

बाल विवाह मुक्त भारत CHILD MARRIAGE FREE INDIA

सुरक्षित बचपन, सुरक्षित भारत | SAFE CHILDHOOD, SAFE INDIA

**FREQUENTLY
ASKED
QUESTIONS**

**ON CHILD
MARRIAGE**

1. What is child marriage?

When a girl under the age of 18 years or a boy who is under the age of 21 years is married, it is called child marriage.

Remember: If an adult man (over the age of 21 years) marries a girl who is under 18 years, such a marriage is also called a child marriage.

2. Is child marriage legal or illegal?

Once child marriage has taken place, it is considered legal.

3. Which law deals with the issue of child marriage?

The law that deals with child marriage is called The Prohibition of Child Marriage Act (PCMA), 2006.

4. Who can report or complain about a child marriage?

Anyone who has reason to believe that a child marriage has taken place or is going to take place, can complain.

5. Where to complain about a child marriage?

Child marriage can be reported to:

- Police
- Child Marriage Prohibition Officer (CMPO)
- Child Welfare Committee
- District Magistrate
- Court
- Childline (1098)

6. What is the meaning of 'voidable' under the PCMA, 2006?

Voidable means that a child who is married can approach the court for the termination of the marriage.

7. Where can a child go for the cancellation (annulment) of the marriage?

A child can approach district court for the cancellation of the marriage. The child can approach the court with the help of police, Child Welfare Committee, Child Marriage Prohibition Officer, Childline, NGOs or any other person whom the child trusts.

8. If a girl turns 18, can she still get her marriage cancelled?

Yes, if a girl turns 18, she can still get her marriage cancelled within 2 years of turning 18. This means that she can get her marriage cancelled before she turns 20 years of age.

9. Can a girl below 18 years of age complain of rape within marriage? Under which law it is considered rape?

Yes, if the girl is married before the age of 18 years, she can complain of rape to police. Under the Protection of Children from Sexual Offences Act, 2012 sexual activity with a married or unmarried child who is below 18 years of age is considered as rape.

10. Can we stop a child marriage from taking place?

Yes, we can stop a child marriage from taking place.

11. How can a child marriage be stopped?

A child marriage can be stopped by obtaining an 'injunction order' (stop the child marriage order) from the Court of Judicial Magistrate of First Class or Metropolitan Magistrate. Help of Police, Child Welfare Committee, Child Marriage Prohibition Officer, Childline, NGOs may be sought for approaching the Court.

12. How can a child approach court for the cancellation (annulment) of his/her marriage?

A child can approach the Court directly or through Police, Child Marriage Prohibition Officer (CMPO,) Child Welfare Committee, or through his or her guardian or anyone whom the child trusts.

13. Who can be punished for conducting child marriage?

People who can be punished for conduct of child marriage include:

- Any man above eighteen years of age who marries a girl below eighteen years of age
- Any person who perform or conducts such child marriage such as priest
- Persons/organisations who promote or permit child marriage such as parents/guardians/relatives/neighbours/middleman etc.
- Any person who solemnizes a child marriage even after an injunction order has been passed by the Court

14. What is the punishment for conduct of child marriage?

Punishment for conduct of child marriage is imprisonment up to two years and/or fine up to Rs. one lakh or both.

15. What kind of offence is child marriage?

Child marriage is a cognizable and non-bailable offence.

16. Against whom the Prohibition of Child Marriage Act, 2006 can be applied?

The provisions of the Act can be applied against following persons:

- Bridegroom
- Priest or any person performing marriage
- Parents/guardians for permitting child marriage
- Relatives, guest, neighbours for aiding or abetting the child marriage

17. Who is a Child Marriage Prohibition Officer?

Child Marriage Prohibition Officer (CMPO) is an officer appointed by the State Government to prevent and stop child marriages in any given area.

18. What are the functions and duties of Child Marriage Prohibition Officer (CMPO)?

The CMPO has following duties:

- prevent child marriages
- collect evidence against persons solemnizing the child marriage
- advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing child marriages
- create awareness about this social evil and its ill effects
- sensitize the community on the issue of child marriages

19. What are the entitlements of married girl child?

Every married girl child has the right to maintenance and residence until her re-marriage.

20. What are the entitlements of children born of child marriage?

Every child borne of child marriages is a legitimate child and has the right to maintenance, succession etc.

21. What can we do to prevent child marriages from taking place?

In order to prevent child marriage, we can:

- Spread awareness among the parents and the community about the ill effects of child marriage
- Report any incidence of child marriage
- Make children aware of their rights
- Sensitize the leaders of the community to raise voice against child marriage
- Strengthen village level child protection and welfare committee