tbody>
</table>

This information was given by the Union Human Resource Development Minister, Smt. Smriti
Irani in a written reply to the Lok Sabha question.

****

DS/RK/KGBV
APPENDIX 1

56,000
MATERNAL DEATHS IN 2010
UN Population Fund

44.5%
OF GIRLS MARRIED BEFORE 18
International Center for Research on Women (ICRW)

52%
OF WOMEN THINK IT’S JUSTIFIABLE FOR MAN TO BEAT WIFE
UNicef (2010)

*Indonesia, women and girls continue to be sold as chattels, married off as young as 10, burned alive as a result of dowry-related disputes and young girls exploited and abused as domestic slave labour.*
—Subhini Sahoo, Health Programme Development Advisor,
Save the Children UK
Full coverage: cdwomentrust.org
APPENDIX 2

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

NOTIFICATION

In exercise of the powers conferred by Sub Section (1) of Section 19 of the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007) read with the Govt. of India, Ministry of Home Affairs, Notification No. 743 F. No. 11018/3/2008-UTL dated : 30/05/2008, the Administrator, U.T. of Daman and Diu, hereby makes the following rules, namely :-

1. **Short title and commencement** — (1) These rules may be called as the Union Territory of Daman and Diu Prohibition of Child Marriage Rules, 2008.

(2) These rules shall come into force on the date of their publication in the official Gazette of U.T. of Daman and Diu.

2. **Definitions** — In these rules, unless the context otherwise requires :-

(a) “Act” means the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007);

(b) “Complaint” means any allegation made orally or in writing by any person to the Prohibition Officer;

(c) “Section” means a form appended to these rules.

(d) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.
2. In this Act, unless the context otherwise requires,—
   (a) "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;
   (b) "child marriage" means a marriage to which either of the contracting parties is a child;
   (c) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;
   (d) "Child Marriage Prohibition Officer" includes the Child Marriage Prohibition Officer appointed under sub-section (7) of section 16;
   (e) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1944 exists, such Family Court, and in any area for which there is no Family Court but a civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;
   (f) "minor" means a person who, under the provisions of the Majority Act, 1875, is to be deemed not to have attained his majority.

3. (1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

   Provided that a petition for annulment of a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

   (2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

   (3) The petition under this section may be filed at any time but before the child filling the petition completes two years of attainning majority.

   (4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

   Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

4. (1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

   (2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

   (3) The amount of maintenance may be directed to be paid monthly or in lump sum.

   (4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. (1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.
(2) While making an order for the custody of a child under this section, the welfare and best interest of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether from before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

7. The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

8. For the purpose of grant of relief under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

9. Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

10. Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend up to one lakh rupees.

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

12. Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or
(b) by force compelled, or by any deceitful means induced to go from any place; or
(c) is sold for the purpose of marriage, and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes, such marriage shall be null and void.
13. (1) Notwithstanding anything to the contrary contained in this Act, if, on an
application of the Child Marriage Prohibition Officer or on receipt of information through a
complainant or otherwise from any person, a Judicial Magistrate of the first class or a
Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has
been arranged or is about to be solemnised, such Magistrate shall issue an injunction
against any person including a member of an organisation or an association of persons
prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal
knowledge or reason to believe, and a non-governmental organisation having reasonable
information, relating to the likelihood of taking place of solemnisation of a child marriage or
child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate
may also take suo moto cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain
days such as Akshaya Tritiya, the District Magistrate shall be deemed to be the Child
Marriage Prohibition Officer with all powers as are conferred on a Child Marriage
Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent
solemnisation of child marriages and for this purpose, he may take all appropriate measures
and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member
of any organisation or association of persons unless the Court has previously given notice
to such person, members of the organisation or association of persons, as the case may be,
and has offered him or them an opportunity to show cause against the issue of the injunction.

Provided that in the case of any urgency, the Court shall have the power to issue an
interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after
giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person
agreed, rescinded or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the
applicant an early opportunity of appearing before it either in person or by an advocate and
if the Court, after hearing the applicant rejects the application wholly or in part, it shall record
in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1)
against him disobeys such injunction shall be punishable with imprisonment of either
description for a term which may extend to two years or with fine which may extend to one
lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

14. Any child marriage solemnised in contravention of an injunction order issued
under section 13, whether interim or final, shall be void ab initio.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an
offence punishable under this Act shall be cognizable and non-bailable.
16. (1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in the notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request a respectable member of the locality with a record of social service or an officer of the Gram Panchayat or Municipality or an officer of the Government or any public service undertaking or an officer or any non-governmental organisation to assist the Child Marriage Prohibition Officer and such member, officer or office bearer, as the case may be, shall be bound to act accordingly.

