

A Multi-Sectoral Scheme to End Child Marriage in India

The Importance of Addressing Education, Social Protection and Social
Norms

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1 Introduction

Child marriage is one of the grave violations of the rights of the child, and it is illegal in many countries, and several international agreements forbid this practice. Nevertheless, child marriage is still prevalent in various countries.¹ In particular, underaged girls often become child brides. Marrying at a young age interferes and impedes various human rights such as the right to childhood, education, reproductive health and protection from violence contained in the Universal Declaration of Human Rights (UDHR), Convention on the Rights of the Child (CRC) and even the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).^{2 3 4 5} According to Plan International, a non-governmental organisation, the CRC was created to be gender-neutral. However, violations such as recruiting child soldiers, which primarily affect boys, are covered precisely within the treaty, but child marriages, which generally violate girls' rights, are not covered explicitly. In addition, CEDAW is supposed to give rights to women regardless of their age. Nevertheless, girls are rarely explicitly mentioned as rights-holders within the treaty.⁶ The subsequent literature review will discuss these two conventions' relevant provisions and the legal obligations of the States ratifying these conventions in more detail.

1.1 Child Marriage in General

Although child marriage has been declining in some areas worldwide thanks to socio-economic development and the evolving demography, this change has been relatively slow. Child marriage is appealing to parents, who perceive their daughters as a financial burden and feel less strained economically when they get their daughters married off early. In some circumstances, the parents even get some economic benefit from such a child marriage arrangement.⁷ It is said that the most impoverished countries have the highest levels of child marriage. This phenomenon is most frequent within the most underprivileged communities, whose daughters' other

¹ B. Pramila, "CHILD MARRIAGE: SCENARIO IN INDIA," *Proceedings of the Indian History Congress* 74 (2013), <http://www.jstor.org.ezproxy.uio.no/stable/44158905>.

² Nisha Varia and the Human Rights Watch, "Ending Child Marriage : Meeting the Global Development Goals' Promise to Girls," in *World Report 2016*, Events of 2015 (Bristol University Press, 2016).

³ United Nations General Assembly, "Universal Declaration of Human Rights," (1948). <https://www.un.org/sites/un2.un.org/files/udhr.pdf>.

⁴ "Convention on the Rights of the Child," Treaty Series, United Nations, 1989, accessed 4. February, 2023, <https://www.ohchr.org/sites/default/files/crc.pdf>.

⁵ "Convention on the Elimination of All Forms of Discrimination Against Women," Treaty Series, United Nations, 1979, accessed 4. February, 2023, <https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf>.

⁶ "Girls' rights are human rights," Plan International, 2017, accessed 4. February, 2023, <https://plan-international.org/uploads/2022/01/girlsrightsarehumanrights-en-web.pdf>.

⁷ Susan Lee-Rife et al., "What Works to Prevent Child Marriage: A Review of the Evidence," *Studies in Family Planning* 43, no. 4 (2012), <https://doi.org/https://doi.org/10.1111/j.1728-4465.2012.00327.x>, <https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1728-4465.2012.00327.x>.

alternatives seem unimaginable. In addition, various societies give significant importance to female virginity. Therefore, families may try to marry off their daughters before they engage in sexual activities or experience pregnancy outside of marriage.⁸

In developing countries, one-third of girls get married before they reach the age of 18 and one-fifth of the girls are even married before they turn 15 years old.⁹ In 2020, it was reported that South Asia has the world's most significant number of child brides, with 285 million among all regions. Sub-Saharan Africa comes second in this trend with 115 million child brides.¹⁰ Ending practices such as early or forced marriages worldwide is target three of the fifth Sustainable Development Goal on gender equality.¹¹ Moreover, reproductive health is negatively affected by child marriage. Even unintended pregnancies are a typical result of child marriage.¹² According to an academic researcher, B. Suresh Lal, "Marriage dramatically increases the likelihood and pressures of childbearing. The first-time mothers below the age of 16, in addition to the normal risks and responsibilities of childbearing, face an increased risk of maternal and infant mortality."¹³ Hence, it becomes clear that child marriage mainly renders girls physically and sexually vulnerable.

1.2 Child Marriage in India

This research paper will be a qualitative case study focused on India's child marriage situation and how this issue could be addressed. Why was India chosen for this case study? India is one of the top countries where the phenomenon of child marriage remains extensively practised.¹⁴ Most importantly, India has with 223 million, the highest number of child brides worldwide.¹⁵

This issue has been present in India for centuries and is still defended nowadays by arguments backed by religion, custom, social practices, economic situation and other factors.¹⁶ It is said

⁸ Jennifer Parsons et al., "Economic Impacts of Child Marriage: A Review of the Literature," *The Review of Faith & International Affairs* 13, no. 3 (2015/07/03 2015), <https://doi.org/10.1080/15570274.2015.1075757>, <https://doi.org/10.1080/15570274.2015.1075757>.

⁹ Yvette Efevbera and Jacqueline Bhabha, "Defining and deconstructing girl child marriage and applications to global public health," *BMC Public Health* 20, no. 1 (2020/10/15 2020), <https://doi.org/10.1186/s12889-020-09545-0>, <https://doi.org/10.1186/s12889-020-09545-0>.

¹⁰ Pintu Paul, "Child marriage among girls in India: Prevalence, trends and socio-economic correlates," *Indian Journal of Human Development* 14, no. 2 (2020).

¹¹ Efevbera and Bhabha, "Defining and deconstructing girl child marriage and applications to global public health."

¹² P. Daskoch, "Child Marriage Associated With Suboptimal Reproductive Health," *International Perspectives on Sexual and Reproductive Health* 39, no. 2 (2013), <http://www.jstor.org/stable/41959964>.

¹³ B Suresh Lal, "Child marriage in India: Factors and problems," *International Journal of Science and Research* 4, no. 4 (2015): p. 2.

¹⁴ Pramila, "CHILD MARRIAGE: SCENARIO IN INDIA."

¹⁵ UNICEF, "UNFPA-UNICEF Global Programme to End Child Marriage," (2021).

¹⁶ Lal, "Child marriage in India: Factors and problems."

that during the COVID-19 pandemic, the progress made to decrease the number of child marriages and eliminate the phenomena vanished, and the number of child marriages spiked in India.¹⁷ In the State of Maharashtra, the Women and Child Development department communicated that from 2019 to 2020, child marriages increased by 78%.¹⁸ Moreover, from 3 to 14 February 2023, according to the Times of India, there was a crackdown on child marriages within one Federal State of India called Assam. Around 3'000 people were arrested within the context of more than 4'000 child marriages registered in Assam.¹⁹ Some civil society and academia members criticised the State government since primarily Muslim men from marginalized communities were the subject of these arrests.²⁰ This incident illustrates how law enforcement officers within India are attempting to tackle this issue through arrests, although this method seems very controversial. Consequently, the issue of child marriage remains a top priority within India, which needs to be better analysed and addressed.

In India, there seems to be a link between low-income households and low levels of education with the occurrence of child marriage.²¹ Poverty is often described as one of the main drivers of child marriage.²² There are some differences among the States within India: "Among state-level distribution, the highest rate of child marriage is observed in Bihar (42.5%), followed by West Bengal (41.6%), Jharkhand (37.9%) and Rajasthan (35.4%). [...] On the other hand, child marriage is the lowest in both Kerala and Punjab (7.6%), followed by Himachal Pradesh (8.6%) and Jammu and Kashmir (8.7%)."²³ Moreover, India's authorities are considering raising the legal age for women to get married from 18 years to 21 years under the Prohibition of Child Marriage Amendment Bill 2021.²⁴ The current discussions within India on this amendment illustrate the timeliness of this problem.

¹⁷ Pintu Paul and Dinabandhu Mondal, "Child Marriage in India: A Human Rights Violation During the COVID-19 Pandemic," *Asia Pacific Journal of Public Health* 33, no. 1 (2021), <https://doi.org/10.1177/1010539520975292>, <https://journals.sagepub.com/doi/abs/10.1177/1010539520975292>.

¹⁸ Ibid.

¹⁹ "Crackdown against child marriage: Arrests led to havoc, says : Gauhati high court", 2023, accessed 19.02.2023, <https://timesofindia.indiatimes.com/city/guwahati/child-marriage-arrests-led-to-havoc-gauhati-high-court/articleshow/97961401.cms?from=mdr>.

²⁰ "Politics Drives Assam's Crackdown on Child Marriage : Most of those arrested for underage marriage in the Northeast Indian state are Muslim men.," 2023, accessed 29.04.2023, <https://thediplomat.com/2023/02/politics-drives-assams-crackdown-on-child-marriage/>.

²¹ Pintu Paul, "Effects of education and poverty on the prevalence of girl child marriage in India: A district-level analysis," *Children and Youth Services Review* 100 (2019).

²² Lal, "Child marriage in India: Factors and problems."

²³ Paul, "Child marriage among girls in India: Prevalence, trends and socio-economic correlates," p. 308.

²⁴ Nageshwar Singh, "Prohibition of Child Marriage Amendment Bill, 2021," *Jus Corpus L.J.* 2 (2021).

In this research paper, firstly, the existing literature on child marriage and international legal norms concerning child marriage, including conventions and standards applicable to the State of India, will be reviewed. Afterwards, the domestic Indian legal system concerning this issue will be assessed, then focus briefly on the State of West Bengal example. In addition, the main drivers of child marriage and the consequences will be studied at the country and Federal State levels. This entire discussion will be considered through the human rights-based approach (HRBA), which was born within the context of development and is now shaping many fields beyond that initial ground. This approach puts human rights at the core and instrumentalises them as the primary tool to address issues.²⁵ ²⁶ Most importantly, the child rights-based approach, defined in General Comment 13 of the UN Committee on the Rights of the Child, is relevant to addressing child marriage.²⁷ Consequently, the contemporary human rights and child rights standards relevant to girls and their rights are thematised in this paper.

1.3 Research questions

The research questions for this thesis are formulated as follows:

- **Which elements of social schemes can contribute to effectively reducing child marriage's prevalence in India?**
- **What type of education and awareness-raising campaigns can lead to significant progress in addressing child marriage within rural areas of India?**
- **How can the Prohibition of Child Marriage Act (2006) be amended to address the existing legal lacunas and contradictions in the Indian legal system?**

²⁵ "Human Rights-Based Approach," accessed 05.05.2023, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

²⁶ Romola Adeola, "Ending child, early and forced marriage in Africa: a human rights-based approach," *2016: African Year of Human Right with a focus on the rights of women* (2016).

²⁷ "General comment No. 13 : The right of the child to freedom from all forms of violence ", 2011, accessed 05.05.2023, https://www2.ohchr.org/english/bodies/crc/docs/crc.c.gc.13_en.pdf.

2 Literature review

The literature review is divided into three sections. Firstly, the international level with the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) will be discussed in the context of India with its international obligations and pledges. The joint general comment on harmful practices of the CRC and CEDAW Committees will also be reviewed. Secondly, the State of India, with its legal system and practices, will be highlighted. Finally, the West Bengal state will be examined based on the contemporary socio-legal situation and the currently available schemes attempting to address the practice of child marriage.

2.1 International law and obligations

India ratified the CRC in 1992 and the CEDAW in 1993.²⁸ It is said that the CRC functioned as an inspiration for India to formulate and implement more progressive laws and legislations to tackle critical issues affecting children and their rights.²⁹ Nevertheless, the CEDAW and the obligations tied to the Convention are also central for addressing girls affected by child marriage. In the following paragraphs, both conventions and the joint general comment of the CRC and CEDAW Committee will be at the focal point.

2.1.1 Convention on the Rights of the Child (CRC)

Article 1 of the CRC is formulated as follows: "[...] a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."³⁰ According to this definition of the child, every marriage contracted by one or both parties before they turn 18 years old will be considered a child marriage.

In 2011, India submitted its due third and fourth state reports (CRC/C/IND/3-4) to the Committee on the Rights of the Child. This report specified that the adopted National Plan of Action for Children (NPAC) 2005 had set a target to eliminate child marriages by the year 2010.³¹ However, today, we can establish that India is far from achieving this target, and especially there was a negative trend due to the COVID-19 pandemic.³² This report also highlighted the adoption of the Prohibition of Child Marriage Act (2006), also known as PCMA (2006), as a

²⁸ "Ratification Status for India," View the ratification status by country or by treaty, accessed 15.02.2023, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN.

²⁹ "Importance of UNCRC for Children in India and The Way Forward," 2019, accessed 05.03.2023, <https://www.savethechildren.in/blog/news/importance-of-uncrc-for-children-in-india-and-the-way-forward/>.

³⁰ United Nations General Assembly, "Convention on the Rights of the Child."

³¹ "Third and fourth periodic reports of States parties due in 2008," Consideration of reports submitted by States parties under article 44 of the Convention, Committee on the Rights of the Child, 2011, accessed 15.02.2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FIND%2F3-4&Lang=en.

³² Paul and Mondal, "Child Marriage in India: A Human Rights Violation During the COVID-19 Pandemic."

significant milestone in combating child marriage in India. In particular, it was stated that India has progressed from "restricting" to "prohibiting" child marriage, which is the evolution from the Child Marriage Restraint Act (1929) to the PCMA (2006).³³ The subsequent chapter focusing on the national legal context will discuss both legal acts extensively.

In 2014, the Committee on the Rights of the Child expressed concerns about the high number of cases of child marriages in India even after adopting the Prohibition of Child Marriage Act in 2006. Concerns were also stated around the social standards, customs and Personal Status Laws in India, which set a lower minimum age than 18 for marriage for some religions. In addition, the Committee mentioned law enforcers' weak awareness of the PCMA. It was also highlighted that under the Criminal Law (Amendment) Act 2013, if married girls over 15 years old are sexually abused, it is not considered a crime. Therefore, this act contradicts the Protection of Children from Sexual Offences Act 2012. India was asked to implement the PCMA (2006) adequately and to accentuate that this Act overrules the religious Personal Status Laws. Even though the Committee asked India to submit its fifth and sixth periodic reports by July 2020,³⁴ India still has not done so.

2.1.2 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Under Article 16 § 2 of CEDAW: "The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."³⁵ Upon signing the Convention in 1980, India submitted a declaration that regarding Article 16 § 2, due to the size of India and the great variety in traditions, religions and levels of education, the State cannot make marriage registration mandatory.³⁶ According to Girls Not Brides, a coalition of NGOs intending to end child marriage, "Registering [...] marriages helps prevent child marriage by proving the age of a girl and her partner and means that girls and women are able to seek financial and legal redress if the marriage ends."³⁷

³³ India, "CRC/C/IND/3-4."

³⁴ "Concluding observations on the combined third and fourth periodic reports of India," Committee on the Rights of the Child, 2014, accessed 15.02.2023, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FCO%2FIND%2FCO%2F3-4&Lang=en.

³⁵ United Nations General Assembly, "Convention on the Elimination of All Forms of Discrimination Against Women."

³⁶ "Declarations and Reservations on Convention on the Elimination of Discrimination against Women," 1980, accessed 05.03.2023, <https://treaties.un.org/doc/Publication/CN/1980/CN.223.1980-Eng.pdf>.

³⁷ "Theory of Change : Strategy to establish and implement laws and policies," accessed 05.03.2023, <https://www.girlsnotbrides.org/learning-resources/theory-change/establish-and-implement-laws-and-policies/>.

In 2014, the Committee on the Elimination of Discrimination against Women expressed in its concluding observations concerns over the high rate of child marriage and the fact that victims of child marriage must submit a petition to a court to annul the marriage within two years after turning major. In addition, the Committee criticised Indian judges for generally allowing child brides to marry while applying the Muslim personal laws. Also, the Committee noted that until today there are no laws in force to require the compulsory registration of any marriage taking place within India. The Committee urged India to implement the PCMA (2006) without any exceptions and automatically annul all child marriages. Moreover, the Committee recommended that India make the Protection of Children from Sexual Offences Act applicable to child brides, strengthen awareness among the population of child marriage's adverse impacts, and legally prosecute and punish these cases. Despite the Committee's request to India to submit the next State party's report by July 2018,³⁸ there have not been any reports until now.

2.1.3 Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women / General comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices

This joint general comment No. 18, also known as joint general recommendation No. 31, is part of the CRC and CEDAW Committees' jurisprudence. There, the two Committees clarified that States parties under Article 2 (a) of the *Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (CRC-OP-SC)* have obligations to protect children from child marriages, particularly from dowries and bride prices. These dowries and bride prices could be regarded as the sale of children.³⁹ India ratified the CRC-OP-SC in August 2005.⁴⁰ Within some Indian communities, the bride price system is highly problematic because it encourages families to marry off their daughters as early as possible since the husband's family will pay a certain sum for the bride.⁴¹ Also, this joint general comment stated that many States still have laws in force which validate, enable, or even result in harmful practices, including child marriages.⁴² Although the PCMA (2006), at first glance, appears to comply with the CRC and CEDAW by prohibiting child marriage, the fact that solemnised child marriages

³⁸ "Concluding observations on the combined fourth and fifth periodic reports of India," Committee on the Elimination of Discrimination against Women, 2014, accessed 05.03.2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/482/21/PDF/N1448221.pdf?OpenElement>.

³⁹ "Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices,," 2019, accessed 20.02.2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/134/42/PDF/G1913442.pdf?OpenElement>.

⁴⁰ The Office of the United Nations High Commissioner for Human Rights, "Ratification Status for India."

⁴¹ Lal, "Child marriage in India: Factors and problems."

