

GOVERNMENT OF ODISHA

DEPARTMENT OF WOMEN & CHILD DEVELOPMENT

PT1-WCD-WW-MISC-0044-2017

903

/WCD, Dt. 09-01-2025

From

Sri. Ananta Narayan Singh Laguri, OAS

Additional Secretary to Govt.

To

All Collectors

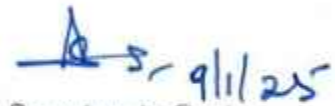
Sub: Standard Operating Procedure (SOP) for stakeholders for prevention of Child Marriage in India

Madam/Sir,

In inviting a reference to the subject cited above, I am directed to forward here with the Standard Operating Procedure (SOP) for stakeholders for prevention of child marriage in India received from NCPCR, GoI (Copy enclosed).

This is for information & necessary action.

Yours faithfully,

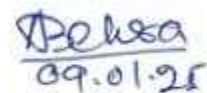
 9/1/25

Additional Secretary to Govt.

Memo No. 904

/WCD, Dated. 09-01-2025

Copy forwarded to all DSWO for kind information & necessary action.

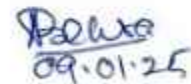
 09.01.25

Under Secretary to Govt.

Memo No. 905

/WCD, Dated. 09-01-2025

Copy forwarded to all PO-Cum-Programme Officer for kind information & necessary action.

 09.01.25

Under Secretary to Govt.

Memo No. 906

/WCD ,Dated. 09-01-2025

Copy forwarded to all CMPO/DCPU's for kind information & necessary action.

P. D. W. S. A.
09.01.25

Under Secretary to Govt.

Memo No. 907

/WCD ,Dated. 09-01-2025

Copy forwarded to All Special Juvenile Police Unit/ Local Police for kind information & necessary action.

P. D. W. S. A.
09.01.25

Under Secretary to Govt.





रूपाली बनर्जी सिंह
Rupali Banerjee Singh
सदस्य सचिव
Member Secretary

राष्ट्रीय बाल अधिकार संरक्षण आयोग
NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
भारत सरकार
GOVERNMENT OF INDIA



F. No.: 2603/25/2023/POCSO-CM/

Date: 06.12.2024

To,

All the Principal Secretary, Department of WCD,
(All States and Union Territories)

Subject: Standard Operating Procedure (SoP) for Stakeholders for Prevention of Child Marriages in India- reg.

The National Commission for Protection of Child Rights (hereinafter referred to as *the Commission*) is a statutory body constituted under Section 3 of the Commission for Protection of Child Rights (CPCR) Act, 2005 to protect the child rights and other related matters in the Country. The Commission is further mandated to monitor the proper and effective implementation of Protection of Children from Sexual Offences (POCSO) Act, 2012; Juvenile Justice (Care and Protection of Children) Act, 2015 and Right to Free and Compulsory Education (RTE) Act, 2009.

2. The Commission has consistently emphasized the urgent need for stronger measures to prevent child marriages. In line with this objective, and as part of its duties under Section 13(1)(a) of the CPCR Act, the Commission since past two years has been conducting virtual review meetings with district authorities nationwide. Between April 1 and April 23, 2024, the Commission held 30 such meetings with officials from 784 districts across 36 States and Union Territories, to evaluate and monitor local efforts to combat child marriage.

3. Data collected from 596 districts across 27 States and Union Territories during these meetings revealed that, in 2023-2024, a total of 1,149,023 children were identified as dropouts, out of school, or not attending school. This highlights a significant concern regarding the education and welfare of children.

4. Based on the findings, the Commission recognizes that awareness alone is insufficient to prevent child marriages effectively. Currently, there is no standardized system for mandatory reporting, accountability for non-reporting, or adequate rehabilitation for victims. Authorities often fail to issue injunctions and may incorrectly classify child marriage cases as elopements, failing to address the underlying issue.

5. To address these challenges, the Commission has developed a Standard Operating Procedure (SoP) **for Stakeholders to Prevent Child Marriages in India**. The SoP will provide a consistent framework for implementing the legal provisions under the Prohibition of Child Marriage Act (PCMA). It aims to improve accountability for non-reporting, ensure rehabilitation for child marriage victims, and facilitate prosecution, including

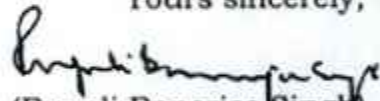
the registration of FIRs against those involved in solemnizing child marriages.

6. The SoP outlines a procedure for stakeholders involved in preventing child marriages in India. This document will serve as a comprehensive framework to address the gaps identified. It will standardize the approach for monitoring, reporting, and intervening in child marriage cases, strengthen accountability measures, and improve training and awareness for key stakeholders. The ultimate goal of this SOP is to enhance the enforcement of laws and policies at all levels, ensuring greater protection for children across India.

7. In this regard, the Commission hereby requests your good office to take necessary action for effective implementation of this Standard Operating Procedure for **"Stakeholders for Prevention of Child Marriages in India"** to ensure the well-being of children, protect them from becoming victims of child marriage, and establish clear roles, responsibilities, and accountability for all stakeholders involved in preventing child marriage.

8. A copy of Standard Operating Procedure for **"Stakeholders for Prevention of Child Marriages in India"** is enclosed for your reference and necessary action.

Yours sincerely,



(Rupali Banerjee Singh)

Member Secretary, NCPCR

Encl. as above

Copy to:

The Chief Secretary

(All States and Union Territories)



**STANDARD OPERATING PROCEDURES FOR STAKEHOLDERS
FOR PREVENTION OF CHILD MARRIAGES IN INDIA**

**NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS, JANPATH, NEW DELHI
2024**



Rupali Banerjee Singh
रूपाली बनर्जी सिंह
Member Secretary
सदस्य सचिव

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS

राष्ट्रीय बाल अधिकार संरक्षण आयोग

GOVERNMENT OF INDIA

भारत सरकार



ACKNOWLEDGEMENT

The National Commission for Protection of Child Rights (NCPCR), in accordance with its mandate under Section 13(1)(a) of the Commission for Protection of Child Rights Act, 2005, conducted a series of virtual review meetings over the span of one month with key stakeholders from all States and Union Territories (UTs). These meetings focused on preventing child marriages under the Prohibition of Child Marriage Act, 2006, with the goal of advancing social objectives and contributing to the formulation and implementation of welfare policies for children within the framework of competitive-cooperative federalism.

The findings from these meetings underscored the need for a more structured and cohesive approach to effectively address the issue of child marriages. In response, the NCPCR has developed this Standard Operating Procedure (SOP) for stakeholders involved in the prevention of child marriages in India.

This SOP aims to streamline response mechanisms, enhance coordination among stakeholders, and provide clear guidelines for action. It serves as a comprehensive framework to address the identified gaps, offering a standardized approach for monitoring, reporting, and intervening in cases of child marriage. Through this SOP, the Commission seeks to foster a more robust and unified response, ensuring greater protection for children across the nation.

I would like to express my profound gratitude to Shri Priyank Kanoongo, Chairperson of NCPCR, whose unwavering guidance and visionary leadership have been instrumental in the development of this Standard Operating Procedure.

I also wish to express my sincere appreciation to Ms. Nidhi Sharma, Senior Professional, Juvenile Justice and Laws Relating to Children; Ms. Katyayani Anand, Senior Consultant; Ms. Anshita Surana, Professional; and Ms. Garima Sardana, Junior Professional, for their invaluable contributions in preparing this Standard Operating Procedure.


(Rupali Banerjee Singh)

Member Secretary NCPCR

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DEFINITION OF TERMS

- a) **"child"** means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;
- b) **"child marriage"** means a marriage to which either of the contracting parties is a child;
- c) **"contracting party"**, in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;
- d) **"Child Marriage Prohibition Officer"** includes the Child Marriage Prohibition Officer appointed under sub-section (1) of section 16;
- e) **"minor"** means a person who, under the provisions of the Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority.
- f) **"public servant"** means a person falling under any of the descriptions, namely:—
 - (a) every commissioned officer in the Army, Navy or Air Force;
 - (b) every Judge including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;
 - (c) every officer of a Court including a liquidator, receiver or commissioner whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the Court, and every person specially authorised by a Court to perform any of such duties;
 - (d) every assessor or member of a panchayat assisting a Court or public servant;
 - (e) every arbitrator or other person to whom any cause or matter has been referred for decision or report by any Court, or by any other competent public authority;

(f) every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

(g) every officer of the Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

(h) every officer whose duty it is, as such officer, to take, receive, keep or expend any property on behalf of the Government, or to make any survey, assessment or contract on behalf of the Government, or to execute any revenue-process, or to investigate, or to report, on any matter affecting the pecuniary interests of the Government, or to make, authenticate or keep any document relating to the pecuniary interests of the Government, or to prevent the infraction of any law for the protection of the pecuniary interests of the Government;

(i) every officer whose duty it is, as such officer, to take, receive, keep or expend any property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate or keep any document for the ascertaining of the rights of the people of any village, town or district;

(j) every person who holds any office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

(k) every person—

(i) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(ii) in the service or pay of a local authority as defined in clause (31) of section 3 of the General Clauses Act, 1897 (10 of 1897), a corporation established by or under a Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (18 of 2013).

