



ODISHA POLICE
CRIME BRANCH

CRIMINAL INVESTIGATION DEPARTMENT

No. 47181 / CID-IAHTU

Dated. 26 .12. 2018

To

All District SsP including SsRP, Rourkela & Cuttack / DCsP, Cuttack / Bhubaneswar UPD.

Sub: Standard Operating Procedure for checking and prevention of Child Marriage

Child marriage is a violation of child rights, and has a negative impact on physical and mental health, emotional development and education of a child. Both boys and girls are affected by child marriage. Rate of Child marriage is higher in rural areas in comparison to urban areas. In poor families, particularly in tribal communities, girls are prone to child marriage.

Limited education opportunities, inadequate socio-economic infrastructures, lack of safe means of conveyance are main causes of child marriage. Although there is widespread public awareness on the Prohibition of Child marriage, the so called traditions and customs are prevailing upon the law and the practice of Child Marriage continues in many segments of our society.

Legal Provisions:

Child Marriage is an offence

1. Following Persons can be punished Under the Prohibition of Child marriage Act 2006:

- (a) A male adult above 18 years marrying a child (Section 9, PCMA 2006)
- (b) Whoever performs, conducts or directs or abets any child marriage (Section 10, PCMA 2006) •
- (c) Any person having charge of the child, including parent or guardian, any member of organisation or association, promoting, permitting, participating in a child marriage or failing to prevent it (Section 11, PCMA 2006)

2. Child marriage is an offence punishable with rigorous imprisonment, which may extend to 2 years, or with fine up to Rs.1 Lakh, or both.
3. Courts can issue injunctions prohibiting solemnization of child marriages (Section 13, PCMA 2006).
4. Offences under this Act are cognizable and non-bailable (Section 15, PCMA 2006) in nature.

Reporting of Child Marriages:

A. Any person can report an incident of child marriage before or after it has been solemnised. An immediate report needs to be made to:

1. The Police,
2. The Child Marriage Prohibition Officer or such persons as may be appointed to assist him/her.
3. First Class Judicial Magistrate or Metropolitan Magistrate
4. Child Welfare Committee or a member of the Child Welfare Committee set up under the Juvenile Justice (Care and Protection of Children) Act, 2015
5. Child Line
6. District Magistrate

B. A complaint can be filed by any of the following persons for any incident of child marriage.

1. A person who has reason to believe that a child marriage is likely to take place.
2. A person who has personal information.
3. School teachers, doctors, ANMs, Anganwadi workers, village level workers, SHG members, neighbours etc.
4. A parent or guardian of the child.
5. The Child Marriage Prohibition Officer or persons appointed to assist her/him.
6. A non-governmental organisation having reasonable information.

C. A First Class Judicial Magistrate is empowered to take suo motto cognizance of any reliable report of information of child marriage. The Child Marriage Prohibition Officers are also responsible for reporting and preventing child marriages.

Steps to be taken by Police upon receipt of information:

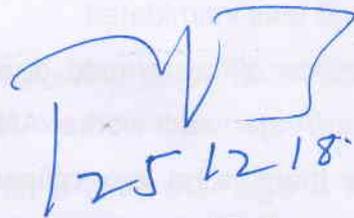
On receiving a complaint, police should follow the following procedures as laid down in the Code of Criminal Procedure, 1973:

1. Register an FIR and investigate. No police officer can refuse to accept the complaint, which may be made orally or in writing. All complaints must be converted into an FIR without delay.
2. Report the matter to the Child Marriage Prohibition Officer (CMPO) for him/her to gather evidence about the instance of a child marriage.
3. Report the matter to the Judicial Magistrate and/or District Magistrate to issue an injunction against child marriage (u/s 13 of PCMA).
4. Arrest the offender as offences under the law are cognizable and non-bailable. Arrest and handcuffing of the child is not permissible.
5. In case of non-availability of CMPO or the appointed persons, police should visit the scene of crime (i.e. where a child marriage is being conducted/or has been conducted) and take necessary action, including rescue of the minor(s) if necessary.
6. Police should not be in uniform when dealing with children to make them more comfortable and less intimidated.
7. Lady police officer should deal with a girl child along with a female social worker/ teacher/Anganwadi worker/ANM (a person trusted by the child).
8. In case there is no lady officer available immediately, a male police person should interact with the girl child, in presence of a female social worker/ teacher/Anganwadi worker/ANM.
9. The child/minor should be produced before the nearest Child Welfare Committee within 24 hours.
10. Victims of child marriage are also children in need of Care and Protection under the Juvenile Justice (Care and Protection) Act and the rules made thereunder. Accordingly steps should be taken for their rehabilitation.
11. Removal of children from the custody of parents/legal guardians must be the last resort and can be taken only for the best interest of the child.
12. No child shall be placed in police lock-up or police custody. Such child can only be placed in a fit institution recognized and registered under the Juvenile Justice (Care and Protection of Children) Act, 2015.

Proactive Approach:

1. Awareness campaigns against child marriages be conducted with the coordination of NGOs, teacher/Anganwadi worker/ANM in the locality.
2. Messages against child marriage be highlighted through print and electronic media, folk theatre, traditional forms of art or other forms of literature.
3. Sensitization programmes should be conducted in the schools with the help of teachers so as to make aware the students and their parent/guardians about the drawback of child marriage.
4. Collect intelligence about child marriage at the Panchayat level
5. To discuss these issues in the monthly Ama Samiti meeting held at PSs, educating the members about the gravity of the problem of child marriage and seeking their assistance in spreading awareness so as to check this practice.

You are advised to follow the above instructions and sensitize the police officers under your jurisdiction to keep sharp look in this matter to stop incidents of Child Marriage.



Handwritten signature and date: 25/12/18

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