⁴² Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, "CEDAW/C/GC/31/Rev.1–CRC/C/GC/18/Rev.1."

under this act is only voidable and not automatically void seems to undermine the entire prohibition. To automatically annul child marriages without any petitions to the court was also a strong request by the CEDAW Committee in the previously mentioned concluding observations.

2.2 Indian practices and legal system

2.2.1 Socio-economic perspective

The issue of child marriage is more common in the Northern than in the Southern states of India.⁴³ Apart from specific communities' traditions of getting children married, the key drivers of child marriage among underprivileged communities include restricted access to education, poverty, societal pressure and dangers for young girls.⁴⁴

Frequently, underprivileged families unable to financially care for their minor daughters and pay for their education choose to get the girls married. Poverty and the issue of dowry within Indian society are often tied together in the context of child marriage. Dowry is a tradition of giving money or any gift from the parents of the bride's side to the groom's family. Often, parents with daughters live under tremendous pressure for this reason. This dowry system generally pushes low-income families to get their daughters married as soon as possible; hence, this could even mean child marriage. Otherwise, some communities encourage child marriage through the bride price.⁴⁵

Regarding girls' safety, parents tend to believe that early marriages protect their daughters from any sexual assault, premarital sexual activity or even unplanned pregnancies and sexually transmitted infections.⁴⁶ Some data proves that when girls are able to complete their secondary and tertiary education, it becomes less probable that they will marry before the age of 18.⁴⁷ Therefore, education, poverty, lack of safety and traditions may be the primary root causes of child marriage in India.

2.2.2 The Indian legal system and the Indian Constitution

The Indian researcher, Anil Kumar Gupta, described the Indian legal system as follows:

⁴³ Muskan Surana, "Unheard and Misinterpreted - A Comparative Legal Analysis into the Obstacles Women Face under the Pretext of Child Marriage," *Jus Corpus L.J.* 2 (2021).

⁴⁴ Devika Mehra et al., "Effectiveness of a community based intervention to delay early marriage, early pregnancy and improve school retention among adolescents in India," *BMC Public Health* 18, no. 1 (2018/06/14 2018): p. 10, <https://doi.org/10.1186/s12889-018-5586-3>, <https://doi.org/10.1186/s12889-018-5586-3>.

⁴⁵ Lal, "Child marriage in India: Factors and problems."

⁴⁶ Santosh K Mahato, "Causes and consequences of child marriage: a perspective," *International Journal of Scientific and engineering research* 7, no. 7 (2016).

⁴⁷ Paul, "Child marriage among girls in India: Prevalence, trends and socio-economic correlates."

India is a sovereign socialist secular democratic republic with a parliamentary system of government at the federal level. For the administrative purpose, India has been divided into 36 jurisdictions known as states and union territories. The union territories consist of six jurisdictions that are centrally or federally administered.⁴⁸

The State of India, similar to the British system, has a common law system. Different personal codes are applicable to different religions, including Hinduism, Islam and Christianity. Law in India originates from the Constitution, customary law, case law and legislation.⁴⁹

2.2.2.1 *The Child Marriage Restraint Act (CMRA), 1929*

The Child Marriage Restraint Act (CMRA) in 1929 was the first attempt to tackle the issue of child marriage but only by prohibiting marriages between girls younger than 14 years old and boys younger than 18 years old.⁵⁰ After India gained its independence and stopped being a British colony in 1947, the government raised the legal marriage age for girls to 15 in the year 1948 and later to 18 in 1978. At the same time, the legal marriage age for boys became 21.⁵¹

2.2.2.2 *The Prohibition of Child Marriage Act (PCMA), 2006*

The Prohibition of Child Marriage Act (PCMA) 2006 entered into force on 1 November 2007, and this act remains in force up to this day. This act intends to protect all children from getting married. In addition, the act forbids marriage between girls younger than 18 and boys younger than 21.⁵² It is said that the PCMA has increased the punishment for men planning to marry a child and for persons caught during the marriage ceremony as planners, attendees or promoters with up to two years of imprisonment and a fine of 100'000 Indian Rupees, which equals to around 1500 Euros.⁵³ These punishments will only happen if those involved are caught before the wedding. Law enforcement officers will only act after receiving a complaint, and they rarely receive any complaint. Allegedly, only token efforts or no efforts happen from the local Indian police's side.⁵⁴

⁴⁸ Anil Kumar Gupta, "Disaster governance and legal systems in India," *Disaster Risk Governance in India and Cross Cutting Issues* (2018): p. 46.

⁴⁹ World Health Organization (WHO), "Child, early and forced marriage legislation in 37 Asia-Pacific countries," (2016), <https://apps.who.int/iris/bitstream/handle/10665/246283/9789241565042-eng.pdf>.

⁵⁰ R Kalaivani, "Child Marriage Restraint Act (1929)—A Historical Review," *International Journal of Humanities and Social Science Invention* 1 (2015).

⁵¹ Biswajit Ghosh, "State, Law, and Prevention of Child Marriage and Child Trafficking," in *Gender, Law and Social Transformation in India*, ed. Ajailiu Niumai and Abha Chauhan (Singapore: Springer Nature Singapore, 2022).

⁵² World Health Organization (WHO), "Child, early and forced marriage legislation in 37 Asia-Pacific countries."

⁵³ India, "CRC/C/IND/3-4."

⁵⁴ Elizabeth Warner, "Behind the wedding veil: child marriage as a form of trafficking in girls," *American University Journal of Gender, Social Policy & the Law* 12, no. 2 (2011).

2.2.2.2.1 Debates around the Prohibition of Child Marriage Act (2006)

The definition of a "child" and the differentiation of legal marriage age between girls and boys may seem contradictory to India's constitution and the legal obligations under the CRC and CEDAW. This differentiation can be interpreted as a form of gender discrimination. As mentioned, under this act, children can only legally annul their child marriage if they petition to court within two years of attaining adulthood at 18 years.⁵⁵ Hence, child marriage is not automatically void.⁵⁶ Until that marriage is declared void, it is still legal. Rural India's society mostly believes marriages are life-long institutions for contracting parties. Therefore, people would be somewhat reluctant to annul any kind of marriage. If marriages could become void upon a third party's complaint, then it would be uncertain who would maintain and have custody of the child bride.⁵⁷ It is important to note that several Indian courts continue to practice and follow customs and religious personal laws applicable to the institution of marriage. The PCMA does not supersede religious personal laws. Only the Hindu Marriage Act (1955) had been amended to comply with the PCMA's legal marriage age.⁵⁸ This means that Muslims, Christians and persons belonging to other religions may continue to practice child marriage. The existence of the PCMA and personal laws, which often contradict, is considered one of the most significant drawbacks of the act.

Another central issue of the PCMA is the legislation called Protection of Children from Sexual Offences (POCSO) 2012. Under the POCSO, sexual acts with a child younger than 18 years old are a criminal offence. This is even the case when it is a consensual act between two minors.⁵⁹ Therefore, the legal validity of child marriages could undermine the POCSO and the criminal justice system in addressing the sexual abuse of minors. Due to patriarchy and gender stereotypes within India, the PCMA does not impede the cohabitation of the child bride with the groom. Also, if the marriage is declared void, the act authorises the husband maintains the girl until she decides to remarry. Nevertheless, no consequence is defined if the husband fails to pay the money for the girl's maintenance. If the husband decides to annul the marriage, then it becomes unclear where the girl can reside. These legal loopholes of the PCMA allow

⁵⁵ World Health Organization (WHO), "Child, early and forced marriage legislation in 37 Asia-Pacific countries."

⁵⁶ Committee on the Elimination of Discrimination against Women, "CEDAW/C/IND/CO/4-5."

⁵⁷ Biswajit Ghosh, "Child Marriage, Society and the Law: A Study in a Rural Context in West Bengal, India," *International Journal of Law, Policy and the Family* 25, no. 2 (2011), <https://doi.org/10.1093/lawfam/ebr002>, <https://doi.org/10.1093/lawfam/ebr002>.

⁵⁸ Siddhartha Sarkar, "Child Marriage Trafficking in India: Victims of Sexual and Gender-Based Violence," *Anthropology Now* 8, no. 3 (2016/09/01 2016), <https://doi.org/10.1080/19428200.2016.1242911>, <https://doi.org/10.1080/19428200.2016.1242911>.

⁵⁹ Jyoti Belur and Brijesh Bahadur Singh, "Child sexual abuse and the law in India: a commentary," *Crime Science* 4, no. 1 (2015/10/09 2015), <https://doi.org/10.1186/s40163-015-0037-2>, <https://doi.org/10.1186/s40163-015-0037-2>.

contradictions and undermine the ultimate objective of prohibiting child marriage.⁶⁰ According to an Indian researcher, field reports illustrate that legal prohibition could effectively change the current circumstances if it is complemented through the empowerment of women and girls, education and community action.⁶¹

2.2.2.3 *Prohibition of Child Marriage Amendment Bill, 2021*

The Prohibition of Child Marriage Amendment Bill (2021) has still not entered into force, and it is currently the subject of many debates. This bill's principal objective is to define a child as anyone younger than 21 in the context of child marriages. Hence, the legal marriage age for women would be raised from 18 to 21 years.⁶² In addition, the period of annulment of the marriage would increase from two to five years after turning 18 years old. This bill was proposed in Lok Sabha and is now under debate, and the Parliamentary Standing Committee is examining it.⁶³ The Lok Sabha is the lower house of the bicameral legislature and is considered to play a similar role to the House of Commons in Britain.⁶⁴ If accepted, this bill would override religious personal laws and also amend several acts, including the Indian Christian Marriage Act (1872), the Parsi Marriage and Divorce Act (1936), the Special Marriage Act (1954), Hindu Marriage Act (1955) and the Foreign Marriage Act (1969).⁶⁵ Most of those acts define the legal marriage age for girls as 14 and for boys as 18. This bill is intended to supersede all laws, traditions and practices concerning the institution of marriage, especially child marriage. Thus, this act would prohibit all child marriages within India.

Nevertheless, there are debates about the effectiveness of this amendment bill. Some argue that strengthening the education system would be more strategic, particularly for 70% of the entire Indian population living in rural areas. In addition, it is said that families living in poverty would be devastated to care for their daughters for three more years if the legal marriage age is raised. Therefore, this act could even result in large-scale child marriages before it eventually enters into force.⁶⁶ Most importantly, this amendment does not address the issue of "voidability" to

⁶⁰ Ghosh, "Child Marriage, Society and the Law: A Study in a Rural Context in West Bengal, India."

⁶¹ Biswajit Ghosh, "Child Marriage, Community, and Adolescent Girls: The Salience of Tradition and Modernity in the Malda District of West Bengal," *Sociological Bulletin* 60, no. 2 (2011), <http://www.jstor.org/stable/23620922>.

⁶² Singh, "Prohibition of Child Marriage Amendment Bill, 2021."

⁶³ Anupama Minz, "Analysis of the Prohibition of Child Marriage (Amendment) Bill, 2021," *Jus Corpus L.J.* 2 (2021).

⁶⁴ Rakshit Nirmalendu Bikash, "Power and Position of the Lok Sabha," *Economic and Political Weekly* 39, no. 40 (2004), <http://www.jstor.org/stable/4415610>.

⁶⁵ Vrinda Bhardwaj and Abhishek Yadav, "Analyzing The Prohibition of the Child Marriage (Amendment) Bill, 2021," *Bhardwaj, V., Yadav, A. Analyzing The Prohibition of the Child Marriage (Amendment) Bill* (2021).

⁶⁶ Minz, "Analysis of the Prohibition of Child Marriage (Amendment) Bill, 2021."

make child marriages automatically void, which the CEDAW Committee had already asked India to rectify.⁶⁷

2.3 The Federal State of West Bengal

2.3.1 General observations

According to the latest National Family Health Survey (NFHS-5, covering 2019-21), West Bengal, Bihar, and Tripura are undoubtedly the three states with the most cases of child marriage in India. In those states, more than 40% of 20 to 24 years old women have replied that they got married before turning 18.⁶⁸ Today, the State of West Bengal counts the highest number of child marriages happening to girls within India.⁶⁹ Deepita Chakravarty, an Indian researcher, stated: "From historical evidence, it is clear that early marriage, especially for girls, has been a traditional cultural practice in [West] Bengal for a long time."⁷⁰ Regarding the development of Indian states (while comparing the per capita income, sex ratio and literacy rate), West Bengal is not the poorest performer. Notwithstanding, unlike other parts of India, such as Tamil Nadu, with the textile industry, West Bengal is not home to labour-intensive industries, which require a large number of women to participate in them. This could mean that the West Bengali society perceives women as not crucial economic actors. Therefore, women might be perceived as a more significant financial burden for families in West Bengal than in other Indian States.⁷¹

The PCMA (2006) came into force in 2007 and was published for implementation in West Bengal in December 2008. It is said that the PCMA did not immediately succeed in reducing the prevalence of child marriage or disciplining the ones committing this act within West Bengal. Some authors argue that the number of child marriages within many West Bengal districts often remains unchanged or with few fluctuations.⁷² Only very few police cases were registered from 2008 to 2010, and until 2010, only one case was reported in Malda, a district of West

⁶⁷ "The Prohibition of Child Marriage (Amendment) Bill 2021," 2021, accessed 06.03.2023, <https://prsindia.org/billtrack/the-prohibition-of-child-marriage-amendment-bill-2021>.

⁶⁸ United Nations Population Fund (UNFPA), "Child Marriage in India: Key Insights from the NFHS-5 (2019-21)," *Analytical Paper Series # 1* (2022). https://india.unfpa.org/sites/default/files/pub-pdf/analytical_series_1_-_child_marriage_in_india_-_insights_from_nfhs-5_final_0.pdf.

⁶⁹ Deepita Chakravarty, "Lack of economic opportunities and persistence of child marriage in West Bengal," *Indian Journal of Gender Studies* 25, no. 2 (2018).

⁷⁰ Chakravarty, "Lack of economic opportunities and persistence of child marriage in West Bengal," p. 199.

⁷¹ Chakravarty, "Lack of economic opportunities and persistence of child marriage in West Bengal."

⁷² Avijit Roy and Pradip Chouhan, "Girl child marriage in Malda district of West Bengal: analysis of prevalence and socio-economic factors," *Vulnerable Children and Youth Studies* 16, no. 4 (2021/10/02 2021), <https://doi.org/10.1080/17450128.2021.1923878>, <https://doi.org/10.1080/17450128.2021.1923878>.

Bengal.^{73 74} According to a professor in West Bengal: "Among the 19 districts of West Bengal, Malda is one of the least developed of the state, and it has therefore remained at the core of any discussion on child marriage in Bengal."⁷⁵ From the National Family Health Survey (NFHS-4, 2015-16) to NFHS-5 (2019-20), the number of women aged between 20-24 years married before age 18 has decreased from 57% to 49%. However, it remains one of the leading districts within West Bengal for the prevalence of child marriage.⁷⁶ In addition, border districts of various states, including West Bengal, Bihar, Jharkhand and Rajasthan, are described as the hotspots for increased occurrence of child marriage.⁷⁷

Before the COVID-19 pandemic, the number of child marriages visibly decreased among most Indian states. This decline was also the case for West Bengal, where the prevalence of child marriage had been uncontrollable for many years. Nevertheless, compared to other states, such as Rajasthan or Uttar Pradesh, the progress in West Bengal was relatively small.⁷⁸ During the pandemic's lockdown period, UNICEF India conducted a case study in West Bengal. This study described that many parents only had two options. The first option was to decide against child marriage based on legal arguments. The second option was fearing their young daughters would be affected by trafficking, abuse, or voluntary elopement, damaging the family's reputation and honour if they decided against child marriage. Due to social pressure and norms around the girls' honour, many parents favoured the section option.⁷⁹

Moreover, child marriage in West Bengal is more sensitive and urgent because the child brides instantly go to live with their husbands in their respective homes after the wedding ceremony. This is not the case in several other North Indian communities because the grooms must often be patient to finish specific rituals such as "gauna" or "muklawā" before starting marital relations. Sometimes, there is so much delay in these rituals that the child brides may even turn 18 when they go to live with their husbands.⁸⁰

⁷³ Ghosh, "Child Marriage, Society and the Law: A Study in a Rural Context in West Bengal, India."

⁷⁴ Dr Srabanti Choudhuri, "Questioning the public policies for the adolescent girls of Malda district: A Sociological Study," *International Journal of Social Sciences and Humanities Invention* 9, no. 01 (01/16 2022), <https://doi.org/10.18535/ijsshi/v9i01.03>, <http://216.10.252.49/index.php/theijsshi/article/view/3213>.

⁷⁵ Ghosh, "Child Marriage, Society and the Law: A Study in a Rural Context in West Bengal, India."

⁷⁶ "District Fact Sheet : Maldah, West Bengal," National Family Health Survey - 5 (2019-20), 2021, accessed 05.03.2023, http://rchiips.org/nfhs/NFHS-5_FCTS/WB/Maldah.pdf.

⁷⁷ Lotus McDougal et al., "Mapping the patchwork: Exploring the subnational heterogeneity of child marriage in India," *SSM - Population Health* 12 (2020/12/01/ 2020), <https://doi.org/https://doi.org/10.1016/j.ssmph.2020.100688>, <https://www.sciencedirect.com/science/article/pii/S2352827320303256>.

⁷⁸ Chakravarty, "Lack of economic opportunities and persistence of child marriage in West Bengal."

⁷⁹ UNICEF, "UNFPA-UNICEF Global Programme to End Child Marriage."