Explanation.—

(a) persons falling under any of the descriptions made in this clause are public servants, whether appointed by the Government or not;

(b) every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation is a public servant;

(c) "election" means an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under any law for the time being in force.

g) **"child in need of care and protection"** means a child—

(i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or

(ii) who is found working in contravention of 2 [the provisions of this Act or] labour laws for the time being in force or is found begging, or living on the street; or

(iii) who resides with a person (whether a guardian of the child or not) and such person—

(a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or

(b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or

(c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or

(iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or

(v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or 1

[(vi) who does not have parents and no one is willing to take care of and protect or who is abandoned or surrendered;]

(vii) who is missing or run-away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or

(viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or

(ix) who is found vulnerable and 2 [has been or is being or is likely to be] inducted into drug abuse or trafficking; or

(x) who is being or is likely to be abused for unconscionable gains; or

(xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or

(xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;

A. INTRODUCTION

BACKGROUND

Child Marriage is an age-old practice which has both social as well as religious sanction and cuts across all sections of the society. It is a severe violation of child rights and exposes minors to the heightened risks like violence, exploitation and abuse. It involves the marriage of individuals under the age of 18 years in case of females and 21 years in case of males, encompassing both formal and informal unions where minors are more prone to cohabit exposing both the minors involved to serious health issues, early pregnancy, various STD's. In numerous situations, the girl children are often faced with situations like that of bonded labour, enslavement, commercial sexual exploitation and domestic abuse and violence as a result of child marriage and on the other hand the boys are burdened with family responsibilities and are forced to drop out of school. Furthermore, the practice deprives the children of their rights as it raises the barriers to education, financial independence and community participation. Child marriage is deeply rooted in various cultures, religion and history of India.

Child Marriage in India: A Complex Interplay of Cultural, Religious, and Historical Factors

The practice of child marriage in India is influenced by a variety of cultural, social, and historical factors that go beyond any single religious or community-specific explanation. While child marriage has been historically prevalent across various groups, it is often deeply intertwined with local customs, economic considerations, and gender norms that persist in certain regions and communities.

Child marriage has roots that extend back to ancient and medieval times, where cultural practices often intertwined with religious beliefs. A significant justification for early marriage was tied to the concept of "purity" and "dharma" (religious duty), with early marriage seen as a way to ensure that girls remained within a controlled, structured domestic setting. In some religions specific minimum age for marriage is also not prescribed, which result in rise in number of child marriages in India. While the child marriage is prohibited in the current legal framework, however, such practice remains persistent in some parts of the country, and particularly during auspicious times like **Akshay Tritiya**, when the incidence of child marriages tends to peak. Furthermore, it

could be seen that the marriages also tend to take place during specific months, such as **Rajab** and **Sha'ban** (before Ramadan), **Shawwal** (after Eid), and **Dhul-Hijjah** (around Hajj), with marriage practices often being shaped by local traditions.

Further, it has also been observed that the Indian Christian Marriage Act, 1872, permits marriage with the parental consent for minors. While the Act defines a "minor" as someone under the age of 21, it also made provisions for the certification of such marriages, effectively allowing the practice to continue in certain circumstances.

Legal Status of child marriage

A child marriage which is already solemnised is voidable at the option of the child in the marriage and can be annulled at any time before the child completes two years after attaining majority by filing a petition in the District Court.

A child marriage is null and void where a child, being a minor :-

- is taken or enticed out of the keeping of lawful guardian, or
- is by force compelled, or by any deceitful means induced to go from any place; or
- is sold for the purpose of marriage; or if the minor is married after which the minor is sold or trafficked or used for immoral purposes.

A child marriage is void ab initio if it is solemnised in contravention of an injunction order issued by the Judicial Magistrate of the First Class or the Metropolitan Magistrate.

Consequences of child marriage

- Violation of a child's right to a free life devoid of exploitation, full care and protection.
- Denial of the basic right to a respectful and decent childhood; basic rights to good health, nutrition, education and freedom from violence, abuse and exploitation.
- Subjection to physical, mental and emotional trauma and also life threatening circumstances for which the child is not prepared.
- Family and societal responsibilities and also acts as licence, though illegal, to engage in sexual activity amounting to child sexual abuse and rape.
- Exposure to high-risk diseases including HIV/AIDS and STDs, poor health and quality of life.
- Lack of economic opportunities due to lack of education.

- Endless and vicious cycle of domestic violence and abuse.

CATEGORISATION OF CHILDREN AS PER THEIR VULNERABILITY FOR THE PURPOSE OF THEIR MAPPING

Child marriage is a deeply ingrained practice in many societies, affecting children across different socio-economic and cultural strata. Children, especially girls, are often coerced or pressured into early marriages due to a combination of social, economic, and cultural factors. To effectively address this issue, it is crucial to categorize children based on the various factors that increase their vulnerability to being married off at an early age. By mapping these vulnerabilities, one can better understand the interrelated factors contributing to child marriage. Some of such vulnerability mapping criteria are listed below:

- 1. Orphan child:** Children who have lost both parents are often left without the guidance and protection they need, making them more susceptible to early marriage. Without parental oversight, they may be pushed into marriage by extended family members, who might see it as a way to relieve themselves of the responsibility of caring for the child. In extreme cases, these children can be sold under the guise of marriage.
- 2. Single Parent:** Single parents, particularly those struggling with economic difficulties or societal pressures, may find themselves unable to care for their children adequately. In some cultures, marrying off a daughter is seen as a solution to alleviate financial burdens or social stigma, increasing the likelihood of early marriage for girls in these households.
- 3. Children in street situation:** Children in street situation are generally classified into three broad categories like the children who are living on the streets all alone without any support; children who stay on the street in the day and are back home in the night with their families who reside in a nearby slum/hutments; and the children who are living on the streets with their families. Children living in street situations are especially vulnerable to trafficking, abuse, and early marriage. These children often live without stable support systems and may be coerced into marriage as part of a broader pattern of exploitation. They might also be forced into

domestic work, prostitution, or other harmful activities under the guise of marriage.

4. **Children absent from school consecutively for 30 days:** Children who miss school for extended periods (e.g. 30 days or more) are at a higher risk of child marriage, particularly in contexts where cultural practices or financial hardship drive families to marry off their children. Lack of education is often linked to early marriage, especially in financially strained households where girls may be seen as a burden.
5. **Children who are drop out, out of school or not attending school regularly:** Children who drop out of school or are not attending regularly are more likely to face early marriage. For many families, especially those in poverty, dropping out of school often signals a lack of financial resources, and marrying off a child may be seen as a way to alleviate some of that financial pressure.
6. **Child Labour:** Poverty is a major driver of child labour, and in some cases, families may resort to selling or marrying off their children in exchange for money. Girls, in particular, are at risk of being married off for financial gain, only to be forced into work, domestic servitude, or even sexual exploitation.
7. **Low income families:** Families living in poverty are often under immense pressure to marry off their children, especially daughters, in exchange for financial assistance or dowries. These children may be sold or coerced into marriage, where they face exploitation disguised as a legitimate marital arrangement.
8. **Parents who are exploited or drug addict:** Children whose parents are struggling with substance abuse or mental health issues are at heightened risk of neglect and exploitation. In some cases, these parents may see early marriage as a way to relieve their responsibilities, further increasing the likelihood of the child being coerced or sold into marriage.
9. **Child trafficking:** Children living in border areas or conflict zones are particularly at risk of being trafficked across borders, where they may be married off and subjected to exploitation in foreign countries. In these cases, marriage is often a means to disguise trafficking, and the children involved face severe exploitation and abuse.

10. **Parents suffering from chronic illness:** Parents facing chronic illness or health problems may feel unable to provide for their children and may push them into early marriage in an attempt to relieve themselves of caregiving duties. In such situations, marriage may be viewed as a way to secure a better future for the child, but it often leads to further exploitation
11. **Children staying in Hotspot Areas :** All States/UT's shall map areas/districts where there are cultural beliefs and social norms that strongly support child marriages practices and designate such areas as hotspots for child marriages. All children staying in these areas must be mapped as vulnerable as children staying in such areas/regions are more likely to be subjected to child marriages.