(3) It shall be the duty of the Child Marriage Prohibition Officer—
   (a) to prevent solemnisation of child marriages by taking such action as he may deem fit;
   (b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;
   (c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;
   (d) to create awareness of the evil which results from child marriages;
   (e) to sensitize the community on the issue of child marriages;
   (f) to furnish such periodical returns and statistics as the State Government may direct; and
   (g) to discharge such other functions and duties as may be assigned to him by the State Government.

(4) The State Government may, by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of a police officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 12 and along with the child under section 3.

17. The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

18. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

19. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

20. In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely—

"(c) in the case of contravention of the condition specified in clause (a) of section 3, with rigorous imprisonment which may extend to two years or with fine which may extend to one hundred rupees, or with both"

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

K. N. CHATURVEDI,
Secy. to the Govt. of India.
APPENDIX 3

Press Releases

Working Together to Reach All of India’s Children: Government of India and UNICEF Sign Five-Year Plan of Action

Ms Ann Hasselbalch, Officer-in-Charge of UNICEF (extreme right) signing the five-year Country Programme. Facing her is the Government of India team, headed by Dr Manjula Krishnan, Economic Advisor, Ministry of Women and Child Development (second from left).

New Delhi, 03 June 2008 – The Government of India and UNICEF today reaffirmed their joint commitment to tackling the most pressing problems impacting the survival and well-being of the children of India with the signing of a new five-year action plan, the GOI-UNICEF Country Programme Action Plan 2008-2012.

Over the last few years, India has seen impressive economic growth as well as significant progress in social development. The economy has gone from strength to strength, while the proportion of the population below the poverty line has been gradually decreasing.

The Government of India (GOI) recognises that the benefits of the remarkable growth rates that India has seen in recent years also need to reach its most disadvantaged populations.

“GOI has adopted National Development Targets which are in line with, and at times even more ambitious than, the Millennium Development Goals. While the rate of progress needs to be accelerated in order to meet many of these targets, the Government’s commitment to ‘inclusive growth’ presents a unique opportunity to improve the lives of all Indian children,” said Manjula Krishnan, Economic Advisor, Ministry of Women and Child Development, GOI. “Around one fifth of all the world’s children live in India. If the world is to achieve the MDGs, it is imperative that India achieve the MDGs. The new GOI-UNICEF Country Programme Action Plan for 2008 to 2012 is a joint plan designed to help India achieve its goals and to ensure that no child is left behind as India moves forward,” said Ann Hasselbalch, Officer-in-Charge, UNICEF India Country Office.

With the signing of the GOI-UNICEF Country Programme Action Plan 2008-2012, UNICEF commits its support to the Government of India’s flagship programmes in the social sector in order to support and strengthen their essential work. UNICEF will increase its engagement with civil society and establish innovative partnerships to promote the well-being and survival of India’s children. UNICEF commits to raising $512 million for this five-year programme of cooperation in India.

The GOI-UNICEF Country Programme Action Plan 2008-2012 will be implemented in 15 states of India and focuses on the reduction of India’s infant mortality and maternal mortality rates (IMR and MMR), fighting undernutrition, tackling HIV, providing quality education, ensuring safe water and environmental sanitation, as well as progress on child protection issues.

APPENDIX 4

India

Country programme document
2008-2012

The draft country programme document for India (EICEF/2007/P.L.20) was presented to the Executive Board for discussion and comments at its 2007 annual session (4-8 June 2007).

The document was subsequently revised, and this final version was approved at the 2007 second regular session of the Executive Board on 7 September 2007.
### Basic data\(^a\)  
(2001 unless otherwise stated)

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child population (millions, under 18 years)</td>
<td>420.7</td>
</tr>
<tr>
<td>U5MR (per 1,000 live births)</td>
<td>74</td>
</tr>
<tr>
<td>Underweight (%; moderate and severe, 2005-2006)</td>
<td>46(^b)</td>
</tr>
<tr>
<td>Maternal mortality ratio (per 100,000 live births, 2001-2003)</td>
<td>308(^c)</td>
</tr>
<tr>
<td>Primary school attendance (% net, male/female, 2000)</td>
<td>79(^d)</td>
</tr>
<tr>
<td>Primary schoolchildren reaching grade 5 (%), 2003</td>
<td>79</td>
</tr>
<tr>
<td>Use of improved drinking water sources (%), 2004</td>
<td>86</td>
</tr>
<tr>
<td>Adult HIV prevalence rate (%)</td>
<td>0.9</td>
</tr>
<tr>
<td>Child labour (%; children 5-14 years old, 2000)</td>
<td>14</td>
</tr>
<tr>
<td>GNI per capita (US$)</td>
<td>720</td>
</tr>
<tr>
<td>One-year-olds immunized against DPT3 (%)</td>
<td>59(^e)</td>
</tr>
<tr>
<td>One-year-olds immunized against measles (%)</td>
<td>56(^e)</td>
</tr>
</tbody>
</table>

\(^a\) More comprehensive country data on children and women are available at www.unicef.org.