⁸⁰ Ghosh, "Child Marriage, Society and the Law: A Study in a Rural Context in West Bengal, India."

2.3.2 Social schemes

The government of West Bengal has initiated some social schemes to protect minors. Two notable schemes are the Kanyashree and the Rupashree scheme.⁸¹ In 2013, the Kanyashree Prakalpa (KP) was declared by the government of West Bengal. This social scheme directly tackles the practice of child marriage by offering monetary and educational incentives to unmarried girls from underprivileged and marginalised communities. The benefit is that girls from 13 to 18 years will receive an annual stipend of 750 Indian Rupees for their education.^{82 83} The Rupashree scheme launched in 2018 offers underprivileged and unmarried girls older than 18 from West Bengal who will marry for the first time a groom older than 21 years old a one-time grant of 25'000 Indian Rupees.^{84 85} Nevertheless, the two NGOs, HAQ Centre for Child Rights in collaboration with Jabala Action Research Organisation, highlighted and criticised that these two schemes do not attempt to change the mindsets about child marriage and intend to delay marriage through cash transfers.⁸⁶

⁸¹ Avijit Roy and Pradip Chouhan, "A mixed-method analysis of associated socio-cultural and environmental factors of child marriage in Malda district of West Bengal," *SN Social Sciences* 2, no. 2 (2022/02/12 2022), <https://doi.org/10.1007/s43545-022-00322-x>, <https://doi.org/10.1007/s43545-022-00322-x>.

⁸² Ghosh, "State, Law, and Prevention of Child Marriage and Child Trafficking."

⁸³ Najrul Mir, "The impact of Kanyashree scheme in West Bengal," *IOSR Journal of Humanities and Social Science (IOSR-JHSS)* 23, no. 3 (2018).

⁸⁴ Sudip Bhattacharya and Prasenjit Deb, "Women's Role in Decision Making : an Introspection of Women Empowerment and Resource Development of Nadia District of West Bengal in India," *Development* 28, no. 3 (2016).

⁸⁵ Silvia Domínguez Moreno, "The clash between formal law and traditional social norms on child marriage in India (1929–2019)," (2021).

⁸⁶ HAQ Centre for Child Rights and Jabala Action Research Organisation, *REPORT OF THE CHILD MARRIAGE PREVENTION PROGRAMME* (2019), <https://www.haqcrc.org/wp-content/uploads/2020/02/haq-evaluation-report.pdf>.

3 Theoretical framework

The implementation of international obligations must take place at the national level. For the implementation of international law, India adheres to the dualist theory. Hence, international conventions ratified by India do not automatically transform into national law. The State must take action to adopt the obligations into the national legal system. Due to the size of the country and its governance form being a federal system, the central government must incite the Federal States' governments to take the necessary legal and other types of action. The final level of this system is the district level, which may also take action through legal means or develop social programmes and schemes.⁸⁷ The State of India, the Federal States and the Districts are part of the government's tiers. However, the central government recognized the Panchayats, rural representative bodies, at the sub-state levels, as an additional legitimate tier.⁸⁸

According to the international legal obligations under the CRC and CEDAW, India must eliminate and end the harmful practice of child marriage within its territory. The legal action and other measures adopted by the State of India may be considered insufficient, considering the number of child marriages solemnised daily and India's international legal obligations. Hence, this chapter will highlight which approaches the State of India should consider for future efforts addressing the practice of child marriage. Firstly, this section of the paper will explore relevant approaches to child marriage and take a theoretical position among those. Afterwards, pertinent concepts will be identified and defined. Based on these specific concepts, the hypothesis of this research paper will be formulated.

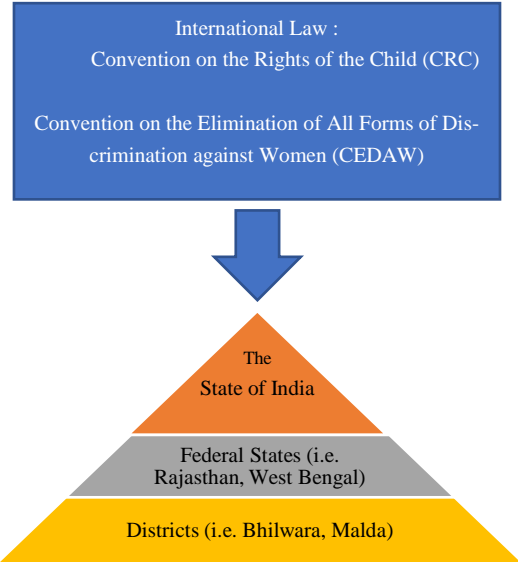


Figure 1 The interaction between international law and the Indian legal system

⁸⁷ Sunil Kumar Agarwal, "Implementation of international Law in India: role of Judiciary," Available at SSRN 1864489 (2010).

⁸⁸ Craig Johnson, *Decentralisation in India: poverty, politics and Panchayati Raj*, vol. 199 (Citeseer, 2003).

3.1 Human rights-based approach

The normative basis for this approach lies in the Universal Declaration of Human Rights, adopted in 1948 because this document is the fundamental milestone for the global recognition of human rights.⁸⁹ The human rights-based approach affirms that all human beings, including women and children, are recognised as rights-holders, not charity objects. This perspective assesses charitable action alone to promote and protect the rights of humans as inadequate. This approach assumes that a common goal exists between the rights-holders and those supporting the realisation of these rights. Most importantly, the human rights-based approach presupposes that States are legally obliged to stop the non-respect and violations of human rights and consequently empower the rights-holders by various actions.⁹⁰ Some academic researchers stated: "The strength of a rights-based approach is that human rights are legal obligations that underpin mechanisms to hold governments accountable."⁹¹

South African researcher, Dr Romola Adeola, disclosed, "As the ultimate test of human rights is at the national level, states have the ultimate duty in ending CEFM [child, early and forced marriages]."⁹² Moreover, she described that the development and implementation of adequate laws and policies are crucial for states to address the practice of child marriage. In particular, during this development and implementation phase, every State must guarantee adherence to the human rights-based approach due to their obligations under international law and to identify long-lasting and sustainable solutions. Therefore, human rights obligations must be at the core during the formulation phase. During the implementation phase, the rights-holders' accountability, participation, non-discrimination and empowerment must be assured.⁹³

According to the United Nations' definition, child rights researchers Laura Lundy and Lesley McEvoy described three core principles guiding the human rights-based approach (HRBA). This includes that activity should enhance the realisation of human rights. Moreover, human rights standards should work as a guide through all phases of the action. The activity should build duty-bearers' capacities to fulfil their human rights obligations and ensure that rights-

⁸⁹ United Nations General Assembly, "Universal Declaration of Human Rights."

⁹⁰ Dorothy Rozga and UNICEF, "Applying a human rights based approach to programming: Experiences of UNICEF," *Workshop on Human Rights, Assets and Livelihood Security, and Sustainable Development* (2001). https://archive.crin.org/en/docs/resources/publications/hrbap/Applying_Human_Rights_Approach_to_Programming.pdf.

⁹¹ Richard Reading et al., "Promotion of children's rights and prevention of child maltreatment," *The Lancet* 373, no. 9660 (2009), [https://doi.org/10.1016/S0140-6736\(08\)61709-2](https://doi.org/10.1016/S0140-6736(08)61709-2), [https://doi.org/10.1016/S0140-6736\(08\)61709-2](https://doi.org/10.1016/S0140-6736(08)61709-2).

⁹² Adeola, "Ending child, early and forced marriage in Africa: a human rights-based approach," p. 52.

⁹³ Ibid.

holders can claim their rights.⁹⁴ Even UNICEF's initiative, Education for All, follows a human rights-based approach to guarantee access to education, quality education and an educational environment. This approach means that local practices and customs, including child marriage, must not hinder children's access to education.⁹⁵

3.2 Child rights-based approach

While the human rights-based approach is as diverse and broad as the human rights themselves and encompasses children's rights, the child rights-based approach puts children and their best interests at the heart of actions and policies. The child rights-based approach is considered a more specialized sub-section of the human rights-based approach, which addresses the issues more generally. Even though child marriage is a multifaceted issue, children and their rights should be put at the centre, and governments and other actors should hear their voices.⁹⁶ The child rights-based approach acknowledges and treats all children, even the most vulnerable and marginalised, as rights-holders. This perspective also empowers all children to know about the existence of their rights and exercise and claim these. In addition, it also enhances the capacities of States to consider and fulfil their obligations, guarantee accountability and provide practical and child-friendly remedies. Finally, the child rights-based approach acknowledges children as critical actors, particularly within civil society, and as crucial human rights defenders.^{97 98} This approach is crucial to empower children, including girls, boys and other genders, and accord them more agency to decide about their own lives and futures and value their opinions. It is essential to acknowledge that children have the right to make choices, and their social environment should empower them.

Within the child rights-based approach, the CRC forms the legal basis for principles of ethics and morality, which guide the work with children.⁹⁹ It is said that the CRC works as a robust framework for adequate legislation and policy. Moreover, the CRC also may give new visions on responsibility, ethics and training.¹⁰⁰ Laura Lundy and Jannette Elwood claimed that

⁹⁴ Laura Lundy and Lesley McEvoy, "Childhood, the United Nations Convention on the Rights of the Child, and Research: What Constitutes a 'Rights-Based' Approach?," in *Law and Childhood Studies: Current Legal Issues Volume 14*, ed. Michael Freeman (Oxford University Press, 2012).

⁹⁵ Unicef Education for All Education for All Movement EFA, "A Human rights-based approach to Education for All: a framework for the realization of children's right to education and rights within education," (UNESCO UNICEF). https://unesdoc.unesco.org/notice?id=p::usmarcdef_0000154861.

⁹⁶ "General comment No. 12 : The right of the child to be heard," 2009, accessed 09.05.2023, <https://digitallibrary.un.org/record/671444?ln=en>.

⁹⁷ Committee on the Rights of the Child, "CRC/C/GC/13."

⁹⁸ Child Rights Connect, "Child Rights Connect calls on UN to develop a Child Rights Strategy," (2020). <https://childrightsconnect.org/child-rights-connect-calls-on-un-to-develop-a-child-rights-strategy/>.

⁹⁹ Dorothy Rozga and UNICEF, "Applying a human rights based approach to programming: Experiences of UNICEF."

¹⁰⁰ Reading et al., "Promotion of children's rights and prevention of child maltreatment."

compared to other frameworks, such as the socio-cultural one, the child rights-based approach provides better legal and moral legitimacy and may incite a forum for action.¹⁰¹ Hence, the child rights-based approach will guide this research paper in a more focused and explicit manner than the human rights-based approach. Finally, it can be affirmed that based on the CRC's legal framework, including the Convention and the joint general comment reviewed in the literature review, every person under the age of 18 shall not get married.

3.3 Multi-sectoral approach

Child marriage is a complex issue with several drivers in all world regions. Focusing solely on combatting one driver, for instance, education or poverty, would not contribute to eliminating the entire practice. According to UNICEF, effectively reducing this harmful practice depends on a multi-sectoral approach. This approach means that different stakeholders and sectors having a shared vision and objective to end the practice of child marriage would collaborate. Therefore, the stakeholders would work as a team to provide adequate child protection from harmful practices. The collaboration would occur with various actors, including government actors (from the national, Federal State and district levels), international agencies and donors, civil society actors, religious institutions and communities. The important sectors of this issue include justice, education, health and social protection.¹⁰²

An Indian researcher, Venkatraman Chandra-Mouli, described that actions taken by the Federal States or the various districts successfully generated a cascade effect to push for collective action in villages and communities. This led to concrete cross-sectoral intersections within the villages. Most importantly, a factor contributing to this kind of successful action is the inclusion of experienced collaborators such as non-governmental organisations. These NGOs generally welcome such efforts and commit to supporting them. Another crucial factor for success is a design and implementation procedure adapted to the particular context. Finally, the flexibility and responsiveness of the multi-sectoral approach and the stakeholders are essential. Nevertheless, within India, there is a lack of coordination among the different stakeholders. Therefore, this multi-sectoral and even multi-level institutions' joint action has been relatively under-utilised to end the harmful practice of child marriage within India.¹⁰³

¹⁰¹ Jannette Elwood and Laura Lundy, "Revisioning assessment through a children's rights approach: implications for policy, process and practice," *Research Papers in Education* 25, no. 3 (2010/09/01 2010), <https://doi.org/10.1080/02671522.2010.498150>, <https://doi.org/10.1080/02671522.2010.498150>.

¹⁰² UNICEF, "Multi-sectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief," (2021). <https://www.unicef.org/esa/media/9101/file/Multisectorial-approaches-ESA-2021.pdf>.

¹⁰³ Venkatraman Chandra-Mouli et al., "How can collective action between government sectors to prevent child marriage be operationalized? Evidence from a post-hoc evaluation of an intervention in Jamui, Bihar and Sawai Madhopur, Rajasthan in India," *Reproductive Health* 15, no. 1 (2018/06/28 2018), <https://doi.org/10.1186/s12978-018-0552-1>, <https://doi.org/10.1186/s12978-018-0552-1>.

Many states experience difficulties attempting to implement and operationalise a multi-sectoral policy, especially at sub-national levels (i.e., state and district levels in India). In particular, consulting with several governmental departments, ministries, and other relevant stakeholders, such as civil society partners and religious institutions, is essential regarding the role and responsibility distributions. Developing a sense of ownership and joint responsibility among all participating stakeholders is crucial during the consultation phase. Also, a sense of accountability towards the expected outcomes and achievements of each collaborating stakeholder must be developed for the multi-sectoral approach to be successful. Here, donors can positively impact by defining priorities, demanding effective collaboration among collaborators and driving the sub-national implementation. The multi-sectoral approach is still not widely used within Indian sub-national programmes and policies concerning child marriage.¹⁰⁴ Nonetheless, due to the multiple driving forces of child marriage, this multi-sectoral approach could provide a sustainable solution to prevent and end the issue of child marriage.¹⁰⁵

According to UNICEF, the multi-sectoral approach to addressing children's issues includes working on several factors of programming and services for children. UNICEF also emphasises that children who are highly likely to be child brides need support from multiple sectors. This may include assistance from health care workers who can manage issues related to sexual and mental health. Also, these children could require support from teachers or school staff to guarantee access to education, prevent them from dropping out of school and keep them in safe environments. In addition, welfare workers might also assist in protecting from or responding to abuses or exploitation and connect the children to support networks. Access to social protection, law enforcement and even civil registration might be helpful.¹⁰⁶ Finally, it can be said that for this research paper, the child rights-based and multi-sectoral approach to respecting and protecting the needs and rights of children in accordance with the CRC are the most relevant theories.

¹⁰⁴ Claudia Lo Forte et al., "What can the global movement to end child marriage learn from the implementation of other multi-sectoral initiatives?," *BMJ Global Health* 4, no. 5 (2019), <https://doi.org/10.1136/bmjgh-2019-001739>, <http://gh.bmj.com/content/4/5/e001739.abstract>.

¹⁰⁵ Chandra-Mouli et al., "How can collective action between government sectors to prevent child marriage be operationalized? Evidence from a post-hoc evaluation of an intervention in Jamui, Bihar and Sawai Madhopur, Rajasthan in India."

¹⁰⁶ UNICEF, "Multi-sectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief."

3.4 Concepts

3.4.1 Introduction

This section of the thesis will consider the most relevant concepts to finding a sustainable solution for child marriage within India. The World Health Organization (WHO) commissioned International Centre for Research on Women (ICRW) stated that most programmes tackling child marriage contained in international or regional databases work directly with girls and encourage them to learn some skills and educate themselves. In addition, many programs provide financial incentives to parents of daughters intending to promote education and avoid child marriage. Also, the ICRW's findings illustrate that several programs addressing child marriage try to engage with communities and vulnerable families. These programs intend to change the deep-rooted social norms favouring the occurrence of child marriage.¹⁰⁷

Moreover, UNICEF analysed the impact of an Ethiopian government social protection programme, the Productive Safety Net Program (PSNP), on child marriage and how this could be applied in other national contexts. The PSNP facilitated through income provision to families living in poverty the vulnerable children's access to education. Nevertheless, UNICEF describes that in the circumstances with social norms' supportiveness of child marriage, financial incentives given to low-income families may be counterproductive because these incentives could allow families to gather money for their daughter's dowry or wedding expenses.¹⁰⁸ Therefore, for this research paper, the most pertinent concepts to consider and which could be simultaneously transformed into the most crucial sectors to be addressed are; **social protection, social norms and education.**

3.4.2 First concept: Social protection

According to UNICEF: "Social protection covers the range of programmes and policies needed to shield children from the immediate and lifelong consequences of poverty."¹⁰⁹ As discussed in the initial chapters of this paper, poverty is one of the main drivers of child marriage. Consequently, social protection supporting children living in poverty to overcome it is a crucial step to ending child marriage. When families living in poverty become less poor through accessing money, increasing productivity through entrepreneurship or farming, accumulating assets and guaranteeing food security, the risk of child marriage reduces. Hence, social schemes offering

¹⁰⁷ Anju Malhotra et al., "Solutions to end child marriage," *International Center for Research on Women (ICRW)* (2011).

¹⁰⁸ UNICEF, *Child Marriage and Ethiopia's Productive Safety Net Program: Analysis of protective pathways in the Amhara region—Summary of report findings* (2020).

