

Report

State Consultation on Child Marriage on Child Marriage Free Bihar



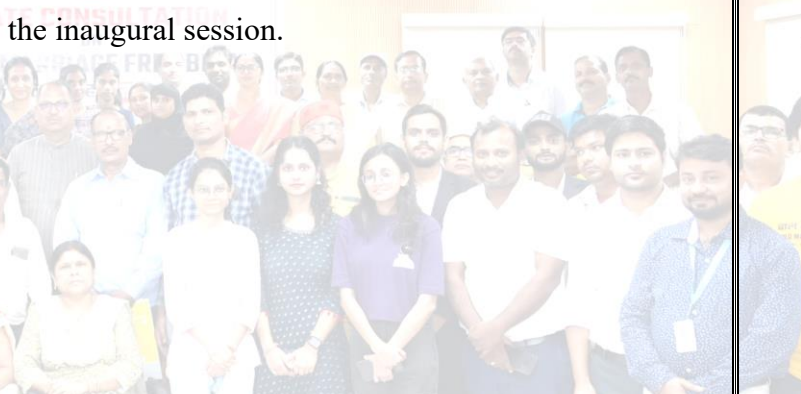
Organized by:
Bachpan Bachao Andolan
and
Chanakya National Law University
Venue- New Moot Court Hall, Chanakya National Law University,
Patna
Date- 13/10/2023

Inauguration Session-

Lightning of Lamp- State consultation on Child Marriage Free Bihar was inaugurated with the cultural and ethnic activity of Lightning of Lamp. All dignitaries do the process of lightning of lamp.



Dr Nisha, the senior Research Assistant, welcomes all the participants at the opening of the inaugural session.



"Dr Aman Kumar, Centre Coordinator, Child Rights Centre, Chanakya National Law University, shared the objective of the State Consultation and gave an overview of the work of CNLU on promoting the rights of the child in Bihar. He requested all the panellists and the participants to develop a workable way forward through this consultation".





Sh. Mokhtarul Haque, State Convener, Bachpan Bachao Andolan, welcomes all the speakers, guests and participants from 38 districts of Bihar. He briefly shared the background and journey of Bachpan Bachao Andolan towards ending exploitation and enslavement of children since its formation by Noble Peace Laureate

Shri Kailash Satyarthi in 1980. He shared the different marches that has been undertaken by BBA over the years in collaboration with civil society and governments across the country to impact the formulation of several policies and laws against the exploitation of children. He then explained the background and set context of the present State Consultation on Child Marriage Free Bihar.



Inaugural Speech:

Rajeev Verma-Director, Women and Child Development Corporation, Bihar government, stated that atrocities of Child marriage can be divided into four strategies, which include enforcement of law and a counter-balancing factor. Awareness levels should be inculcated among the

people to implement the law. There are many programs for girl child's financial security to facilitate them. There is a dire need for skill development, education and financial security to curb child trafficking and child labour. He pointed out that all the departments are working in isolation. There is a need for a convergence model. The Department of Education, Health Department, and all other department needs convergence and work against the atrocities of child marriage. He also suggested that, most importantly, we must make and implement a strategy. He focuses on how there are various law enforcement authorities working against child marriage, but the main problem is that there is no reporting of child marriage. Here comes the role of civil society. People are not aware, and there is a need to increase the awareness drive. He represented the data based on the study about human trafficking and reasons for child

marriage and human trafficking and share case studies of victims. He talked about the empowerment of girls through skill development and to curb the problems of poverty in rural areas.

He named four reasons for child marriage based on his case study:

- 1) poverty, illiteracy, and unemployment.
- 2) caste-ridden traditional society
- 3) poor development
- 4) cheap and easy rail connectivity with major Indian cities, which results in a big challenge in human trafficking

Technical Session 01

“Overview of the problem of Child Marriage in Bihar and Role of the Government & CSOs”

Mrs. Dhriti Jasleen Sharma-Joint Secretary, BLSA, Bihar, stated that people who are engaged in child marriage are amongst us who belong to the same society. There are many laws to show that the government is willing to save the girl child from child marriage. But we need to understand actually how to save them from this.



Law is strong, but the main problem is regarding implementation. We need to work at the grassroots level and drive awareness among the people that marrying a girl before 18 years of age affects her mentally and physically. In every religion, whether Hindu, Muslim or Christian, there is a need for consent from both the person for marriage, and consent cannot be taken from a minor. She also focused on that there was a time when there were invaders in our country, and we needed to save our girl child from them, so they were married at a lower age. But now, there is no such situation, but still, it is practised. She highlighted the issue of fake marriages in Bihar that mostly engages children for the purpose of trafficking to other states for their sexual exploitation and enslavement. She shared that there is a huge gap in maintenance of data by both the state and central agencies and this is because of non-reporting of cases of child marriages.