VIRTUAL REVIEW MEETINGS CONDUCTED BY NCPCR WITH VARIOUS STAKEHOLDERS

The National Commission for Protection of Child Rights (NCPCR), as an apex body for child rights, conducted online review meetings with District officials and Child Marriage Protection Officers (CMPOs) to discuss efforts to prevent child marriage, as outlined in the Prohibition of Child Marriage Act, 2006. Therefore, the Commission for the year 2022 and 2023-2024 organized virtual review meetings to review the activities undertaken by the district officials.

Key activities requested by the Commission included:

1. Conducting awareness programs at various local levels (Village, Block, Urban/Ward, Zila Tehsil).
2. Organizing meetings with key stakeholders such as Child Development Programme Officers, Child Welfare Committees, police officers, and service providers involved in marriage functions (e.g., caterers, decorators).
3. Compiling school wise lists of children who are dropouts, irregular attendees, or absent without notice.
4. Identifying children at risk of child marriage through data on absenteeism and conducting family counseling and inquiries to prevent potential child marriages.

VIRTUAL REVIEW MEETING CONDUCTED BY THE COMMISSION FOR THE YEAR 2023-2024

The Commission held 30 virtual meetings between April 1 and 23, 2024 with representatives from 784 districts across 28 States and 8 Union Territories.

Through the virtual meetings conducted, the Commission received data through the NCPCR's child marriage portal which revealed that 596 districts from 28 States and 8 Union Territories reported their actions, although Goa and Ladakh did not provide information. The Commission's ongoing effort aims to reach as many districts as possible and ensure effective child marriage prevention across the country.

State Wise Representation of Data Received by The Commission for The Year 2023-2024

Activity 1: Awareness Programmes

Activity 1				
S No.	State	No. of Programme/Meeting	Participants	No. of Villages/Blocks Covered
1	Andhra Pradesh	37446	857012	13132
2	Arunachal Pradesh	338	16979	1070
3	Assam	2937	222468	7212
4	Bihar	13033	748946	10540
5	Chhattisgarh	3466	170971	3228
6	Gujarat	4628	342680	4716
7	Haryana	6181	371085	4624
8	Himachal Pradesh	15278	436954	8407
9	Jharkhand	12218	665936	13290
10	Karnataka	19789	879864	22628
11	Kerala	9241	148325	2644

12	Madhya Pradesh	20078	625221	27330
13	Maharashtra	15167	1860463	17896
14	Manipur	54	4838	121
15	Meghalaya	293	43788	461
16	Mizoram	76	3686	67
17	Nagaland	264	6420	387
18	Odisha	33276	660490	30755
19	Punjab	11089	359979	7393
20	Rajasthan	5129	367976	6094
21	Sikkim	44	3407	93
22	Tamil Nadu	16542	1460314	7064
23	Telangana	8004	222777	8233
24	Tripura	269	42501	300
25	Uttarakhand	7328	90216	3220
26	Uttar Pradesh	35377	1248394	40787
27	West Bengal	11912	170037	13773
28	Andaman and Nicobar Island	86	5437	40
29	Chandigarh	12	2150	2
30	Dadra and Nagar Haveli and Daman and Diu	28	4507	26
31	NCT of Delhi	1049	34003	239
32	Jammu and Kashmir	1872	138648	2237
33	Lakshadweep	16	324	16
34	Puducherry	5	210	12
Total		292525	12217006	258037

Upon analysing the above data, it has come to the notice that around 2,92,525 awareness programmes were conducted across nation where 1,22,17,006 people participated and 2,58,037 villages and blocks were covered.

Activity 2: Meeting of Officials/ Functionaries

ACTIVITY 2				
S No.	State	No. of Programme/Meeting	Participants	No. of Villages/Block s Covered
1	Andhra Pradesh	21544	404776	22057
2	Arunachal Pradesh	534	3007	1256
3	Assam	2202	56855	3647
4	Bihar	26277	236743	24735
5	Chhattisgarh	11636	99631	7378
6	Gujarat	4412	61038	5244
7	Haryana	3561	507752	4266
8	Himachal Pradesh	5921	86849	10670
9	Jharkhand	41488	121460	12920
10	Karnataka	41288	647340	40022
11	Kerala	8447	54551	3009
12	Madhya Pradesh	22064	290696	86504
13	Maharashtra	22164	900740	38962
14	Manipur	36	894	645
15	Meghalaya	336	4456	2023
16	Mizoram	121	2079	287
17	Nagaland	423	1317	750
18	Odisha	65611	499223	51539
19	Punjab	9938	138157	11242
20	Rajasthan	6119	86109	4262
21	Sikkim	25	303	65
22	Tamil Nadu	33777	718447	111976
	Telangana	12648	162948	14812
24	Tripura	219	4760	398
25	Uttarakhand	6459	34789	8977
26	Uttar Pradesh	73641	941640	52922
27	West Bengal	6790	54878	17976
28	Andaman and Nicobar Island	193	3098	50
29	Chandigarh	8	153	11

30	Dadra and Nagar Haveli and Daman and Diu	13	177	86
31	NCT of Delhi	339	3477	178
32	Jammu and Kashmir	1959	57402	3386
33	Lakshadweep	48	972	60
34	Puducherry	6	189	26
Total		430247	6186906	542341

The data received by the Commission reveals that 4,30,247 meetings with the Officials and Functionaries where 61,86,906 officials participated covering 5,42,341 blocks/villages across India.

Activity 3: Identification of Vulnerable Children

Activity 3				
S No.	State	Number of Children Identified	Number of Schools Mapped	No. of Villages/Blocks Covered
1	Andhra Pradesh	47754	12564	3386
2	Arunachal Pradesh	70	1818	713
3	Assam	154907	29134	2719
4	Bihar	53717	21814	2638
5	Chhattisgarh	13248	24900	2910
6	Gujarat	25526	12645	3457
7	Haryana	8298	4233	144
8	Himachal Pradesh	2250	15572	801
9	Jharkhand	52062	21505	13478
10	Karnataka	7119	17779	3128
11	Kerala	2385	3299	271
12	Madhya Pradesh	99406	115437	19387
13	Maharashtra	3564	39144	8318
14	Manipur	3189	831	235
15	Meghalaya	4848	3710	88

16	Mizoram	1056	3294	654
17	Nagaland	970	1076	217
18	Odisha	11053	26415	19683
19	Punjab	10795	12525	4405
20	Rajasthan	44894	24857	1919
21	Sikkim	266	766	94
22	Tamil Nadu	38729	16004	1351
23	Telangana	9202	14101	7022
24	Tripura	2009	2013	166
25	Uttarakhand	1574	4798	287
26	Uttar Pradesh	501621	143350	181929
27	West Bengal	37984	40272	739
28	Andaman and Nicobar Island	0	159	0
29	Chandigarh	651	651	3
30	Dadra and Nagar Haveli and Daman and Diu	38	60	2
31	NCT of Delhi	9838	2171	145
32	Jammu and Kashmir	8133	13996	1865
33	Lakshadweep	0	96	20
34	Puducherry	29	19	12
	Total	1149023	616897	280289

Out of the 2,80,289 blocks and villages mapped, 6,16,897 schools were identified to track the attendance of children who had been absent for 30 consecutive days without notice, as well as those who had dropped out and were no longer attending school. This effort resulted in the identification of a total of 11,49,023 such children across India.

LACUNAS/GAPS IDENTIFIED DURING THE VIRTUAL REVIEW MEETING

- 1. Insufficient Awareness Programs:** The Commission has observed that there is a need to expand the scope and frequency of awareness programs, especially in regions with high rates of child marriage. To effectively address this issue, it is important to increase the reach of these initiatives, particularly in areas where the practice is prevalent. Additionally, many existing programs do not fully

account for regional linguistic differences, limiting their accessibility and effectiveness in rural or marginalized communities. It is crucial that the objectives and goals of these awareness programs are clearly defined and communicated to ensure greater impact.