¹⁰⁹ "Five things you should know about social protection for children," UNICEF, 2020, accessed 26.03.2023, <https://www.unicef.org/turkiye/en/stories/five-things-you-should-know-about-social-protection-children#:~:text=Social%20protection%20covers%20the%20range,water%20and%20poor%2Dquality%20education.>

economic growth to low-income families are central to protecting their daughters from child marriage and discontinuation of their education. Without these economic opportunities, education and keeping the daughters unmarried may be perceived as unnecessary without any foreseeable benefits.¹¹⁰

In addition, some programme leaders declared that postponing marriage is the most useful when opportunities to enhance financial independence are offered to girls capable of profiting from these opportunities and perceive these as purposeful substitutes for child marriage.¹¹¹ Key factors, such as poverty, dowry and lack of education facilitating the prevalence of child marriages, may be influenced by the availability of financial resources. Therefore, it might be crucial to have cash incentives for vulnerable families who have daughters. Nevertheless, even in the contemporary era, women and girls' rank within Indian society is extremely low. Therefore, it is highly probable that girls will not receive their secondary education and will marry at a very young age.¹¹² Consequently, structural gender inequality within India might undermine the effectiveness and impact of social protection programmes to end child marriage.

3.4.3 Second concept: Promotion of social norms change

Social norms are a set of commonly accepted rules by a specific group of people. Some experts argue that these social norms have become the game changer in ending child marriage in the last few years.¹¹³ UNICEF described that actors attempting to promote change in social norms often raise awareness of the laws in force and risks concerning health and even try information circulation within communities through their traditional leaders. Eventually, some efforts were also made to engage and encourage communities to stop child marriages through direct dialogues. In some African countries, these dialogues have allowed the experts to address and thematise expectations and norms arising from society and health issues tied to child marriage.

¹¹⁴

Some researchers analysing social programmes stated that six out of 13 programmes focused on transforming contemporary social norms concerning child marriage, which the children's

¹¹⁰ UNICEF, "Multi-sectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief."

¹¹¹ Sajeda Amin, "Programs to address child marriage: Framing the problem," Promoting Healthy, Safe, and Productive Transitions to Adulthood Brief no. 14 (2011), New York: Population.

¹¹² David Gordon and Shailen Nandy, "The extent, nature and distribution of child poverty in India," *Indian Journal of Human Development* 10, no. 1 (2016).

¹¹³ Beniamino Cislighi et al., "Why context matters for social norms interventions: The case of child marriage in Cameroon," *Global Public Health* 15, no. 4 (2020/04/02 2020), <https://doi.org/10.1080/17441692.2019.1704818>, <https://doi.org/10.1080/17441692.2019.1704818>.

¹¹⁴ UNICEF, "Multi-sectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief."

parents and the community had. Social norms are also considered one of the key drivers leading to child marriage. Generally, parents, other family members and community members decide whether a child marriage would occur. Therefore, many schemes try to change the opinions of the decisionmakers and raise awareness about the harmful impacts of child marriage.¹¹⁵ Old traditions and customs in many remote Indian villages are central to promoting child marriages. Therefore, promoting the change in social norms can positively contribute to the delays in child marriages.

3.4.4 Third concept: Access to education

As stated in the previous sections of this paper, there is an interesting relation between child marriage and access to education. While education can be utilised as a protector from the enormous pressure of child marriage, the latter can severely impact children's access and their right to education. Child marriage's negative effect on educational achievement also has a domino effect on job opportunities and financial security.¹¹⁶ In addition, UNICEF's report described: "Teachers were also seen as key in preventing child marriage by promoting the importance of education, both among girls and their parents; educating girls about the negative consequences of early marriage; and serving as a point of contact for girls to lodge complaints of marriage proposals."¹¹⁷ Hence, the central role played by teachers should not be disregarded.

Some researchers argue that in the current era, schooling is one of the most powerful tools to reinforce the empowerment of Indian women and girls. Education is also a critical factor influencing the timing of marriage within a girl's lifetime.¹¹⁸ Therefore, the delay in marriages, including child marriages, often results from educational achievements, especially secondary school attendance. Consequently, education is one of the critical sectors which is proven to delay child marriages from happening.¹¹⁹ In addition, schools may play a central role in declining child marriages. For instance, schools may alleviate the food poverty families experience by providing school meals to their students.¹²⁰ Also, barriers such as hidden costs related to buying uniforms, books and other materials within public education must be removed to encourage the attendance of children from impoverished families. The government should be in

¹¹⁵ Lee-Rife et al., "What Works to Prevent Child Marriage: A Review of the Evidence."

¹¹⁶ Jacqueline Bhabha and Orla Kelly, "Child marriage and the right to education: evidence from India," *Evidence submitted to the Office of High Commission of Human Rights. University of Harvard* (2013).

¹¹⁷ UNICEF, *Child Marriage and Ethiopia's Productive Safety Net Program: Analysis of protective pathways in the Amhara region—Summary of report findings*, p. 10.

¹¹⁸ Bhabha and Kelly, "Child marriage and the right to education: evidence from India."

¹¹⁹ UNICEF, "Multi-sectoral approaches to addressing harmful practices in Eastern and Southern Africa: A programme brief."

¹²⁰ Sónia Goulart Cardoso et al., "School Meals and Food Poverty: Children's Views, Parents' Perspectives and the Role of School," *Children & Society* 33, no. 6 (2019), <https://doi.org/https://doi.org/10.1111/chso.12336>, <https://onlinelibrary.wiley.com/doi/abs/10.1111/chso.12336>.

charge of educating low-income families' children. In preventing child marriages, it is central to encourage girls to pursue educational achievements, mainly secondary and tertiary-level attainments.

3.4.5 Fourth concept: Social schemes

This concept is more comprehensive and even overlaps the three preceding concepts. Social programmes or schemes are developed in conformity with the social environment and needs.¹²¹ These schemes may address various topics.¹²² In addition, the schemes' extent and depth depend on public funding and financial plans. It is crucial to define the social problem and its goal well to increase and reinforce the effectiveness of social programmes.¹²³ Within this paper, the problem is child marriage, and the current objective is to reduce the prevalence of child marriage in India.

The central government of India and the Federal States of India utilise various social programmes to address a particular issue.¹²⁴ Within India, examples include poverty alleviation, free schooling for marginalised children and free-mid-day meals for students attending government schools.¹²⁵ As mentioned in the previous chapter, the State of West Bengal launched some social programmes (i.e. Kanyashree and Rupashree scheme) to address the prevalent issue of child marriage within its territory. Nevertheless, the success rate of such schemes is disputed due to the lack of reliable numbers and the inherent problem of unrecorded cases of child marriages.

3.5 Hypothesis

The hypothesis for this thesis was formulated based on the research conducted for the literature review and the theoretical framework. It reads as follows: **A multi-sectoral social scheme with a multi-stakeholder collaboration focusing mainly on enhancing social protection, education and changing social norms contributes to reducing the number of child marriages in India.**

¹²¹ Venelin Terziev, "The active model of a social programme and its strategic advantage," *Available at SSRN 3310532* (2018).

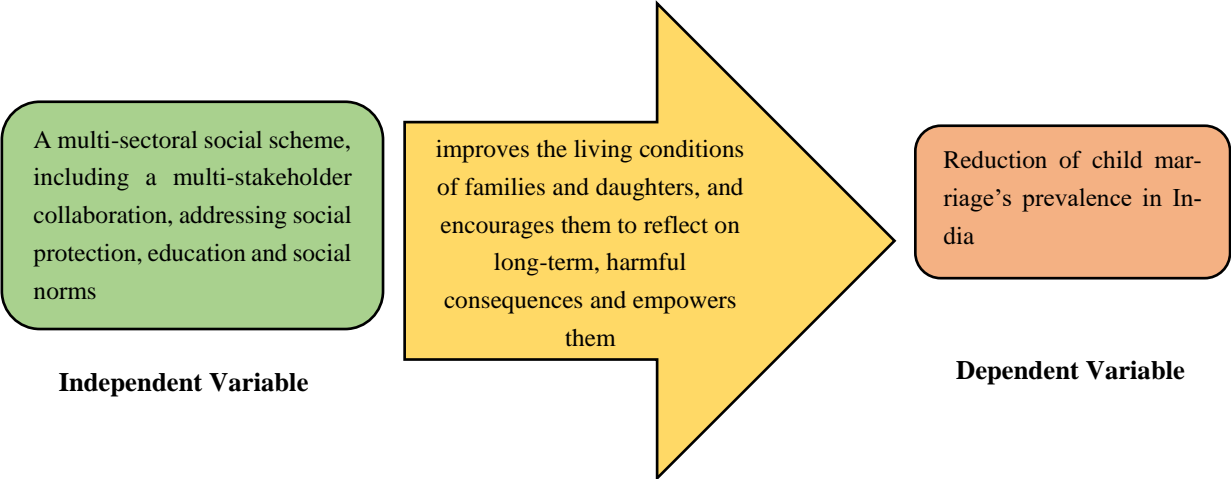
¹²² Joydeb Sasmal and Jorge Guillen, "Poverty, educational failure and the child-labour trap: The Indian experience," *Global Business Review* 16, no. 2 (2015).

¹²³ Terziev, "The active model of a social programme and its strategic advantage."

¹²⁴ C.A.K. Yesudian, "Poverty alleviation programmes in India: A social audit," *Indian Journal of Medical Research* 126, no. 4 (2007), https://journals.lww.com/ijmr/Fulltext/2007/26040/Poverty_alleviation_programmes_in_India__A_social.13.aspx.

¹²⁵ Sasmal and Guillen, "Poverty, educational failure and the child-labour trap: The Indian experience."

The independent variable of this hypothesis is a multi-sectoral social scheme creating a synergy through the collaboration of several stakeholders tackling the three identified key sectors; social protection, education and social norms. The dependent variable is the reduction of child marriage's prevalence in India. These elements try to illustrate how the improvement of the living conditions of families in vulnerable situations and empowering their daughters might be beneficial. Significantly, education and encouraging the change in social norms of communities and families by highlighting the long-term adverse effects of child marriage on the children involved could contribute to declining child marriage frequency within India.



4 Methodological framework

The impact of a social scheme with a multi-sectoral approach formulated and implemented by various stakeholders will be verified for this paper's hypothesis testing. The stakeholders would simultaneously target three sectors: social protection, education and changing social norms among communities, which could contribute to reducing child marriages in India. Since this qualitative research paper intends to explore an adequate solution to reduce child marriages in India effectively, the method will focus on local expertise. Local actors, particularly civil society actors, are essential to understand the situation on the ground and often have worked on micro-projects and macro-projects. Hence, this section will try to understand what types of schemes, actions and campaigns will be more or less successful from the local actors' perspective.

While contemporary international standards and human rights law are easily accessible to most digitally connected people, this is not true for rural people. Therefore, non-governmental organisations are crucial in this aspect of advancement in human rights education and instruction within rural areas.¹²⁶ For example, human rights education and instrumentalisation of the human rights discourse have been guiding strategies for many non-governmental organisations. NGOs have often used these strategies to create social movements through a bottom-up approach at grassroots levels. Therefore, human rights education given by NGOs to educate communities can be considered a movement to change social norms.¹²⁷

For the content validity of data collection for qualitative research, it is essential to communicate with the population of interest directly.¹²⁸ This research paper's population of interest includes child brides, potential child brides, their parents, and community leaders since they are the principal actors organising and practising child marriage. However, reaching out to families is challenging because they are often the most marginalised and vulnerable. Generally, they live in rural areas without internet access, and most do not speak English. Hence, communication would only be possible through an intermediary such as associations and NGOs working on the ground who are directly in touch with the population of interest to this research.

According to experts, questionnaires should contain qualitative methods, including the population of interest, to guarantee an adequate, extensive, pertinent reflection of the specific circumstances and conditions related to the research problem.¹²⁹ The local NGOs, who agreed to

¹²⁶ Monisha Bajaj, "Human Rights Education: Ideology, Location, and Approaches," *Human Rights Quarterly* 33, no. 2 (2011), <http://www.jstor.org/stable/23016023>.

¹²⁷ Bajaj, "Human Rights Education: Ideology, Location, and Approaches."

¹²⁸ Laetitia Ricci et al., "Qualitative methods used to generate questionnaire items: a systematic review," *Qualitative health research* 29, no. 1 (2019).

¹²⁹ Ricci et al., "Qualitative methods used to generate questionnaire items: a systematic review."

participate in this research, can be considered actors contributing to the evolution of social norms. Most importantly, these NGOs also work closely with the population of interest (i.e., child brides, their families and marginalised communities practising child marriage), who are not easily accessible to researchers outside India. Therefore, it can be said that local NGOs clearly understand the situation and the context on the ground.

4.1 Survey and Interviews

The survey and the semi-structured interviews focused on critical issues such as the current good practices observed during the NGOs' activities and their success and defeat stories concerning child marriage. Moreover, the NGO representatives were asked which are the most central priorities while formulating a scheme to reduce the prevalence of child marriage. The questionnaire and the interviews also explored if the NGOs think the multi-sectoral approach of collaborating with actors of different sectors to combine efforts and create synergy is relevant. Finally, the NGOs were asked questions about possible legal actions to be undertaken by India and the Prohibition of Child Marriage Amendment Bill 2021, which is currently under debate.

Due to the difficulty of travelling to India concerning time and financial resources, the survey and interviews were conducted online. There are some disadvantages linked to e-interviews and surveys.¹³⁰ One crucial issue is the extremely low reply rate for the online survey method. Although the distribution of survey links is fast and easy, these links can also easily get lost in the email inbox or the recipients' spam folder.¹³¹ A disadvantage of online interviews could be the lack of capturing non-verbal body language, which might be necessary to perceive and interpret an issue. In particular, poor quality of the internet, camera, including the camera focus, or participants' audio could negatively affect obtaining these non-verbal aspects.¹³² Even verbal aspects can sometimes not be well understood due to the before-mentioned factors, which are difficult to influence or control.

4.1.1 Survey

For surveys within qualitative research, it is crucial to have more open-ended questions focusing on a specific topic rather than close-ended questions. These open-ended questions allow the respondents to answer in their own words and guarantee the inclusion of subjective experiences,

¹³⁰ Janet Salmons, *Qualitative Online Interviews: Strategies, Design, and Skills*, Second Edition ed. (55 City Road, London 2014), <https://methods.sagepub.com/book/qualitative-online-interviews-2e>, <https://doi.org/10.4135/9781071878880>.

¹³¹ S. D. P. Nayak and K. A. Narayan, "Strengths and Weakness of Online Surveys," *IOSR Journal of Humanities and Social Science*, no. 24(5) (2019), <https://doi.org/10.9790/0837-2405053138>.

¹³² Susie Weller, "Using internet video calls in qualitative (longitudinal) interviews: some implications for rapport," *International Journal of Social Research Methodology* 20, no. 6 (2017/11/02 2017), <https://doi.org/10.1080/13645579.2016.1269505>, <https://doi.org/10.1080/13645579.2016.1269505>.

opinions and positions.¹³³ A questionnaire enables the data collection necessary for research most efficiently and cost-effectively.¹³⁴ Also, the online data collection through online questionnaires allows for a much higher response rate than in-person or online interviews, which are more time-consuming and require more coordination to find an adequate timeframe for the interviewer and interviewees.¹³⁵ Finally, the automatically prepared online survey summaries allow the researchers to get a significantly better overview of the answers and tendencies than interviews conducted independently from one another.

However, some researchers claim that surveys are often not flexible and too rigid because follow-up questions can often not be asked, and the respondents' answers are generally not verified. Therefore, the surveys may touch some issues merely on the surface, and the data collected would not go into much depth.¹³⁶ Another issue of surveys is related to the sampling of the respondents when the survey is completed online. Generally, which organisation or representative is answering the questions is unclear. However, this problem can be solved by contacting organisations or individuals in a larger coalition addressing a specific phenomenon, such as fighting child marriage within India.¹³⁷

The survey focused on the relevant tools and sectors, which should be addressed, the importance of the multi-sectoral approach and the expected outcome if the Prohibition of Child Marriage Amendment Bill (2021) is adopted. The survey contained eleven open-ended questions, two checkboxes questions and only two close-ended questions with yes or no answer questions with the option to explain in their own words. The intention was to include a minimal number of close-ended questions since follow-up questions could not be asked and to still get in-depth answers. The online questionnaire was set up in English on Google Forms, and the participants replied in a non-anonymous manner. The complete questionnaire is attached as an Annexe (see from page 54 onwards).

¹³³ Virginia Braun et al., "The online survey as a qualitative research tool," *International Journal of Social Research Methodology* 24, no. 6 (2021/11/02 2021), <https://doi.org/10.1080/13645579.2020.1805550>, <https://doi.org/10.1080/13645579.2020.1805550>.

¹³⁴ Rubén Bihu, "Questionnaire Survey Methodology in Educational and Social Science Studies," *Social Sciences and Humanities Research Council* 9 (2021).

¹³⁵ Neal W. Topp and Bob Pawloski, "Online Data Collection," *Journal of Science Education and Technology* 11, no. 2 (2002), <http://www.jstor.org/stable/40188721>.

¹³⁶ Braun et al., "The online survey as a qualitative research tool."

¹³⁷ Kevin B. Wright, "Researching Internet-Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages, and Web Survey Services," *Journal of Computer-Mediated Communication* 10, no. 3 (2017), <https://doi.org/10.1111/j.1083-6101.2005.tb00259.x>, <https://doi.org/10.1111/j.1083-6101.2005.tb00259.x>.