\(^b\) Data for children under age three years.

\(^c\) WHO/UNICEF/UNFPA adjusted 2000 MMR estimate is 540 per 100,000 live births, which is adjusted for misclassification and underreporting.

\(^d\) The latest National Family Health Survey 2005-2006 shows 55% for DPT3 and 59% for measles.

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**The situation of children and women**

1. India’s recent development performance is a contrast of impressive economic growth and major challenges in the social sector. The Government’s commitment to child rights is reflected in national targets which relate closely to the Millennium Development Goals (MDGs). Given India’s population of 1.1 billion, of whom 421 million are children, the achievement of the Goals globally depends on its success. For example, approximately 39 per cent of all underweight children worldwide and 32 per cent of all households without sanitation globally are in India. However, at the current rate of progress, many of the targets will not be reached by the deadlines.

2. National-level indicators do not adequately reflect internal disparities. Poverty is more widespread in the populous states of Uttar Pradesh, Bihar, Rajasthan, Orissa, Chhattisgarh, Jharkhand and Madhya Pradesh. There are pronounced disparities in indicators across and within states. For example, the national infant mortality rate (IMR) is 58 per 1,000 live births, but IMR ranges from 76 per 1,000 live births in Madhya Pradesh to 14 in Kerala.

3. The underlying challenge across all sectors is social exclusion. The Eleventh Five Year Plan emphasizes “inclusive growth” and recognizes that social exclusion and inequality constrain the achievement of the MDG targets. For example, the under-five mortality rate among Scheduled Castes and Scheduled Tribes is more than 50% higher than the rest of the population and the alarming decline in sex ratio of children aged 0-6 years, from 960 females per 1,000 males in 1981 to 927 in 2001, is but one manifestation of pervasive discrimination against girls and women.

4. India is one of the world’s most disaster-prone countries, with frequent floods, cyclones, earthquakes, landslides and droughts. Almost 80 per cent of India’s geographical area is considered vulnerable to such natural disasters, which cause extensive loss of lives, property and livelihoods.
5. Following the 2004 observations by the Committee on the Rights of the Child on the implementation of the Convention on the Rights of the Child in India, the Government has addressed several recommendations, including strengthening child budgeting, establishing the Commission for the Protection of Child Rights and strengthening the Child Labour Act. The Government is currently preparing its combined third and fourth periodic reports for submission to the Committee in July 2008. A review by the Committee on the Elimination of all Forms of Discrimination against Women in January 2007 made a number of recommendations including strengthening the protective environment for children and women.

6. Recent policy developments have contributed towards a more enabling environment for child rights. Positive changes include the elevation of the Department of Women and Child Development to an independent Ministry of Women and Child Development (MWCD), the establishment of a Parliamentary Forum for Children and the launching of the Integrated Child Protection Scheme (ICPS). There has been a significant increase in resources to social sector programmes although concerns remain about turning "outlays into outcomes" and the ability to utilize budget allocations. As the economy continues to grow in the next 10 years, the challenge will be to ensure greater equity and benefits to the social sector.

Key results and lessons learned from previous cooperation, 2003-2007

Key results achieved

7. The current Government of India-UNICEF country programme contributed to the following national policies and schemes through advocacy efforts, expanded partnerships and the provision of technical assistance:

(a) Re-instatement of the ban on the sale of non-iodized salt for human consumption increased the use of adequately iodized salt in households from 37 per cent in 2002 to 57 per cent in 2006;

(b) Adoption of Integrated Management of Neonatal and Childhood Illnesses (IMNCI) as a key strategy for child health within the national Reproductive Child Health Programme II (RCH II) and National Rural Health Mission (NRHM);

(c) Acceleration of the Total Sanitation Campaign (TSC) raised household sanitation coverage from 23 to 42 per cent from 2002 to 2007;

(d) Increased convergence between the TSC and SSA resulted in 65 per cent of schools having water supply and sanitation;

(e) Improved in-service teacher training, school governance and child-friendly classroom environments;

(f) HIV/AIDS prevention education for adolescents mainstreamed in 75 per cent of all government secondary schools;

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(g) Availability of services for prevention of parent-to-child transmission of HIV (PPTCT) in all states tripled the network of antiretroviral (ARV) treatment centres since 2004;

(h) Development of the National Plan of Action for Children.

