



CHILD MARRIAGE FREE BHARAT

बाल विवाह मुक्त भारत

A National Campaign against Child Marriage

CAMPAIGN BRIEF



Why Child Marriage Free Bharat?

Child marriage is a social evil and is an illegal that hampers girls' education, protection, health and development, and prevents them from realising their dreams. It is necessary to make **every possible effort against child marriage by ensuring no child marriage takes place and all children are provided education, protection and safe environment.**

Child Marriage leads to loss of childhood and personal safety, health hazards and disempowerment

While there is a drop in the overall prevalence of child marriage over the years, it still remains high. **The National Family Health Survey - 5 (2019-21)** revealed that, in India, **23.3%** of women (between the age of 20-24 years) were married before they turned 18. The consequences of child marriage include early pregnancy, maternal and neonatal mortality, child health problem, education setbacks, lower employment and livelihood prospect and exposure to violence and abuse.

Child marriage leads to child rape. The Bharatiya Nyaya Sanhita, 2023 stipulates that sexual intercourse or sexual act by a man with his own wife who is below 18 years of age, is rape.

The Hon'ble Supreme Court has also held that if the husband of a girl child commits penetrative sexual assault on his wife, he commits aggravated penetrative sexual assault under the Protection of Children from Sexual Offences Act (POCSO), 2012.

To combat child marriage, the Hon'ble Supreme Court has given a framework for states in its judgement dated 18th October 2024 in Writ Petition (C) No. 1234 of 2017 Society for Enlightenment and Voluntary Action & Anr. vs. Petitioners Versus Union of India & Ors.

Objectives of the Campaign

- **Reduce** child marriages from 23.3% (NFHS-5) to 10% by 2025 and make India child marriage free by 2030
- **Strengthen** community and village-level institutions to end child marriage and promote registration of marriages
- **Empower** women as leaders and equip them to raise their voices against child marriage in their villages
- **Appeal** to faith leaders, local communities, temples, mosques and churches to support in eradicating child marriage by refusing to solemnise child marriage in their regions
- **Build capacity** of law enforcement and child protection agencies for immediate response on complaints related to child marriage
- **Educate** and **rehabilitate** the victims and survivors of child marriage



Frequently asked Questions on Child Marriage



1. 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.

2. To whom does PCMA apply?

The Prohibition of Child Marriage Act, 2006 applies to all citizens of India and extends to the whole of India.

3. 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.

4. What are the consequences of child marriage?

The consequences of child marriage especially of girls include early pregnancy, maternal and neonatal mortality, child health problems, educational setbacks, lower employment/livelihood prospects, and exposure to violence and abuse.

5. How much is the prevalence of child marriage in the country?

23.3% of girls between the age group of 20-24 years got married before they turned 18 as per National Family Health Survey – 5 (2019-21), Government of India.

6. What is the nature of the child marriage?

Every child marriage, whether solemnised before or after the commencement of the Act, is voidable at the option of the contracting party who was a child at the time of the marriage:

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

7. Is having sexual intercourse with a child within marriage, a crime?

Yes, under Section 63 of the Bharatiya Nyaya Sanhita (BNS), 2023 sexual intercourse or sexual acts by a man with his own wife, who is under 18 years of age, is considered as rape and is punishable under the law.

8. 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.

9. 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)

10. 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. The child can approach the court with the help of police, Child Welfare Committee, CMPO, Childline, NGO and person whom the child trusts.

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

A child can approach district court for the cancellation of the marriage.

12. 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.

13. 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 child who is below 18 years of age is considered as rape.

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

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

15. 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.

16. From where an 'injunction order' (stop the child marriage order) can be obtained?

An 'injunction order' (stop the child marriage order) can be obtained from the court of Judicial Magistrate of First Class or Metropolitan Magistrate.

In case, a child marriage has been arranged or is about to be conducted then the court may issue an interim injunction order to stop such child marriage.

17. To which court one has to apply to obtain an injunction order (Stop Child Marriage Order)?

Judicial Magistrate of First Class or Metropolitan Magistrate has to be approached to obtain injunction order.

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

A child can approach the court through Child Marriage Prohibition Officer (CMPO), Child Welfare Committee or through his or her guardian.

19. Who can be punished for conducting child marriage?

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

- Any man above twenty one 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

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

Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

21. What kind of offence is child marriage?

Child marriage is a cognizable and non-bailable offence.

22. Against whom the Prohibition of Child Marriage Act can be applied?

The provisions of law 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 offence

23. 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.

24. What are the functions and duties of 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;

25. What are the entitlements of child bride?

Every child bride has the right to maintenance and residence until her remarriage.

26. What are the entitlements of children born within child marriage?

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

27. 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

Note: For details please refer to Prohibition of Child Marriage Act, 2006



Campaign on 27th November 2024

This 27th November Child Marriage Free Bharat is all set to bring the entire nation together, to take pledge against child marriage and end this social evil.

CALL TO ACTION

27TH NOVEMBER, 2024



TAKE A PLEDGE TO CREATE

A CHILD MARRIAGE FREE BHARAT

Join the Campaign and become part of a historical movement and become a champion for child rights. Share this Campaign with your friends and family to raise awareness and create a more just and equitable society.



Pledge Against Child Marriage

Child marriage is a social evil and is an illegal act that hampers girls' education, protection, health and development, and prevents them from realising their dreams.

Therefore, I pledge to...

- Make every possible effort against child marriage.
- Ensure that no child marriage takes place in my family, neighbourhood, or community .
- Report any attempt of child marriage to the Panchayat and the government authorities.
- Raise my voice for the education and safety of all children and I support the creation of a Child Marriage Free Bharat.

#BalVivahMuktBharat