2. **Customary practice or tradition leading to non-reporting:** In many states, child marriage is still practiced as a tradition, which often results in such cases going unreported. There is a prevalent belief in some communities that early marriage is a way to secure the future of minors, particularly daughters. The persistence of these cultural norms can make it challenging to enforce child marriage laws, as families and communities may be hesitant to accept or cooperate with legal interventions. This cultural resistance can hinder efforts to address and prevent child marriage effectively.
3. **Non-reporting of cases by the authorities:** In some areas, even authorities fail to take appropriate action in reporting child marriages due to pressure from the community. This reluctance to act may stem from fear of social backlash or a desire to avoid conflict with local customs and traditions. As a result, cases of child marriage often go unreported, which undermines efforts to enforce the law and protect the rights of minors.
4. **Injunction not considered necessary:** There are situations where authorities fail to apply for an injunction from the Court, which is a necessary step under Section 13 of the Prohibition of Child Marriage Act, 2006. This omission can hinder the legal process intended to prevent child marriages and protect minors.
5. **Service providers are not held responsible:** Under Section 11 of the Prohibition of Child Marriage Act, 2006, all individuals involved in facilitating a child marriage can be held liable. However, service providers, who play a role in the solemnization of such marriages, are often not held accountable. Additionally, the Commission's virtual review meetings and data collected from them reveal that in many states, service providers rarely participate in awareness meetings. This lack of engagement from service providers further weakens the efforts to prevent and address child marriage effectively.
6. **Failure to Register FIRs When Child Marriage is Stopped:** In cases where child marriages are intervened by authorities, an FIR is often not filed against the perpetrators or those involved in the solemnization of the marriage. This lack of

legal action occurs because authorities, in some instances, hesitate to disrupt customary practices. Instead of taking formal legal steps, they often opt to counsel the families and leave the child with them, which can result in a lack of accountability and continued vulnerability for the child.

7. **Ignoring the Age of the Boy in Child Marriage:** In some cases, the age of the boy is not given due consideration during the solemnization of child marriage, particularly when the boy is between the ages of 18 and 21. Families often assume that once a boy reaches the age of 18, he is legally eligible for marriage, thus reporting and registration of such cases is ignored.
8. **Accountability Often Falls on the Male's Family:** In many cases, it is primarily the family of the male that is held accountable for the solemnization of child marriages, while the family of the female is often not subjected to similar scrutiny or legal action. As a result, child marriage cases are frequently reported against the male's family, with other parties involved in the marriage arrangement, including those facilitating or supporting the practice, not facing charges or legal consequences
9. **Lack of Rehabilitation Procedure:** When a child is rescued from a child marriage, either before or after its solemnization, they are often returned to their family members without adequate support or rehabilitation. This can leave the child vulnerable to being re-victimized, as the same circumstances that led to the initial child marriage may persist, and there may be insufficient safeguards to prevent it from happening again.
10. **When a Child is said to have Eloped:** In cases where a minor is said to have eloped with their alleged partner, there is often a lack of legal action against those involved, including the adult partner. Despite the serious legal implications of child marriage, the situation is sometimes not addressed through formal legal channels, and no FIR (First Information Report) is registered under relevant laws. Instead, the minor is frequently returned to the partner without adequate investigation or protective measures, leaving the child vulnerable to continued exploitation or coercion.

OBJECTIVE BEHIND NEED FOR STANDARD OPERATING PROCEDURE

For the purpose of understanding the trend behind the reporting of child marriage cases, the Commission has referred to the *Crime in India, 2022 report published by the National Crime Records Bureau*. The NCRB report reveals the number of cases reported by each State/UT in the year 2022. The same is presented as under:-

S.No.	State/UT	2022
1	Andhra Pradesh	26
2	Arunachal Pradesh	0
3	Assam	163
4	Bihar	13
5	Chhattisgarh	0
6	Goa	0
7	Gujarat	09
8	Haryana	37
9	Himachal Pradesh	4
10	Jharkhand	5
11	Karnataka	215
12	Kerala	6
13	Madhya Pradesh	7
14	Maharashtra	99
15	Manipur	1
16	Meghalaya	0
17	Mizoram	0
18	Nagaland	0
19	Odisha	46
20	Punjab	4
21	Rajasthan	10
22	Sikkim	0
23	Tamil Nadu	155
24	Telangana	53
25	Tripura	2
26	Uttar Pradesh	17
27	Uttarakhand	06
28	West Bengal	121
Total		999
29	A&N Islands	0
30	Chandigarh	0
31	D&N Haveli and Daman & Diu	0
32	Delhi	1
33	Jammu & Kashmir	2
34	Ladakh	0

35	Lakshadweep	0
36	Puducherry	0
Total		3
Total (ALL INDIA)		1002

On the analysis of the Report published by the National Crime Records Bureau (NCRB), disturbing trends pertaining to child marriages can be revealed in various states. The highest number of reported cases comes from Karnataka (215), followed by Assam (163), Tamil Nadu (155), and West Bengal (121). These figures underscore the widespread nature of child marriages in these states, highlighting a significant vulnerability among children. The alarming frequency of such incidents in these regions signals not only a persistent societal issue but also an urgent need for intervention and awareness campaigns.

On the other hand, certain states—such as Rajasthan, Haryana, Arunachal Pradesh, Bihar, Chhattisgarh, Goa, Kerala, Gujarat, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura—have reported either very few or no cases of child marriage. While this may appear as a positive indicator, it is equally concerning as it points to the possibility of underreporting or a lack of awareness and reporting mechanisms among the public and authorities. The absence of data from these states reflect gaps in education, inadequate reporting structures, or a general lack of community engagement on the issue.

Both high and low reporting rates suggest the need for comprehensive and sustained efforts across the country. States with high reported cases must focus on strengthening enforcement and protection mechanisms, while states with low or zero reports need to prioritize awareness, reporting mechanisms, and community engagement to ensure that instances of child marriage are not going unnoticed or unaddressed. Tackling this issue requires a collaborative approach involving government bodies, civil society, and local communities to protect children from such harmful practices.

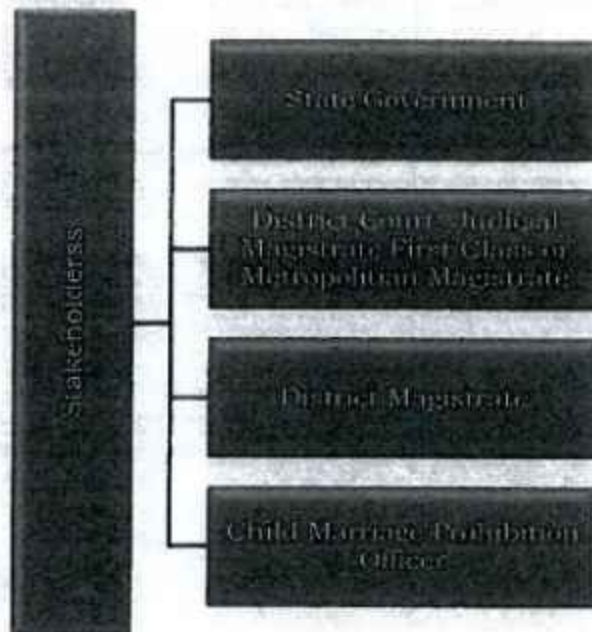
The data received by the Commission through virtual review meetings, along with the lacunae identified in the process, and the insights drawn from the NCRB report, have highlighted critical gaps in the current system. These findings have made it evident that there is a need for more structured and cohesive approach which is required to address the issue of child marriages effectively. As a result, it has become even more necessary to establish the present Standard Operating Procedure (SOP) to streamline the response

mechanisms, ensure better coordination among stakeholders, and provide clear guidelines for action.

This SOP shall serve as a comprehensive framework to address the gaps identified, offering a standardized approach for monitoring, reporting, and intervening in cases of child marriage. It will also aim to strengthen accountability mechanisms, improve awareness and training for key stakeholders, and ensure the effective enforcement of laws and policies at all levels. Through this SOP, the Commission seeks to create a more robust and unified response to the issue, ultimately ensuring greater protection for children across the country.