4.1.2 Interviews

According to the academic researcher Antonia Bauman, "Interviews have proven to be "the gold standard" of qualitative research and "the most productive mode for producing narrative data".¹³⁸ It is also the most frequently employed method to collect various data within qualitative studies. Performing interviews one-on-one in real-time with no or minimal distractions allows flexible and effective data collection.¹³⁹ The most significant advantage of interviews is that the interactive nature captures the non-verbal and verbal parts of the replies and gives space for free responses.¹⁴⁰

There are some disadvantages of the interview method. For example, short and narrow responses from the interviewee would not encourage the discussion and enable new findings. The cultural values of the interviewees could also result in such short and restricted replies.¹⁴¹ In addition, the interviews often happen at a given time during limited time, which may lead to time pressure for the interviewer and the interviewee. The insufficient time for the interview could also render the data collection lacking.¹⁴² As initially mentioned, background noises and bad microphone quality could make the communication between the interviewer and interviewee challenging.

The themes and questions chosen for the interviews were nearly identical to the survey's themes and questions. The interviews for this research were conducted in a semi-structured manner during 1 hour and up to 1 hour and 30 min long video calls. Similar to the online questionnaire, the online interviews mainly contained open-ended and some close-ended questions, leaving some space for follow-up questions. The platform used for the interviews was Zoom. A Hindi interpreter facilitated one of these interviews because the participant expressed the need for such a facilitator to answer the questions more clearly. This Hindi interpreter was found through an online platform for freelancers.

¹³⁸ Salmons, *Qualitative Online Interviews: Strategies, Design, and Skills*.

¹³⁹ Roksana Janghorban, Robab Latifnejad Roudsari, and Ali Taghipour, "Skype interviewing: The new generation of online synchronous interview in qualitative research," *International Journal of Qualitative Studies on Health and Well-being* 9, no. 1 (2014/01/01 2014), <https://doi.org/10.3402/qhw.v9.24152>, <https://doi.org/10.3402/qhw.v9.24152>.

¹⁴⁰ Charles Kakilla, "Strengths and weaknesses of semi-structured Interviews in Qualitative research: A critical essay," (2021).

¹⁴¹ Ibid.

¹⁴² Michael D. Myers and Michael Newman, "The qualitative interview in IS research: Examining the craft," *Information and Organization* 17, no. 1 (2007/01/01/ 2007), <https://doi.org/https://doi.org/10.1016/j.infoandorg.2006.11.001>, <https://www.sciencedirect.com/science/article/pii/S1471772706000352>.

Finally, combining an online survey with several online interviews may serve as an adequate approach to minimise the weaknesses of both methods, including the lack of flexibility, time pressure and non-capturing of non-verbal cues. For both methods, the low number of replies could contribute to a less accurate depiction of the realities in India. However, the online survey may compensate for the sampling size by encouraging a less time-consuming option compared to interviews.¹⁴³

4.2 Operationalisation of concepts

4.2.1 Multi-stakeholder collaboration

Social programmes are often formulated at national, federal, State or district levels. However, the implementation generally occurs at the Federal State and district levels. Often, non-governmental organisations play a significant role in implementing or complementing these social programmes.¹⁴⁴ Moreover, each Indian Federal State government selects Child Marriage Prohibition Officers (CPMOs) to address child marriage within their territory. Their mandate is included in the Prohibition of Child Marriage Act.¹⁴⁵ Although the CPMOs' mandate is to report and prevent child marriages, they cannot accomplish this alone.¹⁴⁶ Most importantly, NGOs occasionally have even taken legal action to oblige the Federal State to appoint a CPMO in case of lack of will.¹⁴⁷ It becomes evident that the government and its departments would be unable to solve the issue of child marriage without the support of NGOs.

Moreover, according to the CRC (UN Convention on the Rights of the Child), children should be involved in decisions affecting them individually and as a group.¹⁴⁸ Also, involving children and listening to and including their opinions would align with the child rights-based approach.¹⁴⁹ Therefore, the "Multi-stakeholder collaboration" concept included in the hypothesis is operationalised as **a partnership between governmental partners, non-governmental organisations and children.**

¹⁴³ Kakilla, "Strengths and weaknesses of semi-structured Interviews in Qualitative research: A critical essay."

¹⁴⁴ Rajeev Seth et al., "Social Determinants of Child Marriage in Rural India," *Ochsner Journal* 18, no. 4 (2018), <https://doi.org/10.31486/toj.18.0104>, <http://www.ochsnerjournal.org/content/18/4/390.abstract>.

¹⁴⁵ HAQ Centre for Child Rights, *Handbook on the Prohibition of Child Marriage Act, 2006* (Government of India UNICEF and Ministry of Women and Child Development, 2006), <https://www.childlineindia.org/pdf/Child-Marriage-handbook.pdf>.

¹⁴⁶ Rights, *Handbook on the Prohibition of Child Marriage Act, 2006*.

¹⁴⁷ Ghosh, "State, Law, and Prevention of Child Marriage and Child Trafficking."

¹⁴⁸ Chris Ross, Elaine Kerridge, and Amy Woodhouse, *The Impact of Children and Young People's Participation on Policy Making* (Scottish Government, 2018).

¹⁴⁹ Committee on the Rights of the Child, "CRC/C/GC/12."

4.2.2 Social protection

According to the UN Refugee Agency: "Social protection [is] ... a set of policies and programmes aimed at preventing or protecting all people against poverty, vulnerability and social exclusion throughout their life-course, with emphasis on vulnerable groups."¹⁵⁰ In order to boost human capital, social protection programs enable families and individuals to be healthy, get an education, and find opportunities to escape poverty.¹⁵¹ Hence, social protection mainly addresses poverty reduction of vulnerable individuals and families. Additionally, the Girls Not Brides' theory of change highlights the importance of cash incentives being sensitive and reactive to the local traditions and causes of child marriage. Notably, the primary objective of these incentives should be to reduce the number of child marriages.¹⁵² Consequently, the "Social protection" concept is defined as **poverty reduction programmes for the most marginalised and vulnerable communities.**

4.2.3 Promotion of social norms change

It is essential to get an overview of the different types of existing social norms to render the "Promotion of social norms change" concept into a measurable observation. An academic researcher claims that India is a highly patriarchal society.¹⁵³ In traditional gender norms, rules and standards are established based on individuals' biological sex. These rules will tell how each sex should behave. Biological distinctions between men and women are frequently cited to defend socially accepted differences, even though gender standards are socially produced and primarily informal.¹⁵⁴ In particular, women are expected to concentrate entirely on managing all household chores and supporting the family by cooking, cleaning and caring for children.¹⁵⁵ Although women's role is evolving within Indian society, men are still considered the

¹⁵⁰ "Social Protection," accessed 02.04.2023, <https://www.unhcr.org/social-protection.html>.

¹⁵¹ "The World Bank in Social Protection," 2023, accessed 02.04.2023, <https://www.worldbank.org/en/topic/socialprotection/overview>.

¹⁵² Girls Not Brides - The Global Partnership to End Child Marriage, "HOW CASH TRANSFERS CAN CONTRIBUTE TO ENDING CHILD MARRIAGE," (2021). https://www.girlsnotbrides.org/documents/1655/How_cash_transfers_can_contribute_to_ending_child_marriage.pdf.

¹⁵³ Lata Satyen, "Gender norms in the Indian migrant community in Australia: family, community, and work roles," *Journal of Gender Studies* 30, no. 4 (2021/05/19 2021), <https://doi.org/10.1080/09589236.2021.1884535>, <https://doi.org/10.1080/09589236.2021.1884535>.

¹⁵⁴ UNICEF : Child Protection Programme Team and Social and Behavior Change Team, *DEFINING SOCIAL NORMS AND RELATED CONCEPTS* (2021), <https://www.unicef.org/media/111061/file/Social-norms-definitions-2021.pdf>.

¹⁵⁵ Kerry Scott et al., "Freedom within a cage: how patriarchal gender norms limit women's use of mobile phones in rural central India," *BMJ Global Health* 6, no. Suppl 5 (2021), <https://doi.org/10.1136/bmjgh-2021-005596>, https://gh.bmj.com/content/bmjgh/6/Suppl_5/e005596.full.pdf.

primary breadwinners.¹⁵⁶ These traditional gender norms deeply rooted within Indian society may promote the legitimacy of child marriage. Notably, suppose the role of girls and women within the society is restrained to homemaker and child bearer. In that case, the discourse of child marriage might seem enticing to large parts of the population.

Moreover, injunctive norms imply the type of behaviour people think others in their society or community would approve of. Normative standards are another name for these standards. They refer to people's beliefs about the kind of behaviour that other people accept and even hope they will exhibit. Because people feel others who are vital to them expect them to do so, will reward them socially if they do, and will punish them if they do not, this norm will impact people's behaviour when they follow it.¹⁵⁷ In the context of this paper, within some communities with a lack of knowledge of the illegality and harmful effects of child marriage, injunctive norms could encourage child marriage. Finally, the **abandonment of injunctive norms and traditional gender norms** becomes the measurable observation for this concept of "Promotion of social norms change".¹⁵⁸

4.2.4 Access to education

Based on the child rights-approach, access to education is crucial.¹⁵⁹ This includes ensuring that children receive primary education for free, and secondary and higher should be available.¹⁶⁰ However, irregular attendance, sudden discontinuation, and dropping out of school are significant problems, especially for girls from marginalised groups and people living in rural areas.¹⁶¹ Hence, attendance or enrolment in schools for girls would not adequately reflect the right to education. In India, completing secondary education means finishing the 12th grade or Plus 2. In particular, for most students finishing secondary education coincides with them turning 18 years old.¹⁶² Therefore, "Access to education" within the context of this paper is operationalised as **girls' completion of secondary-level education**.

¹⁵⁶ Srividya Ramasubramanian and Parul Jain, "Gender stereotypes and normative heterosexuality in matrimonial ads from globalizing India," *Asian Journal of Communication* 19, no. 3 (2009/09/01 2009), <https://doi.org/10.1080/01292980903072831>, <https://doi.org/10.1080/01292980903072831>.

¹⁵⁷ UNICEF : Child Protection Programme Team and Social and Behavior Change Team, *DEFINING SOCIAL NORMS AND RELATED CONCEPTS*.

¹⁵⁸ Ibid.

¹⁵⁹ Committee on the Rights of the Child, "CRC/C/GC/13."

¹⁶⁰ United Nations General Assembly, "Convention on the Rights of the Child."

¹⁶¹ Tristan McCowan, "Reframing the universal right to education," *Comparative Education* 46, no. 4 (2010/11/01 2010), <https://doi.org/10.1080/03050068.2010.519482>, <https://doi.org/10.1080/03050068.2010.519482>.

¹⁶² Ministry of Human Resource Development of Government of India, National Education Policy 2020, (2020).

Operationalised concepts	Indicators
Multi-stakeholder collaboration (independent variable)	<ul style="list-style-type: none"> References to a partnership between governmental (i.e. Prohibition of Child Marriage Officer, Ministry of Women & Children Development), non-governmental partners (i.e. NGOs, international NGOs) and children
Poverty reduction programmes for the most marginalised and vulnerable communities (independent variable)	<ul style="list-style-type: none"> References to poverty reduction or eradication, including cash incentives
Abandonment of injunctive norms and traditional gender norms (independent variable)	<ul style="list-style-type: none"> References to abandoning or evolving from traditions, customs and cultural practices
Girls' completion of secondary level education. (independent variable)	<ul style="list-style-type: none"> References to programmes and activities emphasising girls' education and centrality to girls' completion of high school studies
Reduction of child marriages' prevalence in India (dependent variable)	<ul style="list-style-type: none"> References to end, combat, or reduce the practice of child marriage in the various Indian Federal States

Table 1 Operationalised concepts and indicators

The table above (Table 1) contains the operationalised concepts and their corresponding indicators, reflecting the hypothesis's independent and dependent variables. The above-listed indicators will guide the analysis of the data collected through the survey and online interviews.

4.3 Survey and interview participants

The contact details of local non-governmental actors were found through the "Girls Not Brides" website. "Girls Not Brides" is a partnership of civil society organisations working on ending child marriage. This worldwide network includes more than 1'600 non-governmental organisations.¹⁶³ This network lists 169 organisations from India working on ending child marriage through different methods and sectors. However, some contact details were not functional. Therefore, solely around 155 organisations were contactable. Afterwards, **35 non-governmental organisations** replied and agreed to participate in this research paper by filling out an online questionnaire. In addition, four non-governmental organisations expressed their interest in doing a one-on-one online interview. These 39 organisations are based in and work with different Indian Federal States such as Rajasthan, Jharkhand, Telangana, Karnataka, Uttar Pradesh, Maharashtra and West Bengal. Some of these organisations work with several States simultaneously.

¹⁶³ "Girls Not Brides," accessed 10.03.2023, <https://www.girlsnotbrides.org/about-us/>.

Among these NGOs, some prominent ones have long-standing reputations and expertise. For instance, the founder of the **Kailash Satyarthi Children's Foundation** (New Delhi) won the Nobel Peace Prize in 2014.¹⁶⁴ The **Women Power Connect** (New Delhi) is the largest advocacy body for women in India.¹⁶⁵ Moreover, the NGO **Apne Aap** (New Delhi) works with over 15'000 women and girls, and the organisation's founders were part of an Emmy-winning documentary.¹⁶⁶

¹⁶⁴ "Kailash Satyarthi : Facts," <https://www.nobelprize.org/prizes/peace/2014/satyarthi/biographical/>.

¹⁶⁵ "Women Power Connect," accessed 26.04.2023, <https://www.girlsnotbrides.org/our-partnership/member-directory/women-power-connect-wpc/>.

¹⁶⁶ "Apne Aap," accessed 26.04.2023, <https://www.endslaverynow.org/apne-aap>.

4.4 Geographic distribution of the participating NGOs' projects among all 28 Indian States

FEDERAL STATE	PRESENCE OF PARTICIPATING NGOS
ANDHRA PRADESH	<i>ChildFund India, Voice 4 Girls, Vasavya Mahila Mandali</i>
ARUNACHAL PRADESH	
ASSAM	
BIHAR	<i>Hind Yuva Shakti, ChildFund India, Sahaj Sansthan</i>
CHHATTISGARH	<i>ChildFund India, Sahaj Sansthan</i>
GOA	
GUJARAT	<i>Dhara Sansthan</i>
HARYANA	
HIMACHAL PRADESH	
JHARKHAND	<i>Network for Enterprise Enhancement and Development Support (NEEDS), Lok Kalyan Seva Kendra, ChildFund India, Pratigya, Jabala Action Research Organisation, Jharkhand Vikas Parishad, Bihar Pradesh Yuva Parishad, Nav Bharat Jagriti Kendra (NBJK), Sahaj Sansthan</i>
KARNATAKA	<i>ChildFund India, Milaan Foundation, Voice4Girls</i>
KERALA	
MADHYA PRADESH	<i>ChildFund India, Milaan Foundation, Sahaj Sansthan</i>
MAHARASHTRA	<i>ChildFund India</i>
MANIPUR	
MEGHALAYA	
MIZORAM	
NAGALAND	
ODISHA	<i>ANTODAYA, ChildFund India, Sahaj Sansthan</i>
PUNJAB	
RAJASTHAN	<i>Dhara Sansthan, ChildFund India, Mahila Jan Adhikar Samiti, Sambhali Trust, Jatan Sansthan, Centre for Unfolding Learning Potentials (CULP), Samarpan, Grameen Vikas Sodh Avam Takniki Kendra, Rajasthan Samgrah Kalyan Sansthan, SPECTRA Organization</i>
SIKKIM	
TAMIL NADU	<i>Society for Women Education and Economic Trust (SWEET), ChildFund India, Centre for Women's Development and Research, HEALDS</i>
TELANGANA	<i>ChildFund India, Voice 4 Girls</i>
TRIPURA	<i>Voice 4 Girls</i>
UTTARAKHAND	<i>Voice 4 Girls</i>
UTTAR PRADESH	<i>ChildFund India, Milaan Foundation, Gramin Vikas Sansthan, Rural Organization for Social Advancement (ROSA Sansthan), Shohratgarh Environmental Society, Social Action for Knowledge building and Awareness Raising, Sahaj Sansthan</i>
WEST BENGAL	<i>Network for Enterprise Enhancement and Development Support (NEEDS), ChildFund India, South Kolkata Hamari Muskan, Talash, Jabala Action Research Organisation</i>

Table 2 Geographic distribution among the Federal States of India of the participating NGOs' projects ¹⁶⁷

Red cells: States with the highest prevalence of child marriage,

Green cells: States with the lowest prevalence of child marriage within India ¹⁶⁸

¹⁶⁷ Vasundhara Gaur and Eshita Gupta, "The determinants of electricity theft: An empirical analysis of Indian states," *Energy Policy* 93 (2016/06/01/ 2016), <https://doi.org/https://doi.org/10.1016/j.enpol.2016.02.048>, <https://www.sciencedirect.com/science/article/pii/S0301421516300878>.

¹⁶⁸ Paul, "Child marriage among girls in India: Prevalence, trends and socio-economic correlates."