8. The following results in service delivery and evidence-based models were achieved through project implementation and the development of effective communication strategies for families and communities:

(a) Community-based projects in West Bengal, Rajasthan, Orissa and Bihar reduced malnutrition rates by up to 10 per cent in two years and are being scaled up by the governments in these states;

(b) Initiatives to reduce child and maternal mortality in 48 high-mortality and high-malnutrition districts in five states through support for newborn care units and nutritional rehabilitation centres resulted in a 45-per-cent reduction in neonatal mortality in these facilities;

(c) In collaboration with the Government, the World Health Organization (WHO) and the Clinton Foundation, paediatric AIDS treatment is being scaled up in high-risk states to reach 10,000 children, constituting 33 per cent of all children with HIV/AIDS;

(d) The rate of birth registration increased from 56 to 62 per cent between 2004 and 2006.

9. As part of the United Nations Tsunami Recovery Support team, UNICEF is supporting interventions in health, nutrition, HIV/AIDS, trafficking, primary education, livelihoods, permanent shelters, water, sanitation and environmental protection. In disaster-prone states, UNICEF has been working with the Government, non-governmental organizations (NGOs) and communities to build capacities in disaster preparedness and management. UNICEF is the lead United Nations agency in supporting the Government in preparing a communication response to avian influenza and pandemic influenza.

10. The number of reported polio cases dropped from 1,680 in 2002 to 66 in 2005 although there was an increase in 2006 with 674 cases, mostly concentrated in Uttar Pradesh. Despite this temporary setback, transmission of the virus can be stopped and Government is embarking on its most aggressive and ambitious immunization schedule to date.

Lessons learned

11. Based on reviews, including the 2005 mid-term review, the following lessons have been learned: (a) the programme needs to shift to influencing policy and capacity-building by strengthening management and budget systems to plan and deliver services; (b) participatory and convergent programming in the 17 “integrated districts” has facilitated community empowerment, behavioural change and service delivery; (c) an increased emphasis on child protection and on disadvantaged groups, particularly the

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3 The integrated districts were selected based on a combination of indicators related to child rights and existing partnerships with district administration.
Scheduled Caste and Scheduled Tribe communities and urban poor, is required to accelerate children's rights; and (d) its state offices allow UNICEF to collaborate closely with partners and government and leverage the technical expertise of staff.

The country programme, 2008-2012

Summary budget table

<table>
<thead>
<tr>
<th>Programme</th>
<th>Regular resources</th>
<th>Other resources</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reproductive and child health</td>
<td>20 000</td>
<td>80 000</td>
<td>100 000</td>
</tr>
<tr>
<td>Child development and nutrition</td>
<td>20 000</td>
<td>55 000</td>
<td>75 000</td>
</tr>
<tr>
<td>Child environment</td>
<td>20 000</td>
<td>60 000</td>
<td>80 000</td>
</tr>
<tr>
<td>Child protection</td>
<td>15 000</td>
<td>35 000</td>
<td>50 000</td>
</tr>
<tr>
<td>Education</td>
<td>20 000</td>
<td>50 000</td>
<td>70 000</td>
</tr>
<tr>
<td>Children and AIDS</td>
<td>17 000</td>
<td>43 000</td>
<td>60 000</td>
</tr>
<tr>
<td>Social policy, advocacy and behavioural change communication</td>
<td>23 000</td>
<td>24 000</td>
<td>47 000</td>
</tr>
<tr>
<td>Emergency preparedness and response*</td>
<td>5 000</td>
<td>3 000</td>
<td>8 000</td>
</tr>
<tr>
<td>Cross-sectoral costs</td>
<td>22 895</td>
<td></td>
<td>22 895</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>162 895</strong></td>
<td><strong>350 000</strong></td>
<td><strong>512 895</strong></td>
</tr>
</tbody>
</table>

* Additional other resources will be raised in response to emergencies as needed.

Preparation process

12. Under the leadership of MWCD, the country programme was developed within the framework of the United Nations support to the government priority programmes through consultations with United Nations agencies, concerned ministries, bilateral and other multilateral development partners and NGOs. The programme is well grounded on available disaggregated data relevant to the situation of children and women in India as well as on an analysis of trends across child-related indicators for the Millennium Development Goals and their causal links.

