

# बाल विवाह मुक्त भारत CHILD MARRIAGE FREE INDIA

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## HOW TO GET AN INJUNCTION ORDER UNDER THE PROHIBITION OF CHILD MARRIAGE ACT (PCMA), 2006

### 1) What is an Injunction Order?

It is an order of the court that stops a child marriage from taking place.

### 2) Who issues the Injunction order?

The court of Judicial Magistrate of First Class or Metropolitan Magistrate (MM) has the power to issue the injunction order.

### 3) Who can apply for the grant of Injunction Order?

Any person can apply for injunction order such as:

- Child Marriage Prohibition Officer (CMPO)
- Child through a guardian
- Any person having knowledge or reason to believe
- NGO having reasonable information
- Any public spirited citizen

### 4) Where to apply for Injunction Order?

The application for injunction order is to be given to the court of Judicial Magistrate of First Class or Metropolitan Magistrate (MM) who sits within the civil court premises.

### 5) How to apply for injunction order?

Injunction order can be applied in the following manner:

- *Complaint directly to court:* Any person or NGO can directly approach the court
- *Complaint to Child Marriage Prohibition Officer (CMPO):* Any person having information about child marriage may file a complaint on a simple paper to the CMPO who in turn moves the court for issue of the injunction order

- *Complaint to Child Welfare Committee (CWC):* Any person can approach the CWC to provide support in the grant of injunction order

#### **6) What are the documents required for submission with the application/complaint for issue of injunction order?**

Documents required for injunction order can be the wedding card, photographs of pre-marriage ceremony, notice/pamphlet of upcoming mass child marriages, etc.

#### **7) What is the process of grant of Injunction?**

The court on receiving information about a child marriage, which is about to take place, issues a notice to the parents or guardians of the child to come to the court and explain why they are doing so.

#### **8) What happens if the child marriage still takes place when notice is received by the parents or guardians?**

If the child marriage still takes place then in such case, police and court are to be informed immediately for taking action against parents or guardians of the child.

#### **9) Is there any procedure where immediate injunction can be issued without giving the notice?**

Yes, the court has the power to issue an immediate injunction order when there is a risk that the child marriage is about to take place. Such an order is called interim injunction order.

#### **10) What happens when child marriage takes place despite an Injunction Order issued by the court?**

The child marriage is considered illegal in the eyes of law.

#### **11) What is the punishment for violation of an Injunction Order?**

Violation of injunction order is punishable with imprisonment for a term which may extend up to two years or with fine which may extend to one lakh rupees or both; however, women if found guilty are not be punished with imprisonment.