**Women Power Connect, Kailash Satyarthi Children's Foundation, Apne Aap and Mamta Health Institute for Mother and Child mentioned a nation-wide presence and that their work addresses all 28 Indian States through projects and activities. Hence, these four NGOs were not included in the table above.*

**Two NGO representatives wished to remain anonymous; therefore, these two participating NGOs are also not visible in Table 2.*

It is crucial to note that the participating NGOs actively work in the States which have the highest prevalence of child marriage within India, such as Bihar, Jharkhand, Rajasthan and West Bengal (marked in red in Table 2). Some organisations mentioned that they are active in more than one State, and those are contained multiple times in the table. Also, the States (Kerala, Punjab, Goa and Himachal Pradesh) with the lowest number of child marriages are highlighted in green. Notably, none of the NGOs participating has a presence in those States because, compared to other Indian States, these States highlighted in green have a less urgent need to tackle the practice of child marriage.¹⁶⁹

4.5 Data analysis method

The thematic content analysis (TCA), a descriptive presentation of the qualitative data, is the chosen analysis method for the survey and the interviews. This method is described as a robust method of qualitative data analysis.^{170 171} For researchers who want to utilise a very low degree of interpretation, using qualitative descriptive methodologies such as phenomenology, content analysis, and thematic analysis is appropriate. It is a systematic coding and categorising method used to covertly examine textual material to identify patterns and trends in words used in frequency, linkages, and communication structures and discourses. Although thematic content analysis is typically perceived as one of the fundamental qualitative research methods, this does not imply that this method inevitably gives precise and subpar results.¹⁷²

According to academic researchers:

"Content analysis is a method designed to identify and interpret meaning in recorded forms of communication by isolating small pieces of the data that represent salient

¹⁶⁹ Paul, "Child marriage among girls in India: Prevalence, trends and socio-economic correlates."

¹⁷⁰ A. J. Kleinheksel et al., "Demystifying Content Analysis," *American Journal of Pharmaceutical Education* 84, no. 1 (2020), <https://doi.org/10.5688/ajpe7113>, <https://www.ajpe.org/content/ajpe/84/1/7113.full.pdf>.

¹⁷¹ Rosemarie Anderson, "Thematic content analysis (TCA)," *Descriptive presentation of qualitative data* (2007).

¹⁷² Mojtaba Vaismoradi, Hannele Turunen, and Terese Bondas, "Content analysis and thematic analysis: Implications for conducting a qualitative descriptive study," *Nursing & Health Sciences* 15, no. 3 (2013), <https://doi.org/https://doi.org/10.1111/nhs.12048>, <https://onlinelibrary.wiley.com/doi/abs/10.1111/nhs.12048>.

concepts and then applying or creating a framework to organise the pieces in a way that can be used to describe or explain a phenomenon." ¹⁷³

In particular, the deductive approach of the thematic content analysis, which entails interpreting data based on pre-ordinate themes, is central to this research. At the same time, the inductive approach, which would let the collected data determine the themes, was categorised as the second step following the deductive approach. ¹⁷⁴ Hence, for this research paper's purposes, the deductive approach allowed the interpretation of the specific and detailed questions regarding the valuable tools, the multi-sectoral approach and the legal action to end child marriage. In addition, thanks to the inductive approach, identifying some particular methods and solutions to combat child marriage was possible.

While the online survey data was already in written format, the data from the interviews were contained in separate recordings, which needed to be transcribed into text. Firstly, patterns and frequencies of the selected answers were found in the surveys and interviews' transcription. Secondly, these answers' central meaning and underlying discourses were analysed. Finally, the conclusion was drawn from these meanings and discourses.

¹⁷³ Kleinheksel et al., "Demystifying Content Analysis," p. 127.

¹⁷⁴ Kevin Proudfoot, "Inductive/Deductive Hybrid Thematic Analysis in Mixed Methods Research," *Journal of Mixed Methods Research* 0, no. 0, <https://doi.org/10.1177/15586898221126816>, <https://journals.sagepub.com/doi/abs/10.1177/15586898221126816>.

5 Analysis

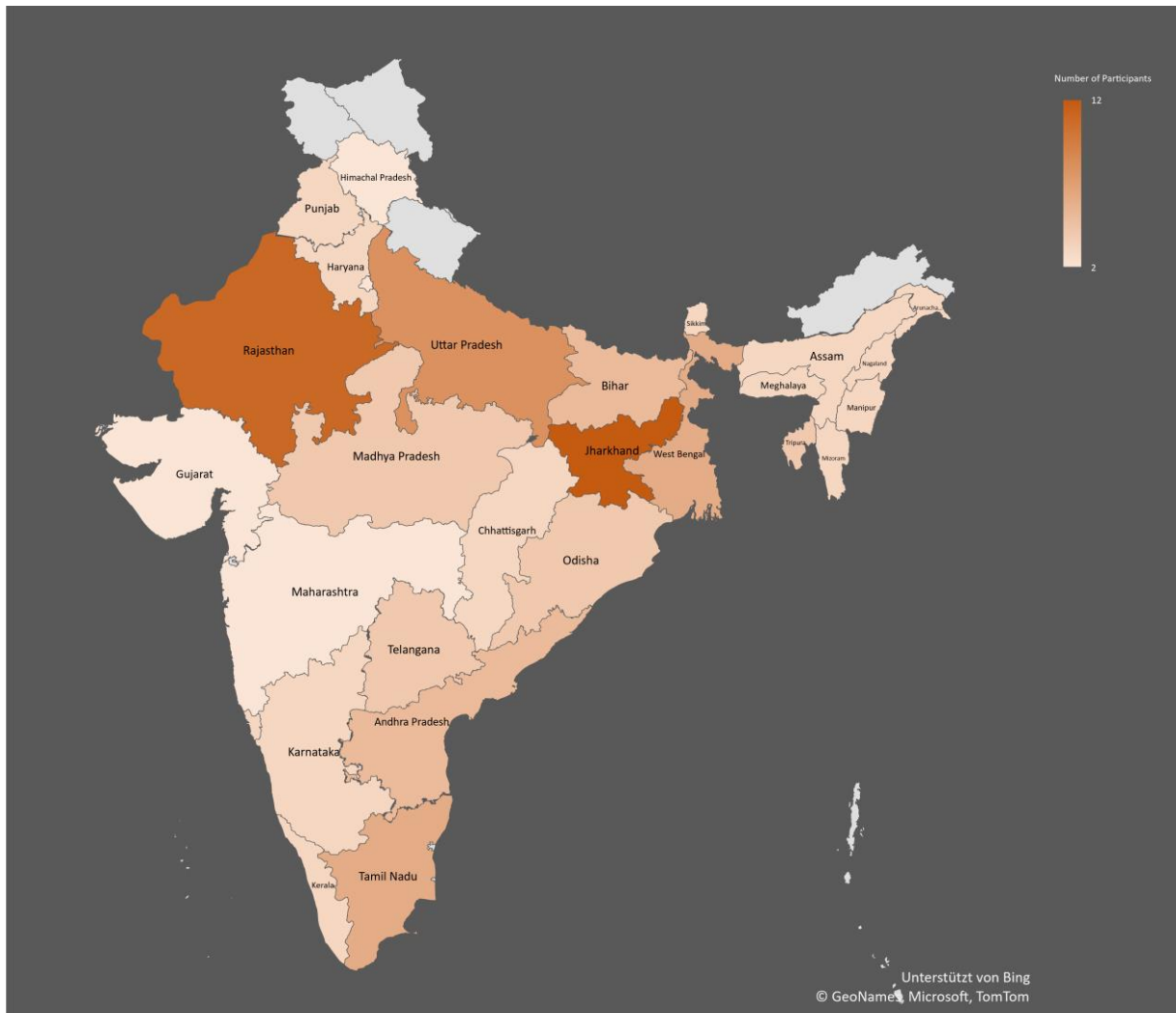


Figure 2 Survey and interview participants' working States

Figure 2 illustrates the geographic distribution of the survey and interview participants' active projects among the Federal States. Most participants currently work in Jharkhand (12) and Rajasthan (11). Also, an extensive number of participants work in Uttar Pradesh (8), Tamil Nadu (6), West Bengal (6), Bihar (5) and Andhra Pradesh (5). The other States are covered from two up to four participants. Of the 39 participants, 30 (76.9%) work directly with children and parents. The others work only with children or other stakeholders such as government departments, NGOs, traditional leaders or schools.

5.1 Online survey

5.1.1 Tools

To the question with multiple possible answers, which tools are the most useful to reduce the prevalence of child marriage in rural areas, most of the participants (94.3%) answered with the option "Awareness raising projects within communities to educate girls" and "Educating

parents about the harmful effects of being a child bride such as financial dependence and health problems”. The second most selected option was a “Free education scheme without hidden costs for uniforms and books”. This option was followed by the “24-hour helpline”, and only after that came the option “Cash schemes” (see Figure 3). The results illustrate how central the education and awareness-raising aspect is in sustainably lowering the number of child marriages in contrast to cash schemes in the form of rewards and helplines.

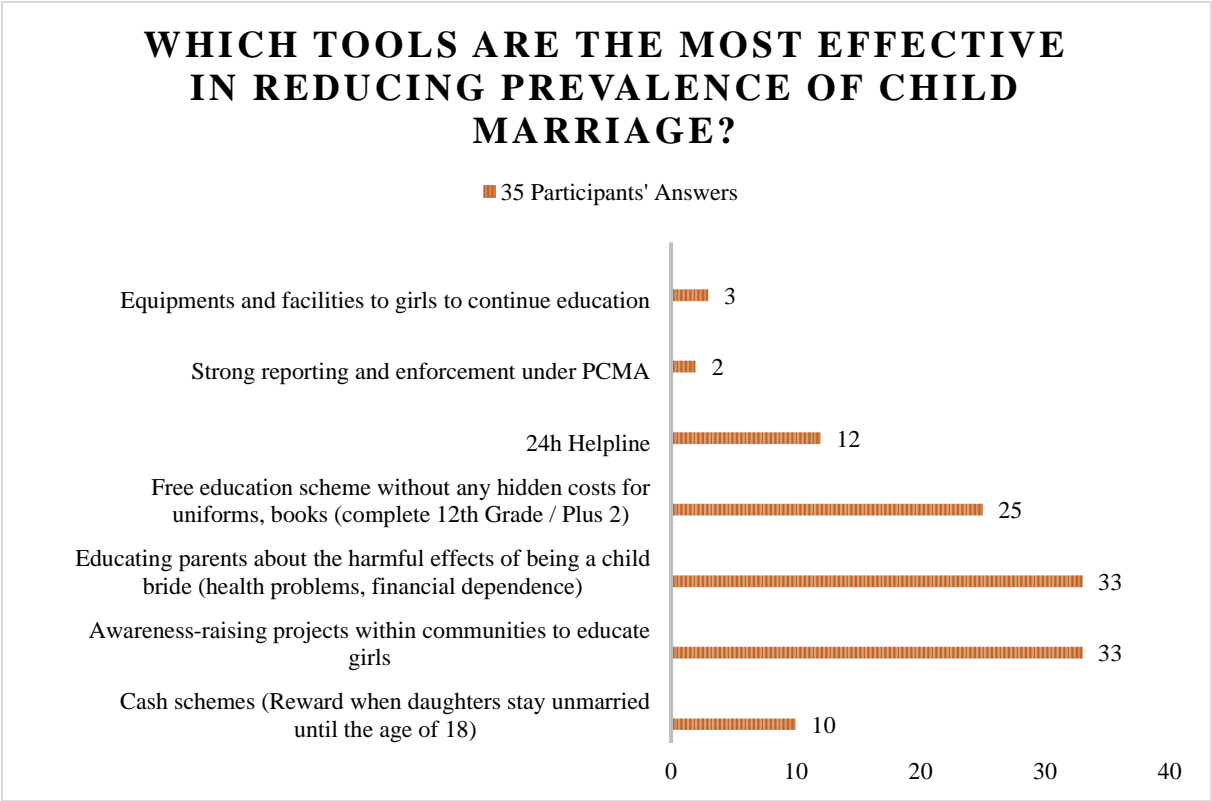


Figure 3 Most effective tools in reducing child marriage's prevalence

5.1.2 Potential solutions

For example, Rohini Banerjee working with the South Kolkata Hamari Muskan (SKHM), stated that one possible solution to end child marriage could be establishing girls-only schools with clean toilets and sanitary-pad vending machines. Also, she emphasised the importance of educating girls about menstrual health and providing them with vocational training such as farming (for people in rural areas), beauty care and tailoring. Most importantly, she highlighted that a course should be dedicated to informing and educating about existing government schemes and services and how they can apply and create identity documents and open a bank account. The abolition of dowry with strict sanctions for those accepting or offering it was also mentioned as a potential solution. According to the people in West Bengal interviewed by SKHM, it is crucial to guarantee the families' financial independence, food security and safety to prevent child marriages from happening. In addition, the literacy rate among women should be increased because

most child brides were illiterate and came from very traditional and low-income families with many children, where girls were denied their education due to the fear of “corruption” of their minds.

Subasini Soren, the representative of the NGO Jharkhand Vikas Parishad, pointed out that the decline overall in child marriage in India may be thanks to the increase in the literacy rate of mothers, better access to education for girls, robust legislation and internal migration from rural areas to urban centres. Moreover, she highlighted that the proactive government investments in adolescent girls and strong awareness-raising of the public on the illegality of child marriage and the harm it causes might have contributed to the shift the country experienced. Ms Soren also mentioned that child marriage is evidence of widespread gender inequality and discrimination in communities where this harmful practice is prevalent. Hence, child marriage reflects the community’s social norms and attitudes towards girls and their rights. Consequently, changing those social norms might be instrumental.

5.1.3 Sectors

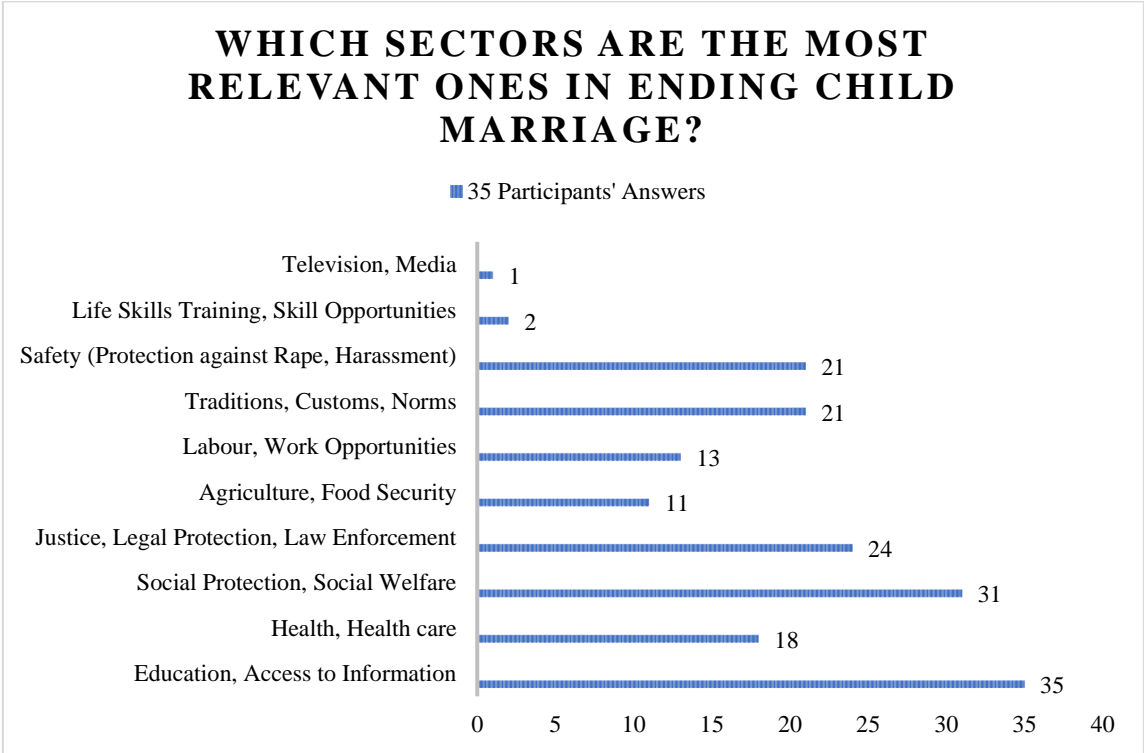


Figure 4 Relevant sectors to ending child marriage

As visible in Figure 4, the most relevant three sectors, according to the survey participants, are «**Education, Access to Information**», «**Social Protection, Social Welfare**», and «**Justice, Legal Protection, and Law Enforcement**». Most importantly, “Education, Access to

Information” was cited by all participants as the most critical sector which should be addressed while attempting to end child marriage. «**Traditions, Customs and Norms**» together with «**Safety (Protection Against Rape, Harassment)**» were mentioned as the fourth most crucial sectors to be targeted to tackle the harmful practice of child marriage. However, 18 participants’ choice of sectors (51.4%) coincided with the three sectors (education, social protection and promotion of social norms change) included in the hypothesis. Three of these 18 participants work with NGOs with nationwide activities, including Women Power Connect, Kailash Satyarthi Children's Foundation and the Mamta Health Institute for Mother and Child.

5.1.4 The multi-sectoral approach

All 35 NGO representatives agreed that the multi-sectoral approach is relevant to ending child marriage. To the statement, “A social programme addressing three sectors simultaneously with three different types of actors would be more successful than a programme addressing one sector with one actor”, a significant majority of 27 participants answered “Yes”, and five replied with “It depends on the circumstances and specific context”. Two other respondents said that it is difficult to evaluate with little knowledge about the details of these programmes. Only one participant replied that a focused target-based work with one actor and one sector could be more successful than a programme with three actors and sectors. Therefore, the centrality of the multi-sectoral approach to ending child marriage in India becomes visible.