Mr Abdul Jabbar, Youth and Gender Specialist, UNFPA, Bihar, explained the status of Child Marriage in Bihar via PowerPoint presentation. He explained that while the National Family Health Survey-V (NFHS 2019-21) reports that nationally, 23.3% of women between the age group of 20-24 were married off before attaining the



age of 18, Bihar reported that 40.8% of women in the same age group were married before the age of 18 in the state. While the state figure in terms of child marriage stands almost double the national figure, it must be noted that the Bihar government has been working aggressively to combat child marriage. The state government, in July 2022, issued a directive saying that if child marriage is reported from a village, the 'mukhiya' (village head) concerned would be held responsible for the illegal act. This state consultation is yet another concrete step towards making Bihar child marriage free in the coming years. He added that for girl child, vulnerability increases with growing age and this leads to high drop-out rate in schools for girls (around 30%). Because of this, adolescent girls lack decision making power and this lead to early marriage among girls. He recommended that problem of child marriage should be seen on basis of life cycles approach such as a) Pre-birth – Low child sex ratio at birth, b) 0-6 years – Increased infant mortality ratio, c) 6-10 years – Forcefully dropping out girls from schools, d) 10-19 years – Poor education opportunity and high risk of child marriages, e) Adulthood – Lack of decision making, financially dependent



Smt Nisha Jha, Ex Chairperson, BSCPCR, also stated that the problem of Child Marriage is a big issue in Bihar but the good thing is that now we are talking openly on this issue in compare to earlier when it was very tough to listen to anything on this social evil. She also stressed on the convergence model as the need of the hour to eliminate the issue of

child marriage in Bihar. There is a need to work jointly with different government departments.

She stressed on setting accountability at every level including government officials, leaders, society and family to eliminate child marriages. The people involved in convergent system should decide whom to make accountable in case of child marriage.

Mrs Fathima, who is a social activist, reflected on her own life and how she had suffered as a victim of child marriage. She also added that the movie “Mardani” was her biopic of how she had fought with different bookers to rescue herself from the hell of slavery. Earlier, she was the victim of child



marriage, but later on, she became a victim of sex trafficking in Bihar. She is now running her own NGO and working for the upliftment of vulnerable adolescent girls and also raising awareness among the families belonging to the Muslim community along with the SC and ST communities. She pointed out that the main reason for child marriage is the poverty and lack of any livelihood support for the poor families, along with the lack of awareness of different schemes of government and education. She also concluded her session by saying that we can only eliminate the issue of child labour from society until and unless we come together.

Technical Session 02-

“Solutions to Address Child Marriage and Actionable Points (Officers from Government, LEAs and CSOs talks; Result: State declaration on the elimination of child marriage)”



Mrs Sudha Varghese also explained the challenges faced by the Musahar community in Bihar which is largely affected. She tells about her experiences that if any individuals try to get support from government officials, they try to maintain distance from them only due to their caste. She advocated that the issue of

child marriage can be eliminated from society if all government officials try to work together and respond quickly on cases / tip off of child marriage including strong legal action against

the perpetrators. Presently, most of the police officials don't have proper orientation on how to deal with cases of child marriage including the knowledge of acts and other schemes meant for prevention of children.

Ms Sehnaz, Child Marriage Champion, Madhubani, shared her own experiences of surviving the child marriage and how she struggled to start her own enterprise to earn her living. She suggested to focus on children of single mothers because they are vulnerable and are at high risks of child marriages. Awareness related to schemes like 'Parwarish' and Sponsorship should reach to villages and children at risks should be benefitted from it. These schemes can act as deterrence to prevent the menace of child marriages to vulnerable children.



Mr Jai Kuswaha, Childline, Nepal, in his session, stated the issue of cross-border fake child marriages. He said the relationship between India and Nepal is just like Roti-Beti, and both countries share an open border. The traffickers/brokers take advantage of this relationship and target such families who have more than one

daughter, and their livelihood conditions are also not good. He suggested that the problem of cross-border false marriage will be stopped only when there is intense supervision at the open border by the concerned security officers at the border. There is a need to work together and in coordination with the departments to resolve the issue of cross-border false marriages.

K. Ranjit, DIG, Sahastra Seema Bal (SSB), talked about the main reasons behind the prevalence of child marriages and child trafficking in the state, and said, “Number one reason for child marriages is poverty, illiteracy, and unemployment. Then comes the caste-ridden traditional society, poor development in such



societies, and last but not the least, cheap and easy rail connectivity of these places with major cities. If we can focus on skill development in rural, worst-affected areas, we can curb the problem of poverty and unemployment, which in turn can help solve a lot of other social problems like child marriage and child trafficking.”

Question and Answer Session:

Question 1: Why there is too much focus on elimination of marriage of girl child only, why not male child? How can we protect male child from child marriages?