**B. LIST OF STAKEHOLDERS UNDER PROHIBITION OF CHILD MARRIAGE ACT, 2006,
JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015,
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012**

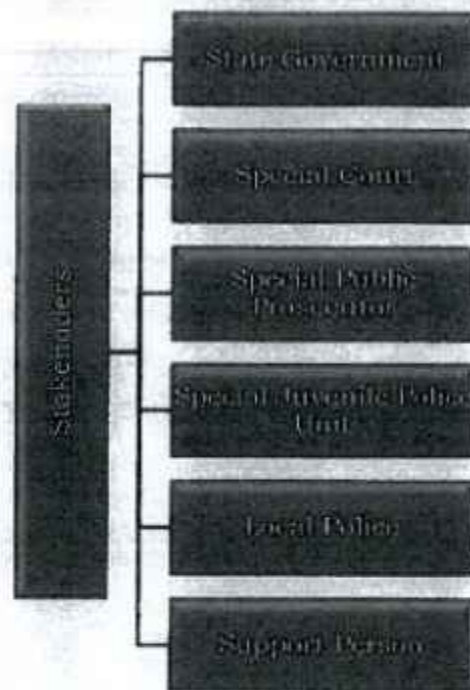
i. List of Stakeholders Under Prohibition Of Child Marriage Act, 2006



ii. List of Stakeholders Under Juvenile Justice (Care And Protection Of Children) Act, 2015



iii. List of Stakeholders under the Protection of Children from Sexual Offences Act, 2012



iv. Other Stakeholders



C. ROLES AND RESPONSIBILITIES OF STAKEHOLDERS

I. IN PREVENTION OF CHILD MARRIAGE

A. State Government

The State Government shall undertake the following roles and responsibilities:

1. **Appointment of Child Marriage Prohibition Officer (CMPO):** In accordance with Section 16 of the PCMA, the State Government is responsible for appointing Child Marriage Prohibition Officer(s) (CMPO) for the State.
2. **Collaboration with Societal Stakeholders:** The State Government may request the assistance of reputable members of society, Gram Panchayat officers, municipal officials, office-bearers of NGOs, or representatives from public sector undertakings to support the work of the CMPO.
3. **Granting Police Powers to CMPO:** The State Government shall empower the CMPO with the necessary authority and powers akin to those of a Police Officer to ensure effective enforcement.
4. **Rule-making for Implementation:** As stipulated under Section 19 of the PCMA, the State Government shall enact necessary rules to ensure the effective implementation of the Act.
5. **Public Awareness Campaign:** Under Section 43 of the Protection of Children from Sexual Offences (POCSO) Act, the State Government shall ensure widespread publicity of the provisions of the Act through various media channels, including television, radio, and print, to raise public awareness.
6. **Training for Officials:** The State Government shall provide regular training for all relevant officials involved in the implementation of the child protection laws, ensuring they are equipped to perform their duties effectively.
7. **Establishment of Child Welfare Committees:** In line with Section 27 of the JJ Act, the State Government shall establish a Child Welfare Committee (CWC) for each district.
8. **Constitution of Child Protection Bodies:** As per Section 106 of the Juvenile Justice (JJ) Act, the State Government shall establish a State Child Protection

Society and a District Child Protection Unit in every district to oversee child welfare initiatives.

9. **Monitoring and Evaluation:** Under Section 55 of the JJ Act, the State Government has the authority to conduct independent evaluations of the functioning of Child Welfare Committees, Juvenile Justice Boards, Special Juvenile Police Units, and registered institutions. These evaluations may be conducted by the Central or State Government, or the District Magistrate, at regular intervals and by appropriate institutions or individuals.

B. District Magistrate

The responsibilities of the District Magistrate are as follows:

1. **Leading Awareness Programs:** The District Magistrate is tasked with spearheading awareness campaigns to educate communities about the harmful effects of child marriage. This involves collaboration with schools, NGOs, and local government bodies to spread awareness regarding legal provisions, social norms, and the available support systems for those affected by child marriage.
2. **Appointment as Child Marriage Protection Officer:** As per Section 13(4) of the PCMA, the District Magistrate is designated as the Child Marriage Protection Officer (CMPO) on specific days when mass child marriages are reported to take place.
3. **Powers to Prevent Child Marriages:** Under Section 13(5) of the PCMA, the District Magistrate is vested with the authority to intervene and prevent the solemnization of any child marriage.

C. Special Juvenile Police Unit or Local Police:

The responsibilities of the Special Juvenile Police Unit or Local Police are as follows:

1. **Immediate Intervention in Child Marriage Cases:** Upon receiving information about an impending child marriage, the local police, including the Special Juvenile Police Unit, have the authority to intervene promptly to prevent the marriage from taking place. This can involve issuing warnings to families, taking preventive legal action, and ensuring that the marriage is halted before it is solemnized. The police are empowered to take swift action to safeguard children and uphold the law.

2. **Coordination with Child Protection Bodies:** As per Rule 86(12), the Special Juvenile Police Unit is required to work in close coordination with the District Child Protection Unit, the Juvenile Justice Board, and the Child Welfare Committee.

D. District Child Protection Unit (DCPU)

As mandated under Rule 85 of the **Juvenile Justice (Care and Protection of Children) Act, 2015**, the **District Child Protection Unit (DCPU)** is entrusted with the following key functions:

1. **Maintaining Records of Runaway Children:** The DCPU is responsible for keeping detailed records of runaway children who leave Child Care Institutions, ensuring that all such children are traced, protected, and rehabilitated as necessary.
2. **Identifying At-Risk Families and Children in Need of Care:** The DCPU plays an essential role in identifying families that may be at risk of child welfare issues, as well as identifying children who are in need of care and protection. This includes identifying children who are vulnerable to situations like child marriage, trafficking, and abuse.
3. **Creating a District-Specific Database:** The DCPU is responsible for assessing the number of children in difficult circumstances within the district.
4. **Collaboration with Civil Society Organizations:** The DCPU must network and collaborate with civil society organizations (CSOs) and NGOs working in the child protection space under the Juvenile Justice Act. This ensures that there is a collective and coordinated approach to addressing child welfare issues, including child marriage.
5. **Awareness Generation and Capacity Building:** The DCPU is tasked with generating awareness about the Juvenile Justice Act and other child protection laws. It organizes programs and training sessions for stakeholders—including law enforcement, school staff, health workers, and community leaders—to ensure effective implementation of the Act.
6. **Quarterly Review Meetings with Stakeholders:** The DCPU organizes quarterly meetings with all relevant stakeholders at the district level to review the progress of the Act's implementation. These meetings are used to assess challenges, discuss progress, and strategize on how to improve child protection efforts.

7. **Display of Children's Rights:** To promote children's rights and raise awareness, the DCPU ensures that the rights of the child are prominently displayed in places that children frequent, such as schools, hospitals, government offices, and other public spaces.

E. Child Marriage Prohibition Officer (CMPO)

Under **Section 16** of the **Prohibition of Child Marriage Act, 2006**, the **Child Marriage Prohibition Officer (CMPO)** is entrusted following primary functions:

1. **Preventing the Solemnization of Child Marriages:** The CMPO is empowered to take necessary actions to prevent the solemnization of child marriages.
2. **Advising and Counselling:** The CMPO is responsible for advising individuals and families to refrain from promoting, assisting, or allowing child marriages. This includes providing counselling to residents within the locality.
3. **Raising Awareness about the Harmful Effects of Child Marriage:** A key responsibility of the CMPO is to raise awareness about the detrimental effects of child marriage. This includes educating the community about how child marriage affects the health, education, and overall well-being of children, particularly girls, and the broader social and economic consequences.
4. **Community Sensitization:** The CMPO plays a vital role in sensitizing the community on the issue of child marriage. This involves organizing awareness campaigns, workshops, and outreach programs to engage community members, school teachers, local leaders, and other stakeholders in preventing child marriage and promoting children's rights.

F. Child Welfare Committee (CWC)

1. **Placing suggestion box:** As per Rule 17(ii) of the **Juvenile Justice (Care and Protection of Children) Act, 2015**, the **Child Welfare Committee (CWC)** is responsible for maintaining a **suggestion or grievance redressal box** at a visible location within its premises. This box is intended to be operated by the District Magistrate or his nominee.

II. ROLE OF STAKEHOLDERS IN PROSECUTION

A. State Government

The role and responsibility of State Government in Prosecution are as follows:

1. **Designation of Special Courts:** As per **Section 28** of the POCSO Act, the State Government is empowered to designate **Special Courts** for the speedy trial of cases related to child sexual offences. These courts are specifically designed to expedite proceedings and ensure timely justice for child victims.
2. **Appointment of Special Public Prosecutors:** Under **Section 32** of the POCSO Act, the State Government is responsible for appointing **Special Public Prosecutors** to conduct cases under the POCSO Act.
3. **Guidelines for the Use of Experts and NGOs:** The State Government shall prepare **guidelines for the involvement of non-governmental organizations (NGOs)**, professionals, and experts—such as those with knowledge of psychology, social work, mental health, physical health, and child development. These individuals or organizations are to be associated with the **pre-trial and trial stages** to support and assist the child victim, ensuring their emotional and psychological needs are met throughout the legal process.

B. District Court, Judicial Magistrate, or Metropolitan Magistrate

The District Court, Judicial Magistrate, and Metropolitan Magistrate performs following functions:

1. **Petitions for Annulment of Child Marriages:** As per **Section 3** of the PCMA, a petition to annul a child marriage may be filed in the **District Court** by a contracting party to the marriage who was a child at the time of the marriage. This petition can seek a decree of nullity to legally dissolve the marriage and protect the rights of the child.
2. **Issuing Injunctions to Prevent Child Marriages:** According to **Section 13** of the PCMA, upon the application of the **Child Marriage Prohibition Officer (CMPO)** or upon receiving information (through complaints or otherwise), a **Judicial Magistrate of the First Class** or a **Metropolitan Magistrate** may issue an injunction to prevent a child marriage.