5.1.4.1 *Advantages and disadvantages of the multi-sectoral approach*

According to Sukhendu Santra, the representative of ChildFund India, child marriage is a social issue. Therefore, he expressed that a multi-sectoral approach is required, and each sector, including health, education, employment, training and poverty alleviation, plays a vital role in addressing this issue. He also stated that the advantage of this approach is that the heterogeneity of services and support that a girl child requires may be addressed. However, the disadvantage is that the coordination for the collaboration is not simple. Since this is not a quick process, it would be difficult for various partners to collaborate for a very long time without a specific timeframe.

Ajay Kumar working with the NGO Pratigya, stated that the multi-sectoral approach is a collaborative and integrated approach which involves various sectors and stakeholders to achieve a common goal. He stated that this approach recognizes that complex social problems require a coordinated effort from various sectors. Hence, the advantage is that this approach allows a holistic and comprehensive understanding of the issue and considers different factors contributing to child marriage. Collaboration between sectors can offer more effective solutions. This approach supports pooling various stakeholders' resources, expertise, and knowledge to find a sustainable solution. In addition, this would prevent the duplication of efforts and resources by ensuring adequate resource allocation.

Nevertheless, Mr Kumar mentions that the main disadvantage of the multi-sectoral approach is the complex coordination. This coordination is challenging when the stakeholders have diverging goals, priorities and timelines. Moreover, he stated that power imbalances between sectors and stakeholders might prevent some voices from being heard and even render an equal say in decision-making nearly impossible. Another negative factor described by Mr Kumar is the consumption of time. He stated that planning and coordinating an effective and sustainable multi-sectoral approach could be time-consuming. Finally, Ajay Kumar highlighted that the multi-sectoral approach is a potent tool to address the issue of child marriage. However, careful planning, coordination and fruitful cooperation among the various stakeholders is crucial to the approach's success.

5.1.4.2 Actors

Regarding the question of the relevant actors or stakeholders to be involved in a social scheme with a multi-sectoral approach, 27 participants answered NGOs, and 24 participants mentioned governmental partners. Other essential actors mentioned were community leaders (i.e., Panchayat), schools, teachers, law enforcement officers, children and adolescents (see Figure 5).

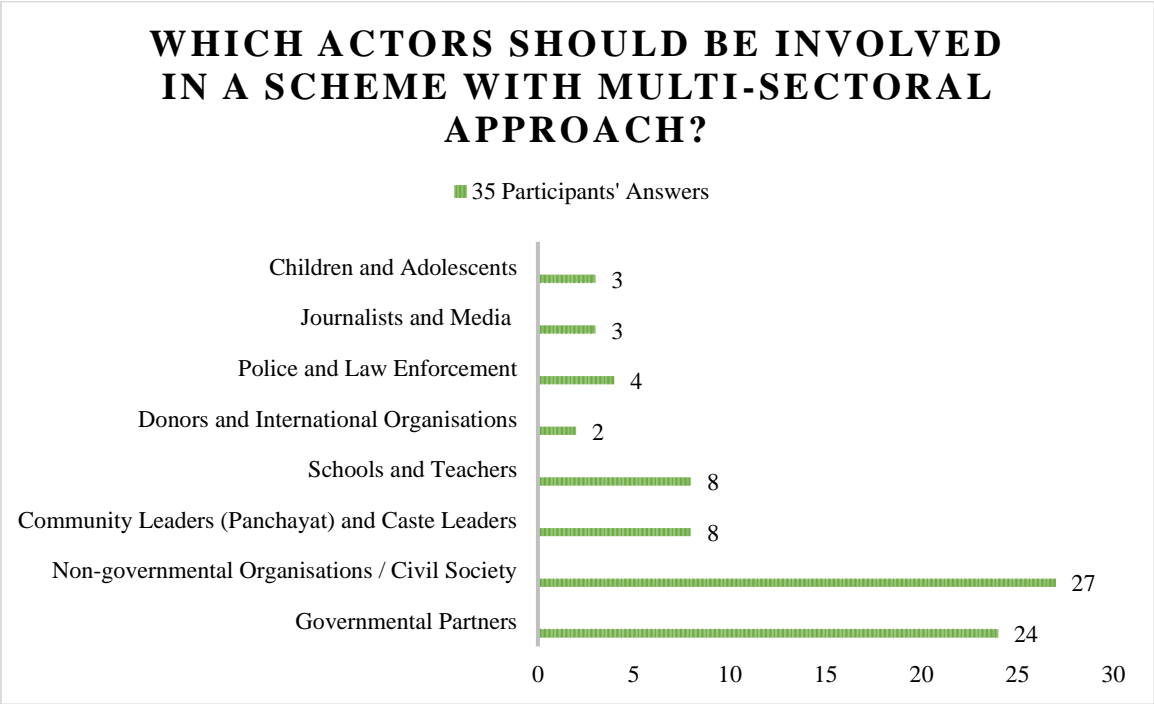


Figure 5 Key actors for the multi-sectoral approach

5.1.5 The Prohibition of Child Marriage Amendment Bill (2021)

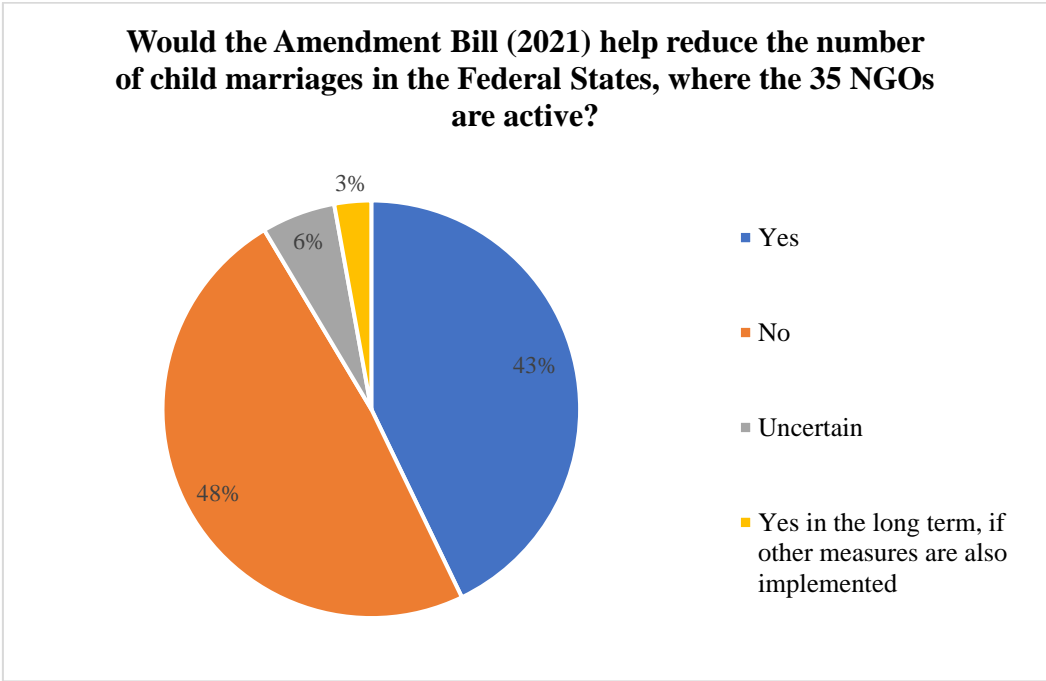


Figure 6 Prediction of the Prohibition of Child Marriage Amendment Bill's Impact

The survey participants were asked if the Prohibition of Child Marriage Amendment Bill (2021) would help reduce the number of child marriages in the States they are working. While 48% of the survey respondents replied with “No”, 43% of participants answered with “Yes”. One participant insisted that if other measures are implemented, this Bill might be helpful in the long term. A small number of the participants (2) were uncertain about the impact of the Bill (see Figure 6).

The representative of Women Power Connect, Ms Gayatri Sharma, replied that if such a bill were adopted, many people would try to forge the documents regarding the age. Therefore, this would not be significantly beneficial to reduce the number of child marriages. Nevertheless, Tauhid Abbasi working with Gramin Vikas Sansthan, stated that although he does not favour this bill, it contains some favourable provisions, such as overriding all laws, customs, or practices concerning child marriage could be crucial for achieving the reduction of child marriages.

Priyanka Sreenath from the Mamta Health Institute for Mother and Child pointed out that reducing child marriage’s prevalence through this Amendment Bill is ambitious. She also mentioned that in the contemporary era, only a few young people delay marriage by choice after they turn 21 due to educational and employment-related aspirations. Nevertheless, she insisted that delaying marriage through legal pressure would be disadvantageous and that law alone

could never contribute to ending child marriage. In addition, Ms Sreenath stated that this proposed legal marriage age of 21 would go against the definition of the child, which includes everyone under 18 as defined in the Indian Constitution. She also added that this Bill would defer the sexual and reproductive health rights of girls.

According to Dr Om Prakash Kulhari, working with the Centre for Unfolding Learning Potentials (CULP), child marriage is a tremendous societal problem, and even the existing Prohibition of Child Marriage Act (2006) could not solve the issue due to the lack of effective enforcement. Hence, he underlined that this issue should be solved by inducing a change in society, and the governmental authorities should attempt to implement better and enforce the already existing legal act. In his opinion, raising the legal marriage age for girls from 18 to 21 years would be counterproductive and might even increase the number of child marriages.

5.2 Online interviews

5.2.1 NGO ANTODAYA, Dilip Kumar Das

According to Dilip Kumar Das, the chairman of the NGO ANTODAYA, he was able to stop several child marriages prior to their solemnisation solely due to the information he received from the community's people and his action to simultaneously mobilise the government-appointed Child Marriage Prohibition Officer, police officer, media workers and the Child Welfare Committee working in every district. Mr Das also mentioned the panchayat leaders' importance in child protection. He stated that although these leaders are not professionally trained, they may contribute to preventing child marriages by informing authorities before a child marriage occurs.

For the social programme with a multi-sectoral approach, Mr Das highlighted the importance of including parents of children, caste society leaders, prosecutors and the governmental Child Welfare Departments and Women and Child Development Agencies. In addition, he stated that NGOs function as the facilitator and bridge between the government and the society. Therefore, NGOs should be assigned a unique role within this approach. Also, Mr Das expressed that the multi-sectoral approach has more advantages than disadvantages while tackling the issue of child marriage. One disadvantage would be the conflict of responsibility by including several actors. This conflict might lead to shifting responsibility to NGOs who work very closely with the people on the ground. Additionally, he described the issue of the Prohibition of Child Marriage Act's legal lacunas, where solemnized marriage is not void but requires a lengthy process to separate the wedded couple. These legal lacunas would undermine the undertaken efforts if not addressed prior to the scheme with a multi-sectoral approach.

Nonetheless, the advantage of this approach would be speedy information dissemination by involving many different stakeholders. This approach could mean that everybody may become part of a movement to end child marriage. For instance, if the person in charge of printing the wedding invitation for child marriage is included in this approach, then that person can inform the authorities or other actors who are part of the multi-sectoral approach, and the planned wedding could be stopped in time.

According to the ANTODAYA representative, the most important sectors to be addressed through a multi-sectoral scheme are «**Education, Access to Information**», «**Social Protection**», and «**Traditions, Customs and Norms**». He said empowering young girls and letting them continue their education is crucial since educational institutions may help prevent child marriages. Mr Das described that during the COVID-19 pandemic, there was a steep rise in child marriages and drop out of schools because many parents living in poverty had lost their sources of income, and the marriage ceremony in that specific context was cheaper due to lockdowns and regulations. In addition, he added that there should be dialogues with adolescents, parents and traditional leaders. According to Mr Das, changing the mindsets and encouraging more people to join this effort is necessary.

In Mr Das's opinion, the Amendment Bill would not significantly reduce the number of child marriages. He emphasized that there needs to be harmony between the existing legal acts such as the Hindu Marriage Act, Muslim personal law and the Prohibition of Child Marriage Act. Moreover, Mr Das said that raising the legal marriage age and increasing the duration of the annulment period would not help solve the issue. It would be controversial to the definition of the child under the Indian constitution. Additionally, Mr Das stated that adding provisions to the current act in force about the implementers, including the Child Welfare Department, the Women and Child Development Department and the Child Marriage Prohibition Officer, would be helpful. As an example, Mr Das cited that there should be a specific provision that a Child Marriage Prohibition Officer at the sub-district level is answerable and responsible for every child within his jurisdiction.

5.2.2 NGO Voice 4 Girls, Nayonika Roy

Voice 4 Girls is an NGO which primarily provides knowledge to adolescents and other organisations. This organisation is not directly involved in stopping the wedding ceremonies of children, but it collaborates with law enforcement officers and child helplines to disseminate information. The main objective of Voice 4 Girls is empowering girls and making them leaders and decision-makers in their own lives. Therefore, ending child marriage is solely a by-product of their activities. Through a 30-day camp, the NGO tries to increase the self-awareness of the girls, educate them about mental and sexual health, advise them about safety and how they can act if something happens to them and inform them about future opportunities they have. These

girls who participated in that camp may train to become peer leaders and empower other girls, consequently creating a domino effect of girls' empowerment.

According to Nayanika Roy, working with Voice 4 Girls, child marriages often happen when children are at home and not doing anything, such as attending school. She mentioned that Telangana and Andhra Pradesh have a robust system of residential schools, where parents almost pay nothing. The parents are happy to send their children and meet them only during the summer holiday for two to three months a year. This system allows and empowers girls to study at least till 10th grade. Afterwards, girls may often negotiate and, with the help of organisations such as Voice 4 Girls, understand their future opportunities concerning scholarships and loans to continue their education.

In contrast, Ms Roy pointed out that the State of Tripura does not have a strong system of residential schools. In addition, Tripura's geographic location, having a border with Bangladesh, makes the girls living there more vulnerable to trafficking, sexual harassment and marriage with grooms who are double their age. In those circumstances, Ms Roy described that children are not allowed to have a dream, and the freedom of choice regarding their lives and discussing with the parents is mostly not helpful.

The Voice 4 Girls' representative affirmed the multi-sectoral approach's cruciality in reducing child marriage. She disclosed that everything in society is interlinked, as with child marriage. Particularly, adolescents or children cannot become decision-makers in strictly legal terms. Therefore, the school structure, teachers, and other staff may assist adolescents and their parents. Ms Roy specified that traditional leaders, parents, NGOs and every aspect in which children are involved should also participate in a multi-sectoral scheme. From Voice 4 Girls' perspective, the most pertinent sectors which should be targeted are «**Education, Access to Information**», «**Safety**», and «**Empowerment of Girls**».

Ms Roy stated that the current legal act in force, the Prohibition of Child Marriage Act, is relatively holistic but failing because it is too scattered. The solution she proposed was to encourage more people to participate in ending child marriage. She emphasised that more officers should be appointed at the interior levels. Also, Ms Roy explained that the Amendment Bill's intention is valuable. However, the practicality of it is debatable. She said that the practice of child marriage would continue even if this Bill entered into force. Notably, Ms Roy highlighted that this Bill could even backfire and increase parents' worries about poverty to keep their daughters until they turn 21. Importantly, she mentioned that child marriages should never be automatically void because this would encourage men to have multiple wives. Particularly, in states such as Rajasthan and Tripura, where generally the grooms are much older than the brides, the groom

and his family may insist on marrying more than one girl if the groom does not get a son from his first wife.

5.2.3 NGO Sambhali Trust, Arunima Soni

Arunima Soni, who works with the Sambhali Trust based in Rajasthan, described that her organisation focuses on educating the girl child. Under education, they do not only mean regular school education but also vocational training such as the creation of art and craft. The Sambhali Trust has three boarding homes in Jodhpur for young children, adolescents, and people above 18. In addition, they provide scholarships to other children to access private schools. Even Ms Soni stated that children should not sit at home without doing anything because that would make them more vulnerable to child marriage. Therefore, she underlined that girls should join boarding homes. In particular, Ms Soni highlighted that education and vocational training, such as sewing or skills for opening a beauty salon, given to girls is critical in delaying child marriage. These skills would contribute to the empowerment and financial independence of the girls.

The multi-sectoral approach is relevant to a certain extent, according to Ms Soni. Also, she stated that a partnership between civil society and the government would be beneficial within this multi-sectoral approach. While non-governmental organisations may tackle an issue on a small scale, getting the government's support is crucial as they may adopt policies and even amend them. She stated that the advantages would be that governmental departments and NGOs often have different perspectives on the same issue. While government agencies' staff often consider the problems at the surface level, NGOs might have seen the deep-rooted problem. Hence, Ms Soni mentioned that combining the government's resources and the NGOs' expertise might create a huge impact. However, Ms Soni referred to the conflict of ideas resulting from a collaboration of a very heterogeneous group would represent a significant disadvantage in this approach. Another disadvantage would be the lack of coverage of the middle level, which is not covered by the surface level of the government nor the grassroots level by the NGOs.

The Sambhali Trust representative referred to «**Education, Access to Information**», «**Social Protection**», «**Safety**», and «**Traditions and Customs**» as the most relevant sectors within a programme following the multi-sectoral approach. She revealed that education and access to information are critical because every person involved in organising a wedding ceremony with child brides or grooms should be aware of the harmful consequences. This means that from the printer of the wedding invitation, the light decorator to the priest should be the target of awareness-raising campaigns. Additionally, Ms Soni underlined the relevance of the financial independence of each household, in particular the ones with young daughters. Also, it was mentioned that sexual assault is prevalent in India, and own household members even commit these types of assaults. Hence, safety is another crucial sector for ending child marriage. Finally, Ms

Soni disclosed that patriarchy and gender inequality encourage child marriages, and therefore, this societal mindset should be changed, and norms should become more flexible.

