

- ☞ Remember that women involved in such offences are also offenders although they cannot be punished with imprisonment. Therefore, arrests should be made where necessary. The court decides the penalty to be imposed on women offenders
- ☞ Any person who was a child at the time of his/her marriage can seek to end his/her marriage
- ☞ The petition can be filed before the child completes two years of attaining majority
- ☞ A parent /guardian/friend or other person along with CMPO can seek to void the marriage on behalf of a minor

Circumstances under which Child Marriage is Considered Null & Void

- ☞ If child is taken away from the lawful guardian and married
- ☞ If a child is married by force or deceitful means
- ☞ If the child is sold for the purpose of marriage
- ☞ If the child is married and then sold or trafficked or used for immoral purposes

Role of Teachers in addressing Child Marriage

Every school teacher has been made liable under section 16 of the Act to provide assistance to the Child Marriage Prohibition Officer (CMPO) to prevent child marriages. School teachers can play a key role in preventing child marriages.

What can the teachers do?

- ☞ Inform the nearest police station as soon as it is known that a child marriage is being performed or is about to be performed. The police makes a entry in Daily Diary maintained at every police station) and registers an FIR

- ☞ Visit the nearest Judicial or Executive Magistrate to record a complaint, which can be either oral or written, in the form of a phone call, a letter or a telegram, e-mail, fax or a simple handwritten note duly signed by the complainant
- ☞ In case the police station is far away or there are no Courts in the vicinity, solicit support from the nearest NGO working with children
- ☞ Keep a direct check over children in school who could be potential victims of child marriage, by keeping regular attendance at school
- ☞ Make immediate visit to the house of the child if his/her absence is alarming and there is a potential of the child being married
- ☞ Talk to the parents and try to convince them not to marry off their children early by informing them about its negative consequences
- ☞ Inform parents about the law against child marriage, and the legal consequences for parents for getting their children married
- ☞ Educate children in school that child marriages are barred under the law
- ☞ Encourage participation of children in voicing their concerns and views about child marriages through different ways such as drawings, writings, plays and discussions
- ☞ Conduct special sessions and invite members of the police and the CMPO to talk about child marriage



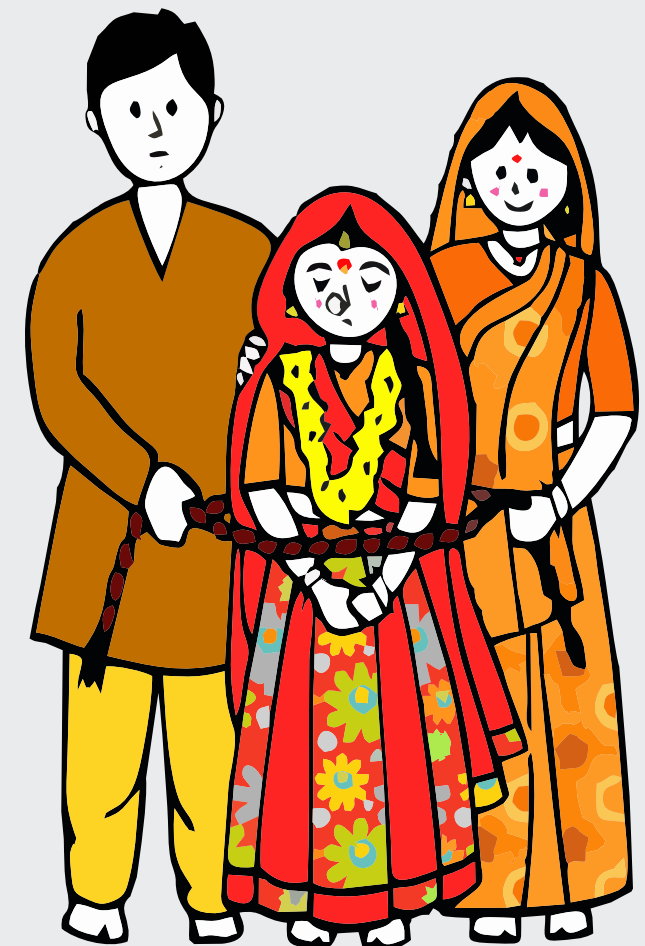
A-23, Friends Colony (West), New Delhi-110065
Email: info@satyarthi.org.in | Website: www.satyarthi.org.in

TO COMPLAINT ABOUT CHILD ABUSE, PLEASE CALL US ON:

☎ **1800-102-7222** (Toll-Free)



THE PROHIBITION OF CHILD MARRIAGE ACT, 2006



The Prohibition of Child Marriage Act, 2006

What is Child Marriage?