3. **Taking *Suo Motto* Cognizance:** Under Section 13(3), the Judicial Magistrate or Metropolitan Magistrate can also take *suo-motu* cognizance.

C. Special Court

The Special Court shall perform following roles and responsibilities:

1. Child-Friendly Approach (Section 33(3)–(6))

- **Frequent Breaks for the Child:** The Special Court may, if necessary, permit frequent breaks during the trial to ensure the child's well-being (Section 33(3)).
- **Child Friendly Approach:** To create a child-friendly atmosphere, the Special Court shall allow the presence of a family member, guardian, friend, or trusted relative who the child feels comfortable with during the proceedings (Section 33(4)).
- **Minimizing Testimony:** The Special Court will ensure the child is not repeatedly called to testify in court, minimizing emotional distress (Section 33(5)).
- **Protection of Dignity:** Aggressive questioning or character assassination of the child will not be permitted. The court will maintain the dignity and safety of the child throughout the trial (Section 33(6)).

2. **Protection of the Child's Identity:** As provided in Section 33(7), the identity of the child must be kept confidential throughout the investigation and trial process.
3. **Compensation for the Child:** In certain cases, under Section 33(8), the Special Court may direct compensation for the child, in addition to any punishment for the offender. This compensation could cover physical or mental trauma or provide for the immediate rehabilitation of the child.
4. **Powers and Jurisdiction of the Special Court (Section 33(9)):** For the trial of any offense under the PCMA, the Special Court shall have all the powers of a Court of Session. The Special Court will conduct the trial as if it were a Court of Session, and will follow the procedures in relation to trials before a Court of Session.
5. **Timely Completion of the Trial**

- **Recording Evidence:** Under Section 35(1), the evidence of the child must be recorded within 30 days of the court taking cognizance of the offence. If there is any delay, the Special Court is required to record the reasons for it.
- **Completion of Trial:** Section 35(2) specifies that the trial must be completed within one year of the offence being recognized, ensuring that justice is delivered promptly.

6. Protection During Testimony:

- **Avoiding Direct Contact with the Accused:** Section 36(1) ensures that the child is not exposed to the accused while testifying, maintaining the child's emotional security. The accused, however, should be able to hear the child's testimony and communicate with their advocate.
- **In Camera Trials:** As per Section 37, all trials under the POCSO Act must be conducted in camera, in presence of parents of the child, or any other authorized individuals (such as the child's family members or trusted persons).

D. Special Juvenile Public Prosecutor

The responsibilities and powers of the **Special Public Prosecutor** include the following:

1. **Communication of Questions to the Child:** Under Section 33(2) of the POCSO Act, the **Special Public Prosecutor**, or the counsel representing the accused, is required to **communicate any questions** intended for the child to the **Special Court**. The court, in turn, will ask those questions to the child on behalf of the prosecutor or the defence lawyer. This provision ensures that the child is not subjected to direct, potentially harmful questioning and helps maintain a child-sensitive environment during the trial.
2. **Role as a Public Prosecutor:** The **Special Public Prosecutor** is deemed to be a **Public Prosecutor** under the POCSO Act.

E. Role of the Special Juvenile Police Officer (SJPO)

Key responsibilities of the SJPO include:

1. **Reporting to the Child Welfare Committee and Court:** As per **Section 19(6)** of the **POCSO Act**, the **SJPO** or local police must report any case involving child sexual abuse to the **Child Welfare Committee (CWC)** and the **Special Court** (or, if no Special Court is designated, to the **Court of Session**). This report must be made **within 24 hours** of receiving the information, ensuring prompt attention to the child's needs and the legal process. The report should also include details of the child's **need for care and protection**, as well as the **steps taken** by the police to safeguard the child.
2. **Producing a Child in Need of Care and Protection before CWC:** According to **Section 31(1)** of the **JJ Act**, any child in need of care and protection may be brought before the CWC by a **police officer, SJPU, Child Welfare Police Officer**, or other designated authorities (such as officers from the **District Child Protection Unit**).
3. **Child-Friendly Interaction:**
 - **Rule 86(5)** of the **JJ Act** mandates that police officers, including those in the SJPU, interact with children **in plain clothes**, rather than uniforms, to avoid intimidating the child. For interactions with **girl children, female police personnel** should be engaged to ensure comfort and safety.
 - **Rule 86(6)** emphasizes that the Child Welfare Police Officer or any other police officer shall speak in polite and soft manner and shall maintain dignity and self-esteem of the child.
4. **Tactful Questioning:** **Rule 86(7)** of the **JJ Act** requires that **questions leading to potential discomfort** for the child be asked **tactfully and sensitively**.
5. **Coordination for Legal Aid:** **Rule 86(13)** of the **JJ Act** highlights that the SJPU may coordinate with the **District Legal Services Authority (DLSA)** to ensure that children receive **legal aid**.

F. Role of the Child Welfare Committee (CWC)

The Child Welfare Committee (CWC) shall perform following functions:

1. **Recommendation for Legal Aid:** As per **Rule 7** of the **POCSO Act**, the CWC is responsible for **recommending** to the **District Legal Services Authority (DLSA)**

the provision of **legal aid and assistance** for the child, ensuring that the child's legal rights are protected throughout the legal process.

2. **Cognizance and Inquiry:** Under **Section 30(i) and 30(ii)** of the **JJ Act**, the CWC has the responsibility to **take cognizance** of children brought before it and **conduct inquiries** concerning the child's safety, welfare, and overall well-being.
3. **Social Investigation and Reports:** The CWC may **direct Child Welfare Officers, probation officers, or NGOs** to carry out a **social investigation and submit a report** (**Section 30(iii)**).
4. **Case Documentation:** As per **Rule 17 of the JJ Act**, the CWC is required to **document and maintain detailed case records** and summaries of all cases it handles, ensuring that there is a clear record of the actions taken and decisions made in each case.
5. **Placement and Care Decisions:** **Rule 18(4)** of the **JJ Act** allows the CWC to **issue directions for the placement** of a child, depending on the child's needs and circumstances. The child may be placed with a **parent, guardian, Children's Home**, or, where appropriate, in the care of a **fit person or fit facility**. This decision is made after assessing the child's needs and available resources in the area.
6. **Medical Examination:** **Rule 18(6)** of the **JJ Act** mandates that the CWC or the member on duty order an **immediate medical examination** of any child produced before them if it is deemed necessary.
7. **Social Investigation Report and Individual Care Plan:** According to **Rule 19 of the JJ Act**, the CWC is responsible for ensuring the **preparation of a Social Investigation Report** and an **Individual Care Plan** for each child, which outlines the child's specific needs and the care and protection required.

G. Support Person

The Support Person shall perform following roles and responsibilities:

- Assessing the presence of any threat, coercion or pressure and invoking victim/witness protection scheme as necessary.

- Accompany the child during statement recording, medical examination and trial. Accompanying the child victim to court, particularly for compensation, bail, and prosecution evidence etc.
- From the day support person is appointed, it is his duty to facilitate the child with medical assistance and treatment, counselling to come out of the trauma, and inform the victim about the availability of the legal aid assistance through DLSA, and the provision of interim compensation for medical and other expenses.
- Provide Information promptly to the child and the family about the procedural steps involved in a criminal prosecution
- The support person, with the help of DLSA or public prosecutor, shall submit an application to the appropriate authority for the relocation of the victim and their family, if required.
- The Support Person shall seek immediate assistance of CWC or the police if he believes that the child is under the influence of the accused and/or their associates and also intimate the same to the Court.
- The Support Person shall assist the families in collecting documents related to the case, such as copies of the FIR, medical reports, statements, and charge sheet.
- To raise the concern in case the child friendly procedures (inter- alia child friendly court procedures) are not followed.

H. Legal Services Authority (LSA)

The Legal Services Authority (LSA) performs following key responsibilities:

1. **Providing Pre-Trial Support: Rule 54(14) of the JJ Act** empowers the **Legal Services Authority** to provide a **support person** or **para-legal volunteer** to assist the child during the **pre-trial** process. This support includes:
 - **Pre-trial counselling** to help the child understand the legal process and manage any emotional distress.
 - **Accompanying the child** during the recording of their statement to ensure their safety and comfort.