Goals, key results and strategies

13. The overall goal of the 2008-2012 country programme is to advance the fulfillment of the rights of all women and children in India to survival, development, participation and protection by reducing social inequalities based on gender, caste, ethnicity or region.4

14. The country programme will contribute to the following strategic results:

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4 It is important to note that the target populations in the programme interventions detailed in paragraphs 13-17 below include marginalized groups, especially Scheduled Castes and Scheduled Tribes.
(a) Quality basic services provided to target populations with a special emphasis on excluded populations including Schedule Castes and Schedule Tribes through strengthening of the management, budget and delivery systems of child-related government programmes;

(b) Children’s rights mainstreamed into development planning, resource allocation, programme implementation and civic engagement;

(c) Increased capacities to prepare for and respond to emergencies at all levels.

15. The overarching strategies to achieve these results and address the causes of social exclusion are:

(a) Providing technical assistance and support to improve knowledge management systems and sharing of lessons learned, support establishment of concurrent systems of monitoring of child-related programmes to influence policy and programme management, and leverage resource allocations of government programmes.

(b) Strengthening the systems for delivery of services at the state level, with an emphasis on enhanced capacities, accountability and effective implementation of government programmes related to children;

(c) In 17 districts, improving district capacities and systems, empowering communities, promoting behavioural change and ensuring that lessons in overcoming local obstacles in service delivery and in building government capacities and systems are replicated elsewhere to sustain efforts and results around child rights;

(d) Partnering with communities, the private sector, mass media, civil society organizations representing excluded populations, and youth and children’s organizations to accelerate behavioural and social change to promote the rights of children and women;

(e) Capitalizing on the UNICEF presence in 14 physical locations\(^6\) as follow:

(i) The Delhi office will work closely with the central Government in ensuring that children’s rights are reflected and resourced in policies and programmes;

(ii) Focus resources in terms of programming, policy and advocacy in seven “priority” states with high IMR and large marginalized groups (Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Orissa, Chhattisgarh, Jharkhand, Assam, West Bengal, Gujarat, Maharashtra, Tamil Nadu (covering Kerala), Andhra Pradesh (covering Karnataka) and New Delhi.

\(^6\) These are also the seven priority states identified in the UNDAF. These states have large child populations and together account for 64 per cent of infant mortality in the country.
(iii) In the eight comparatively better-off states of Assam, West Bengal, Gujarat, Maharashtra, Tamil Nadu, Kerala, Andhra Pradesh and Karnataka, where progress has been made in the social sector, continue with limited-scale programming balanced with advocacy and influencing policy, including work in selected low-performing districts;

(iv) In all other states and union territories, technical assistance will be provided to influence government programmes and resources for children.

(1) Working through coordination mechanisms with partners including donors and government in order to improve coherence, harmonization and alignment in all sectors covered by the Country Programme as well as promote synergies amongst government agencies and effectively address gaps in sectors.
APPENDIX 5

LOK SABHA

PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA

KASTURBA GANDHI BALIKA VIDYALAYAS

New Delhi, February 25th, 2015

Kasturba Gandhi Balika Vidyalayas (KGBVs) which are residential upper primary schools for girls have been opened in Educationally Backward Blocks (EBBs) with rural female literacy below the national average as per Census 2001 with 75% seats allocated to SC, ST, OBC, Muslim & BPL girls. The pay scales and other service benefits of KGBV teachers is a State matter.

Under the Right of Children to Free and Compulsory Education (RTE) Act, 2009, provision for a neighbourhood school within walking distance as per State/UT Government norms is provided under Sarva Shiksha Abhiyan (SSA) school infrastructure component. However, in sparsely populated hilly or densely forested areas with difficult geographical terrain, where opening of new primary or upper primary school may not be viable, and for urban deprived children, homeless and street children in difficult circumstances without adult protection, 263 residential schools have been provided under SSA. The State-wise details are at Annexure-II. The funds allocated and spent under KGBVs Scheme during the last three years and the current year, year-wise is as under:

<table>
<thead>
<tr>
<th>Year</th>
<th>Funds Allocated</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011-12</td>
<td>225187.59</td>
<td>108751.39</td>
</tr>
<tr>
<td>2012-13</td>
<td>183938.44</td>
<td>91277.00</td>
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<tr>
<td>2013-14</td>
<td>166695.62</td>
<td>104077.21</td>
</tr>
<tr>
<td>2014-15</td>
<td>197003.55</td>
<td>32980.45 (upto September, 2014)</td>
</tr>
</tbody>
</table>

This information was given by the Union Human Resource Development Minister, Smt. Smriti Irani in a written reply to the Lok Sabha question.

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DS/RK/KGBV