Child marriage means a marriage in which either the bride or the groom is a child.

Child is a person who -

- ☞ If Female - has not completed 18 years of age
- ☞ If Male - has not completed 21 years of age

Who can Complain?

Anyone can complain against a child marriage already solemnized or arranged to be solemnized in future.

Where to Report?

- ☞ Child Marriage Prohibition Officer (CMPO)
- ☞ Childline - 1098
- ☞ Police - 100
- ☞ Women helpline
- ☞ National Commission for Women
- ☞ District Magistrate
- ☞ Court of Judicial Magistrate of First class
- ☞ Court of Metropolitan Magistrate

Who can be punished?

- ☞ Male adult above 18 years of age for marrying a minor girl
- ☞ Anyone who performs child marriage like-priests or religious heads who preside over the ceremony
- ☞ Anyone who conducts a child marriage like-parents, guardians, anyone having custody (legal or illegal) of the child being married
- ☞ Anyone who directs or abets a child marriage like a relative who brings proposal for child marriage, middlepersons who intervene between two families to help conduct a child marriage.

- ☞ Anyone who takes part in any way in solemnisation of child marriage, permits child marriage like- guests, caterers, tent provider, decorator, tailor or anyone who has given his/her services in the solemnization of a child marriage
- ☞ Anyone who has knowledge about child marriage & fails to report or prevent it.

Punishment

- ☞ Rigorous imprisonment extendable up to 2 years or fine up to Rs. 1 lakh rupees or both
- ☞ All offences under the Act are cognizable and non-bailable

Exceptions

- ☞ No woman is punishable with imprisonment

What to do if a child marriage is about to take place, is taking place or has already taken place

A. If a Child Marriage is About to Take Place in the Near Future

- ☞ visit the home of the child to be married and make the parents aware that child marriage is a punishable offence and advise them not to conduct the marriage
- ☞ Speak to the guardians/relatives/community elders and make them aware and try and convince them against child marriage
- ☞ Try and speak to the child to make him/her aware of the ill consequences of child marriage and tell the child that it is his/her right to not get married at an early age
- ☞ Seek the assistance of the Panchayat, local leaders, teachers, government officials/public servants or a local NGO to convince the parents against child marriage

- ☞ Complain to the police and with the assistance of the police get the offender arrested. The police have powers under section 151 of CrPC to make arrests in order to prevent commission of a cognisable offence
- ☞ File a complaint to a First Class Judicial Magistrate, if parents refuse to concede, seeking an injunction order under section 13 to prevent a child marriage from taking place

B. If a Child Marriage is Currently Taking Place

- ☞ Collect evidence of the marriage taking place (such as photographs, invitations, receipts of payments made for marriage purposes)
- ☞ Make a list of offenders who are responsible for arranging, performing, supporting, encouraging and helping in the marriage or attending it
- ☞ Complain to the police and with the assistance of the police get the offenders arrested
- ☞ Complain to Child Marriage Prohibition Officer (CMPO). The District Magistrate automatically assumes the power of a CMPO on important occasions like Akshay Tiritiya when a large number of child marriages are solemnised

C. If a Child Marriage has Already Taken Place

- ☞ Collect evidence of the marriage that has taken place (such as photographs, invitations, receipts of payments made for marriage purposes, witnesses)
- ☞ Make a list of offenders who were responsible for arranging, performing, supporting, encouraging and helping in the marriage or attending it
- ☞ Complain to the police and with the assistance of the police get the offenders arrested