- **Familiarizing the child with the court and its environment** in advance and where the child is found to have been disturbed by the experience of coming to the Court.
 - If the child is disturbed or traumatized by the experience of coming to court, the LSA may request that the **court orders video-conferencing** for the child's testimony. This may be done upon an application moved by the **support person, para-legal volunteer**, or the LSA itself, ensuring that the child's emotional well-being is taken into consideration.
2. **Providing Legal Counsel to Children in Need: Section 40 of the POCSO Act** mandates that if a child's **family or guardian** is unable to afford a lawyer, the **Legal Services Authority** must provide one.

1. **Child Marriage Prohibition Officer (CMPO)**

Key functions of the CMPO include:

1. **Collecting Evidence for Prosecution:** Under **Section 16 of the PCMA**, the CMPO is empowered to **collect evidence** to support the **prosecution** of individuals who contravene the provisions of the Act.

J. **ROLE OF STAKEHOLDERS IN PROTECTION AND REHABILITATION**

A. **Child Welfare Committee (CWC)**

The key responsibilities and functions of the CWC:

1. **Conducting Social Investigations:** **Section 30(iii)** of the JJ Act empowers the CWC to direct **Child Welfare Officers, probation officers, District Child Protection Units (DCPU)**, or NGOs to conduct a **social investigation** of a child's circumstances. The findings of this investigation are then submitted to the Committee.
2. **Ensuring Care, Protection, and Rehabilitation:** Under **Section 30(vi)**, the CWC ensures that children in need of care and protection receive **appropriate care, protection, and rehabilitation** based on their **individual care plan**. The

Committee may issue directions to **parents, guardians, fit persons, children's homes**, or other **fit facilities** to provide the required care and support for the child.

3. **Rehabilitation of Sexually Abused Children:** Section 30(xiii) mandates the CWC to take action for the **rehabilitation of sexually abused children**, when such children are reported by the **Special Juvenile Police Unit (SJPU)** or local police.
4. **Issuing Rehabilitation Cards:** Rule 17(vi) of the JJ Act requires the CWC to issue a **rehabilitation card** (Form 14) to children in need of care and protection, wherever necessary. This card helps track the child's progress and ensures that appropriate steps are taken to address their evolving needs during their rehabilitation process.
5. **Ensuring Ongoing Rehabilitation During Pending Inquiries:** Rule 19(12) mandates that the CWC ensures **rehabilitation measures** for children placed in institutions during **pending inquiries**. This includes facilitating **education, vocational training**, and other developmental activities from the moment the child is first produced before the Committee. The CWC ensures that these efforts begin immediately, without delay, and are regularly monitored to ensure the child's continued well-being.

B. District Child Protection Unit (DCPU)

The District Child Protection Unit (DCPU) performs following key functions:

1. **Conducting Social Investigations and Developing Individual Care Plans:** As per Rule 85(1)(iia) of the JJ Act, the DCPU is responsible for preparing a **Social Investigation Report (SIR)** and an **Individual Care Plan (ICP)** for each child, as directed by the **Board, Child Welfare Committee (CWC)**, or the **Children's Court**.
2. **Facilitating Non-Institutional Programs:**
 - o Rule 85 (x) of the JJ Act tasks the DCPU with facilitating the implementation of **non-institutional programs** for children. These programs are designed to provide alternatives to institutional care and include:

- **Sponsorship:** Financial support to children or families in need.
- **Foster Care:** Arrangements where a child is placed with a family to receive care and protection in a non-institutional setting.
- **Aftercare:** Services for children who are transitioning out of institutional care, to help them reintegrate into society and become self-sufficient.

C. Support Person

Key responsibilities of a **Support Person** are:

1. **Ensuring Continuation of Education:** A **Support Person** is responsible for ensuring that the child's **education** is not disrupted during the course of legal proceedings. This includes:
 - Facilitating the **change of school** if necessary, especially if the incident occurred at school or if remaining in the same environment is harmful to the child.
 - Obtaining the child's **last attendance records** to ensure that the child's educational needs are tracked and addressed.
 - Coordinating with schools or educational institutions to help reintegrate the child into a learning environment that is safe and supportive.
2. **Identifying and Addressing Specific Needs:** The **Support Person** must be attentive to any **special requirements** the child might have, particularly if the child has a **disability** or special needs.
3. **Maintaining Confidentiality:** The **Support Person** has a responsibility to maintain the **confidentiality** of all information related to the child.
4. **Addressing Concerns of the Child and Family:** The **Support Person** is responsible for addressing any concerns the child or their family might have throughout the process.

D. Probation Officer:

Key responsibilities of Probation officer are:

1. **Participation in Programs (Rule 64(3)(iv)):** The individual or authority responsible shall ensure that children participate in orientation, monitoring, education, vocational training, and rehabilitation programs.
2. **Accompanying Children to Care Facilities (Rule 64(xiv)):** To accompany children from the office of the Board to observation homes, special homes, places of safety, or any other fit facility designated for their care and protection.
3. **Evaluating Progress in Care Facilities (Rule 64(xv)):** The responsible authority must periodically evaluate the progress of children in places of safety and similar facilities. This evaluation should include a psycho-social assessment, and a report detailing the child's progress must be prepared and forwarded to the Children's Court for further consideration and action.

E. Rehabilitation-cum-Placement Officer in Child Protection

Key responsibility of **Rehabilitation-cum-Placement Officer** are:

1. **Monitoring the Individual Care Plan:** According to **Rule 19(20)** of the JJ Act, the **Rehabilitation-cum-Placement Officer** is responsible for maintaining and tracking the **rehabilitation card** for each child. The rehabilitation card, issued in **Form 14** by the **Child Welfare Committee (CWC)**, is a tool for monitoring the child's progress under their **Individual Care Plan (ICP)**.
2. **Implementation of Rule 64 Responsibilities:** The **Rehabilitation-cum-Placement Officer** also performs all functions outlined under **Rule 64** of the JJ Act.

F. Other Stakeholders:

L. Panchayati Raj Members :

- a. Assist the CMPO in preventing child marriages as per section 16(2) of the Act. This could be done by convincing parents against conducting child marriages, educating parents and the community on the implication of child marriage for a child, providing information about law, ensuring that children have access to their education and their attendance in schools is promoted.

- b. Assist the CMPO or the police in enforcing the law by providing necessary support and information.
- c. Ensure that no member of the Gram Sabha or Panchayat is involved in promoting child marriages.
- d. For offenders within the Gram Panchayat, apart from legal action according to law their membership must be revoked by the elected representatives of the Panchayat.
- e. Create awareness withing the community and educated people about the implications of early marriage.
- f. Set up Child Protection Committee within the Panchayat to create awareness and monitor child protection issues such as child marriage.

II. Anganwadi Workers :

- a. To immediately inform the CMPO, DCPU, police or a civil society organisation working on child protection issues regarding any child marriage taking place.
- b. Conduct awareness sessions on the ill effects and consequences of child marriage with adolescents.
- c. Provide information and awareness to mothers on the consequences of child marriage on the health of the child as well as the legal repercussions of the same.
- d. To ensure care and assistance to girls or child brides in the area under your jurisdiction who may require your assistance as expectant or nursing mothers.
- e. Provide health and nutrition education and counselling on breastfeeding/infant and young feeding practices to mothers.
- f. Make home visits to educate the expectant or young mothers on how to raise the child for effective growth, development and empowerment.
- g. Motivate and educate the adolescent girls and their parents and the community in general by organising social awareness programmes/campaigns, etc. against child marriages.

III. School Headmaster/ Principal :

In case where any student is either dropped out or is absent from school for thirty consecutive days without prior notice/information to the school principal or headmasters then, the headmaster/school principal shall promptly report the name and details of such student or students as the case maybe to the block-level authorities/Anganwadi workers/supervisors to enquire into the reasons for such absence and necessary action for a follow-up and engaging with the family of the child to monitor the child's well-being and to ensure the child's re-engagement with school, thereby safeguarding the child's right to continuous education in order to protect the vulnerable child from falling prey to child marriage.

G. Duty to Maintain Registers

To ensure tracking of activities, meetings, details of vulnerable children and the number of marriages prevent and reported it is essential to maintain the registers. Therefore, four registers shall be maintained by the concerned authorities.

The list of the registers to be maintain shall be as follows:

1. Register for the awareness programmes conducted at village panchayat level, block level, Urban/ Ward level and Zila Tehsil Level.
2. Register to keep the record of meeting held with the stakeholders
3. Report to keep the record of the list of vulnerable children identified
4. Register to keep the record of the child marriage prevented and reported

I. Register for the awareness programmes conducted at village panchayat level, block level, Urban/ Ward level and Zila Tehsil Level: The purpose to maintain register for all awareness programs conducted at different levels.