Regarding the Amendment Bill, Ms Soni pointed out that this is a commendable effort and, if passed, might positively impact girls' lives. Significantly raising the legal marriage age to 21 would be very beneficial and could help girls pursuing higher studies. Nevertheless, she stated that laws alone cannot change the entire situation. For instance, Ms Soni highlighted that the literacy rate for women in Jaisalmer (a city in Rajasthan) is under 50%, and marginalised families already do not care about the laws in force. Therefore, this Bill might have minimal impact on the behaviour of the marginalised communities in Rajasthan.

5.2.4 NGO Mahila Jan Adhikar Samiti, Indira Pancholi

Mahila Jan Adhikar Samiti is a grassroots feminist organisation based in Rajasthan. Indira Pancholi is one of the founding members of this NGO. The focus of this NGO's work is on the empowerment of women and girls. In particular, Ms Pancholi and her team try to raise awareness among the younger generations and enable the digital learning of girls. Most importantly, a football initiative of this NGO attempts to give child brides the courage to speak up.

Ms Pancholi referred to the recent 3'000 to 4'000 arrests in Assam as violating human rights and constitutional rights. She mentioned that while this was an attempt to tackle the issue through law enforcement officers and the justice department, this only shows the State's failure to educate the people.

In addition, Ms Pancholi stated that some national studies illustrate that the multi-sectoral approach is critical and effective in reducing the prevalence of child marriage. Therefore, she agreed that a social scheme with a multi-sectoral is highly crucial to ending child marriage. Also, Ms Pancholi stated that a social welfare scheme and solving caste-related standards and norms could effectively reduce the number of child marriages. However, she emphasized that legal enforcement by arresting former child brides or grooms is counterproductive. Instead, Ms Pancholi explained that it is important to give access to information, including informing the population about which State schemes are available. Also, all social schemes must be brought under one umbrella to ensure that the eligible parts of the population can access them. Regarding this accessibility, it is essential to reduce the complexity and paperwork.

According to Ms Pancholi, the most central actors, which should be included in the social programme with a multi-sectoral approach attempting to end child marriage, are civil society, the government and the youth. She mentioned that civil society actors are crucial because they are the bridge between society and the state. They know the issue very well and can experiment at the grassroots level. On the other hand, she stated that state actors cannot experiment with

projects and activities but can scale up the projects designed by civil society. Finally, Ms Pancholi described that the youth is the driver of change. Therefore, the youth should lead change, take the initiative, and face society and the government. Moreover, Ms Pancholi cited «**Education, Access to Information**», «**Social Protection**», and «**Traditions and Customs**» as the most relevant sectors to be addressed to reduce the prevalence of child marriage.

Regarding the Amendment Bill, Ms Pancholi and her NGO conducted a national debate and contacted 5'000 people nationwide. The findings were that the Amendment Bill could be beneficial within urban areas. However, this Bill would not be able to change the life of people living in rural areas because child marriages would continue happening. Hence, this Bill would not help to reduce the number of child marriages. Moreover, the interviewee stated that this bill is very controversial because every 18-year-old may vote in India but cannot get married. Also, increasing the duration of the annulment period might reflect the idea that Indian citizens approve of the practice of child marriage. If child marriages are made automatically void, all existing child marriages would be void. Ms Pancholi underlined that child marriages in India should remain voidable because young people should have the freedom of choice, and some might want to stay in their child marriage.

5.3 Summary of the findings

All interview and survey participants agreed that a social scheme with a multi-sectoral approach would be an effective method to address the harmful practice of child marriage. This consensus regarding the approach illustrates its relevance and importance within the context of child marriage. However, most participants also agreed that the multi-sectoral approach is often challenging to plan and coordinate due to the diversity of stakeholders involved.

According to the findings, awareness-raising projects within communities, educating parents of daughters about the harmful effects of becoming a child bride and free education schemes provided to girls without any hidden costs were cited as tools to achieve significant progress in addressing child marriage within rural areas of India. Some NGOs highlighted the empowerment of children, in particular girls, as a robust solution for ending child marriage. This statement aligns with the child rights-based approach discussed in the theoretical framework.

“Education and Access to Information” was the principal sector to be targeted by all participants. Also, “Social Protection and Social Welfare” was mentioned by a significant majority as a sector crucial to ending child marriage. In addition, “Justice, Legal Protection and Law Enforcement” with “Changing Social Norms and Traditions” were the third most cited sectors, which the participants stated to be tackled within a multi-sectoral approach to end child marriage. Eighteen survey participants and three interview participants’ selection of sectors overlapped with the three sectors identified in the thesis’ hypothesis, “Education and Access to

Information”, “Social protection and Social Welfare”, and “Changing Social Norms and Traditions”. Remarkably, three out of four survey participants working with NGOs with a nationwide presence, Women Power Connect, Kailash Satyarthi Children’s Foundation and the Mamta Health Institute for Mother and Child, selected those three sectors. Hence, 53.8% of the respondents agreed that the three sectors in the hypothesis are essential to ending child marriage in India.

In addition, 79.5% of all participants agreed that the most central actors to be considered for a scheme with a multi-sectoral approach are non-governmental organisations. 69.2% of the NGO representatives confirmed that governmental partners should also participate. Some mentioned that traditional community leaders and schools should be included. In addition, some participants affirmed the centrality of the child rights-based approach by referring to children and adolescents as one of the key actors to be involved. Based on the child rights-based approach, NGOs and government actors need to recognize the importance of children as key stakeholders to be included in the issue of child marriage since they are affected by it. Hence, children’s voices should be carefully listened to and included in the process of taking any action.

Since child marriage is an issue with multiple drivers, such as poverty and lack of education, most of the participants stated that the advantage of a social scheme with a multi-sectoral approach would be addressing various drivers from different sectors simultaneously. In addition, many acknowledged that joint efforts and collaboration are pivotal in generating a significant impact and eventually ending child marriage. Nonetheless, most participants cited the complexity of coordinating the work and not well-defined duties or responsibilities of each actor as the most prominent drawbacks within the multi-sectoral approach.

Several participants cited that one of the positive aspects of the Amendment Bill (2021) is that it would supersede all existing laws concerning marriages, including Muslim personal laws. Still, many agreed that this bill might let people worry about feeding and caring for their daughters for three more years and could even motivate the forging of identity documents. A small percentage of participants opined that if other measures or actions, such as education and awareness-raising measures, are taken, the bill might have a positive impact in the long term. However, some stated that it would be controversial to vote at 18 years but not be able to get married legally and that this societal problem cannot be solved through legal means. Regarding the Child Marriage Prohibition Act (2006), some participants mentioned that automatically voiding every child marriage would pose different challenges, including polygyny, and therefore it is not recommendable.

5.4 Limits

Although the number of participants is significant, given the difficulty of contacting and encouraging extremely busy and active NGOs with limited time and capacity to participate in this type of research, the number is still too small to reach precise results to address and end the harmful practice of child marriage. To a certain extent, the results of the survey and the interviews point to a direction by which the practice of child marriage in India could be ended. Nevertheless, this research could not find a detailed solution to the complex problem. While some survey participants provided detailed answers to every question, some only replied with short answers. This could be interpreted as some respondents not understanding the questions very well. This lack of understanding could be related to significant gaps in reading comprehension in English because most respondents speak Hindi as their mother tongue, and they might have felt less at ease in answering less straightforward questions. Even for the interviews, there were some linguistic, acoustic or even internet connection-related difficulties. These problems rendered the clear comprehension of the interviewees' answers difficult. Also, the interpreter who facilitated one online interview mentioned the difficulty of translating every sentence without missing vital information. This issue might have caused discrepancies between the interviewee's sentences and the interpreter's output communicated to the interviewer.

6 Conclusion

6.1 Synthesis

The objective of this research paper was to analyse what kind of social scheme following which methods and addressing which sectors are central to reducing the number of child marriages in India. In addition, this paper also attempted to explore the possible consequences if the Prohibition of Child Marriage Amendment Bill 2021 is adopted and how the current legal measures, particularly legal lacunas, could be improved to better address child marriage.

The literature review contained a three-level analysis. It started with scrutinizing India's international legal obligations regarding child marriage if India is currently violating international norms, and what recommendations India received from the Committee on the Rights of the Child and the Committee on Elimination of Discrimination against Women. Then, the current legal landscape concerning child marriage within India was explored at the national level, and finally, the Federal state level with the example of West Bengal was reviewed. The theoretical framework underlined at first the relevance of the human rights-based approach, particularly the child rights-based approach. Afterwards, the hypothesis was discussed and incorporated the significance of the child rights-based and multi-sectoral approaches with the three identified concepts: education, social protection, and change in traditional and social norms. The methodological framework examined the most feasible and adequate methods for this research. Consequently, an online survey and interviews with local Indian NGOs working directly with the population of interest, children affected or vulnerable to child marriage and their parents, were chosen as the suitable methods for this qualitative research. By conducting a thematic content analysis of the online survey and the online interviews with 39 participants, this thesis has shown how central the multi-sectoral approach is to ending child marriage in India.

Within a social scheme to reduce child marriage's prevalence, it is crucial in accordance with the child rights-based approach and the multi-sectoral approach to target education, social and legal protection and changing social norms and traditions simultaneously. Moreover, diversifying the types of actors involved, such as government departments, NGOs and even traditional leaders and schools, through well-defined responsibilities and efficient and sustainable coordination would be beneficial. Nevertheless, the multi-sectoral approach poses various significant challenges in coordination, responsibility-bearing and other factors that cannot be overlooked.

While most participants mentioned the importance of the collaboration between governmental partners and NGOs, only a few NGOs recognized the cruciality of the child rights-based approach and the hearing and including children's voices in the action-taking process. Children should be considered capable of making decisions and being in charge of their lives. Therefore,

it is essential to involve children in effectively and sustainably ending the practice of child marriage.

Meaningful advancement in tackling child marriage in rural parts of India can be made through awareness-raising of communities and dialogues with traditional leaders such as the Panchayat or caste leaders. In particular, it is vital to enlighten the parents of daughters about the harmful consequences of child marriage, including the girls' health and independence. Notably, awareness-raising could also promote changes in social norms. In addition, educating the children and adolescents, empowering them within educational institutions through the knowledge they might not get from their homes or communities and informing them about future educational or work opportunities they have, are essential steps to be taken.

Importantly, this research also shows that the legal marriage age for girls in India should remain 18 years old. Also, child marriages should remain voidable under the Prohibition of Child Marriage Act 2006, contrary to the recommendation of the CEDAW Committee. In addition, the PCMA should include a provision that the Act supersedes all existing laws concerning marriages, such as the Hindu Marriage Act, Muslim personal laws and other religious laws.

Finally, the analysis partially confirms the hypothesis of this thesis. However, the hypothesis initially neglected and did not include “Justice, Legal Protection, Law Enforcement” as one of the most crucial sectors to address. According to the results, a multi-sectoral social scheme with a multi-stakeholder collaboration focusing on primarily enhancing education, social protection, legal protection and law enforcement and changing social norms contributes to reducing child marriages in India.

6.2 Limits

This research explored various methods and tools utilized by several NGOs and government bodies or departments within India. Since India is a vast and very diverse country with different cultures, religions and traditions, the drivers and schemes to address child marriage depend on each context. Although this paper tried to explore and summarize the most effective methods across the country, it is vital to mention that several meaningful solutions might have been overlooked. Hence, this thesis represents only a non-exhaustive list of recommendations beneficial for future action in the context of child marriage in India.

6.3 Outlook

To conclude, this section will discuss how this research paper can be developed in the future. Since this research paper only gives a direction towards finding an adequate method or approach to end the practice of child marriage, the ideas in this thesis could be further developed and even implemented at grassroots or district levels. This paper explored and discovered the most

critical gaps in legal and non-legal measures and the most relevant sectors that need to be addressed through social schemes. However, further research could be done to tailor a programme that could be experimented with and implemented within one specific State or district in India. Such a programme could be developed in partnership with the NGOs active on the ground. If this tailored scheme to tackle the harmful practice of child marriage is successful, then it could also be researched and explored within the context of India's neighbouring countries, such as Bangladesh, Nepal, Afghanistan and Pakistan, which have a high prevalence of child marriage.

7 Annexe 1: List of survey participants

Name	Organisation
Murari M Choudhury	Network for Enterprise Enhancement and Development Support (NEEDS)
Nitika Pant	Social Action for Knowledge Building and Awareness Raising
Pankaj Raman Srivastva	Rural Organisation for Social Advancement (ROSA)
Poyyathu R.	Society for Women Education and Economic Thrust (SWEET)
Dr. Om Prakash Kulhari	Centre for Unfolding Learning Potentials (CULP)
Priyanka Sreenath	Mamta Health Institute for Mother and Child
Renuka KR	Centre for Women's Development and Research
Dinesh Puri	Grameen Vikas Shodh Awam Takniki Kendra
Rakesh Kumar Singh	Kailash Satyarthi Children's Foundation
Baitali Ganguly	Jabala Action Research Organisation
Sandeep Srivastava	Shohratgarh Environmental Society
Dr SN Sharma	Rajasthan Samgrah Kalyan Sansthan
Susmita Bhattacharjee	Nav Bharat Jagriti Kendra (NBJK)
Rohini Banerjee	South Kolkata Hamari Muskan
Ajay Kumar Sinha	Bihar Pradesh Yuva Parishad
Subasini Soren	Jharkhand Vikas Parishad
Dr. Keerthi Bollineni	Vasavya Mahila Mandali
Sanjeev Kumar Bhagat	Lok Kalyan Seva Kendra
Tauhid Abbasi	Gramin Vikas Sansthan
Gayatri Sharma	Women Power Connect
Pradeep Singh Pundhir	Spectra Organisation
Javed Abbas	Milaan Foundation
Praveen Prakash	Hind Yuva Shakti
Sukhendu Santra	ChildFund India
Mahesh Panpalia	Dhara Sansthan
Harhini Santhanam	Sahaj Sansthan
Kailash Brijwasi	Jatan Sansthan
Ajay Kumar	Pratigya
Ruchira Gupta	Apne Aap
Indramani Sahu	Samarpan
Satish Babu	HEALDS
Ayesha Sinha	Talash Society

8 Annexe 2: List of interview participants

Name	Organisation
Dilip Kumar Das	ANTODAYA
Nayonika Roy	Voice 4 Girls
Arunima Soni	Sambhali Trust
Indira Pancholi	Mahila Jan Adhikar Samiti

9 Annexe 3: Survey and interview questions

- What is your name?
- With which organisation are you working?
- In which State(s) are you actively working?
- Do you work directly with children, their parents, or others?
 - Only with children
 - Only with parents
 - With children and parents
 - Other: ...

Socio-economic measures

- How can families in rural areas most effectively be persuaded not to get their minor daughters (younger than 18) married?
- Is your organisation engaged in ending child marriage? If yes, please specify what the organisation is doing.
- In your opinion, which types of tools are the most effective in reducing child marriages? (more than one answer is possible)
 - Cash schemes (Reward when daughters stay unmarried until the age of 18)
 - Awareness-raising projects within communities to educate girls
 - Educating parents about the harmful effects of being a child bride (health problems, financial dependence)
 - Free education scheme without any hidden costs for uniforms, books (complete 12th Grade / Plus 2)
 - 24 hours Helpline
 - Other: ...
- What kind of solution would you offer to reduce the number of child marriages within India?

Multi-sectoral approach

The multi-sectoral approach = different stakeholders and sectors attempting to end the practice of child marriage by working together on the same programme

- What do you think of the multi-sectoral approach? What are the advantages & disadvantages of this approach?
- Can this approach be relevant for ending child marriage?
 - Yes
 - No
 - Other: ...

- Please, tick/mention which sectors, in your opinion, are the most relevant ones to ending child marriage.
 - Education, access to information
 - Health, Healthcare
 - Social protection, social welfare (reduce poverty of communities)
 - Justice, legal protection, law enforcement
 - Agriculture, food security
 - Labour, work opportunities
 - Traditions, customs (changing social norms, traditions)
 - Safety (protection against rape and sexual harassment)
 - Other: ...
- Why did you choose those sectors above? Please, explain.
- Which actors should be involved in a multi-sectoral approach? (for example: NGOs, government actors, children etc.)
- Do you have any projects related to the multi-sectoral approach? If yes, please write/mention some examples.
- *A social programme addressing three sectors simultaneously with three different types of actors* : Would this social programme be more successful than a programme addressing one sector with one actor?

Legal action

- *The Prohibition of Child Marriage Amendment Bill (2021) is currently the subject of many debates.*
- *The legal marriage age for women would be raised from 18 to 21 years.*
- *The annulment period of marriage would increase from two to five years after turning 18.*
- *This Bill is intended to supersede all laws, traditions and practices concerning child marriage. This act would prohibit all child marriages, including customary marriages, within India.*

- What do you think of the **Prohibition of Child Marriage Amendment Bill** (raising the legal marriage age for girls from 18 to 21 years)?
- Do you think this Bill will help reduce the number of child marriages in the State you are working?
 - Yes
 - No
 - Other: ...

- **Which behaviour from marginalized families are you expecting if this Bill enters into force?**
- **What other type of legal action would you recommend to reduce child marriages?**
- **Please, write/mention here if you have any additional comments to add.**

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