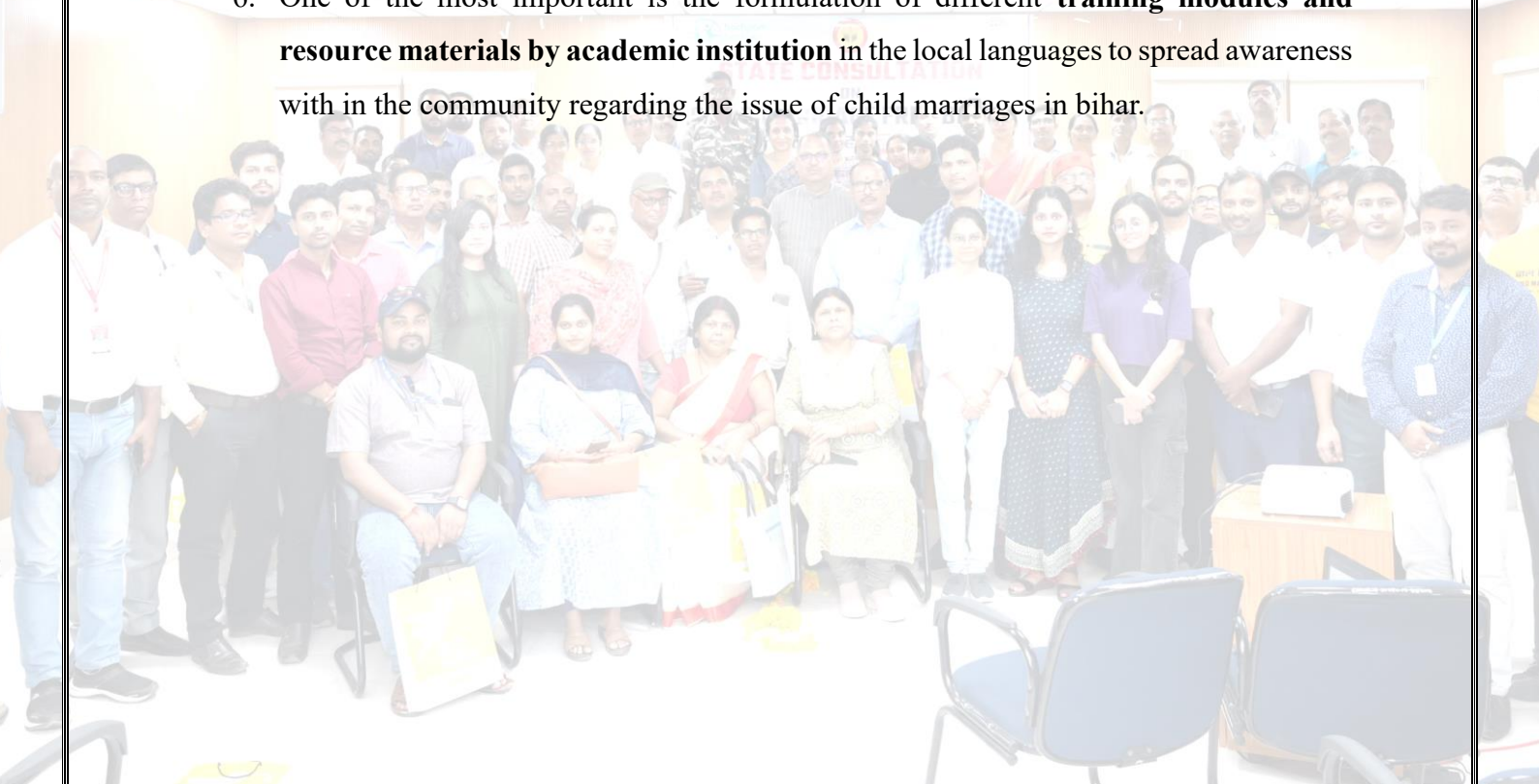
Answer by Panellists: There is focus on safety of every child irrespective of gender and now all the related laws such as JJ Act, POCSO Act and PCMA are gender neutral laws. There are few cases of early marriages of male children but more cases of girl’s child marriages because girls are more vulnerable.

Question 2: Shouldn’t there be hard punishments for child marriages same as in POCSO Cases?

Answer by Panellists: POCSO takes care of every aspect because if child marriage happens, then in case of sexual exploitation of child in marriage, POCSO will be applied and offender will be punished accordingly. Also, in India, marriage is connected to religious beliefs and there are personal laws for different religion for marriage why there are gaps in conviction and punishments.

Way forward-

1. All departments, like the Department of Social Welfare, Panchayati Raj, Education Department, Home Department, etc, need to work together to tackle the issue of child marriage in Bihar (**Convergence Model**).
2. There is a need to develop one **Standard Operation Procedure (SoP)** to make accountable the different departments which department will do what and what.
3. There is a need to organize a **capacity-building programme** for all stakeholders dealing with these issues at the grassroots level.
4. One of the important recommendations is the mapping of children at risks that has been enshrined under Mission Vatsalya and erstwhile ICPS schemes and provides for the Sponsorship and Foster Care schemes to the children
5. There is a need to do some base line **research** to find out the real challenges and trends which are prevailing in Bihar in context of fake child marriages.
6. One of the most important is the formulation of different **training modules and resource materials by academic institution** in the local languages to spread awareness with in the community regarding the issue of child marriages in bihar.



Glimpses of State Consultation