- i. Therefore, it is essential that the register to keep the record of the awareness programs shall be maintained by the District Magistrate or the any other official as authorized by the District Magistrate or Child Marriage Prohibition Officer.

II. Register to keep the record of meeting held with the stakeholders: The purpose to maintain the register is to track the number of meetings conducted with various stakeholders (government bodies, NGOs, community leaders, etc.) to discuss child welfare issues, child marriage prevention, etc.

- i. Therefore, it is essential that the register to keep the record of the awareness programs shall be maintained by the District Magistrate or the any other official as authorized by the District Magistrate or Child Marriage Prohibition Officer.

III. Report to keep the record of the list of vulnerable children identified: The purpose to maintain the register is to maintain a record of vulnerable children identified through various assessments or outreach programs.

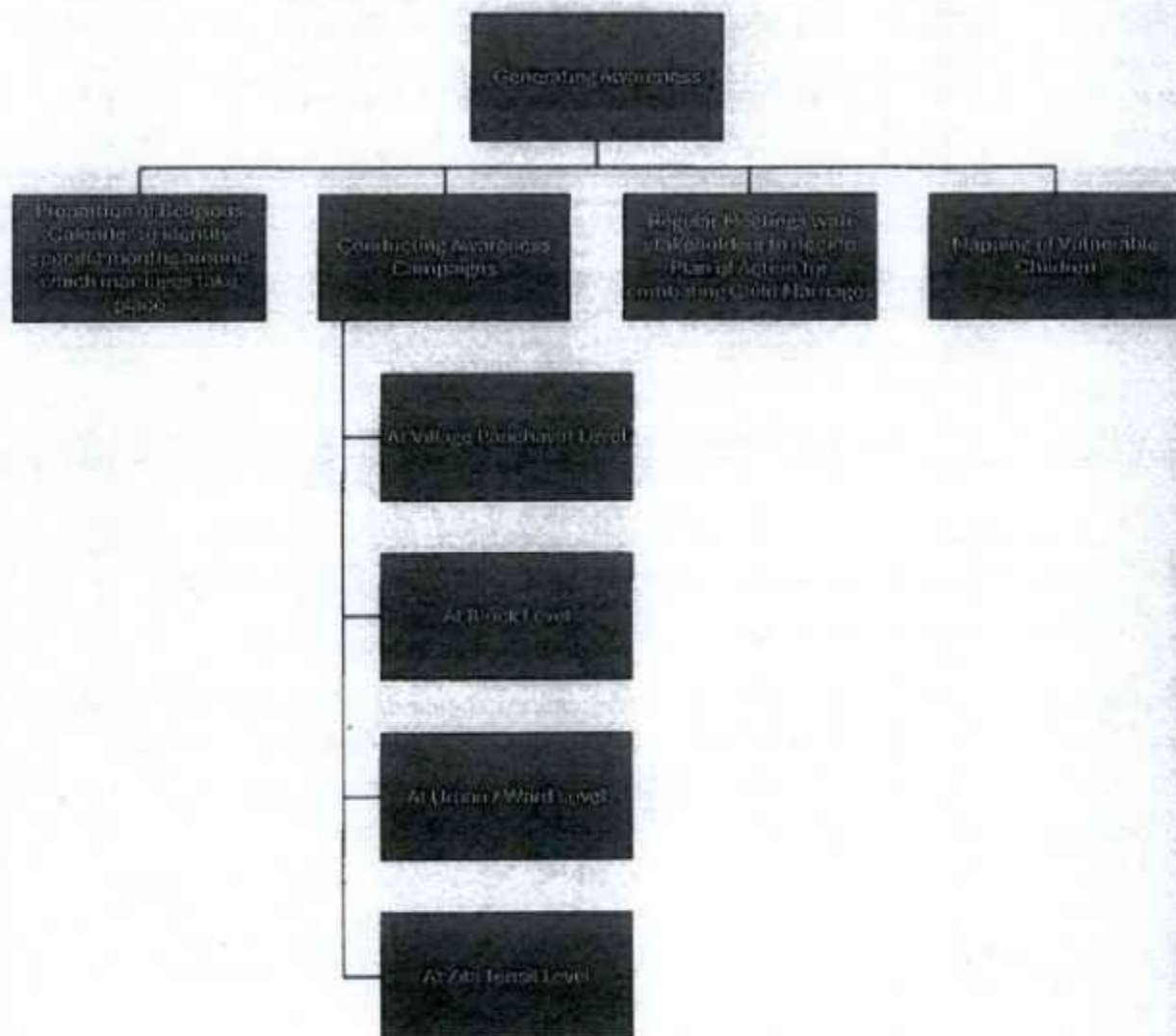
- i. Therefore, it is essential that the register to keep the record of the awareness programs shall be maintained by the District Child Protection Unit.

IV. Register to keep the record of the child marriage prevented and reported: The purpose to maintain the register is to track cases where child marriages were prevented or reported.

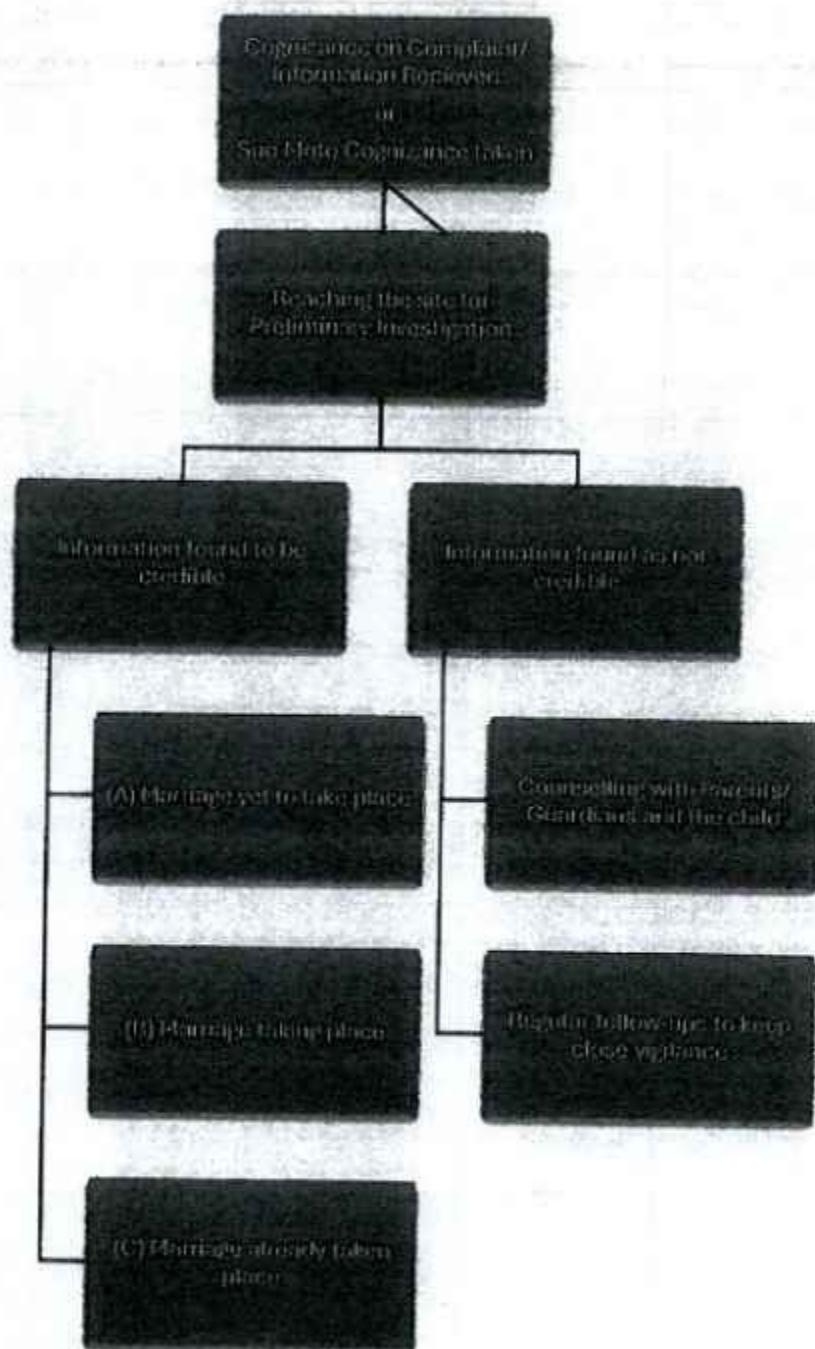
- i. Therefore, it is essential that the register to keep the record of the awareness programs shall be maintained by the District Magistrate or the any other official as authorized by the District Magistrate or Child Welfare Committee.

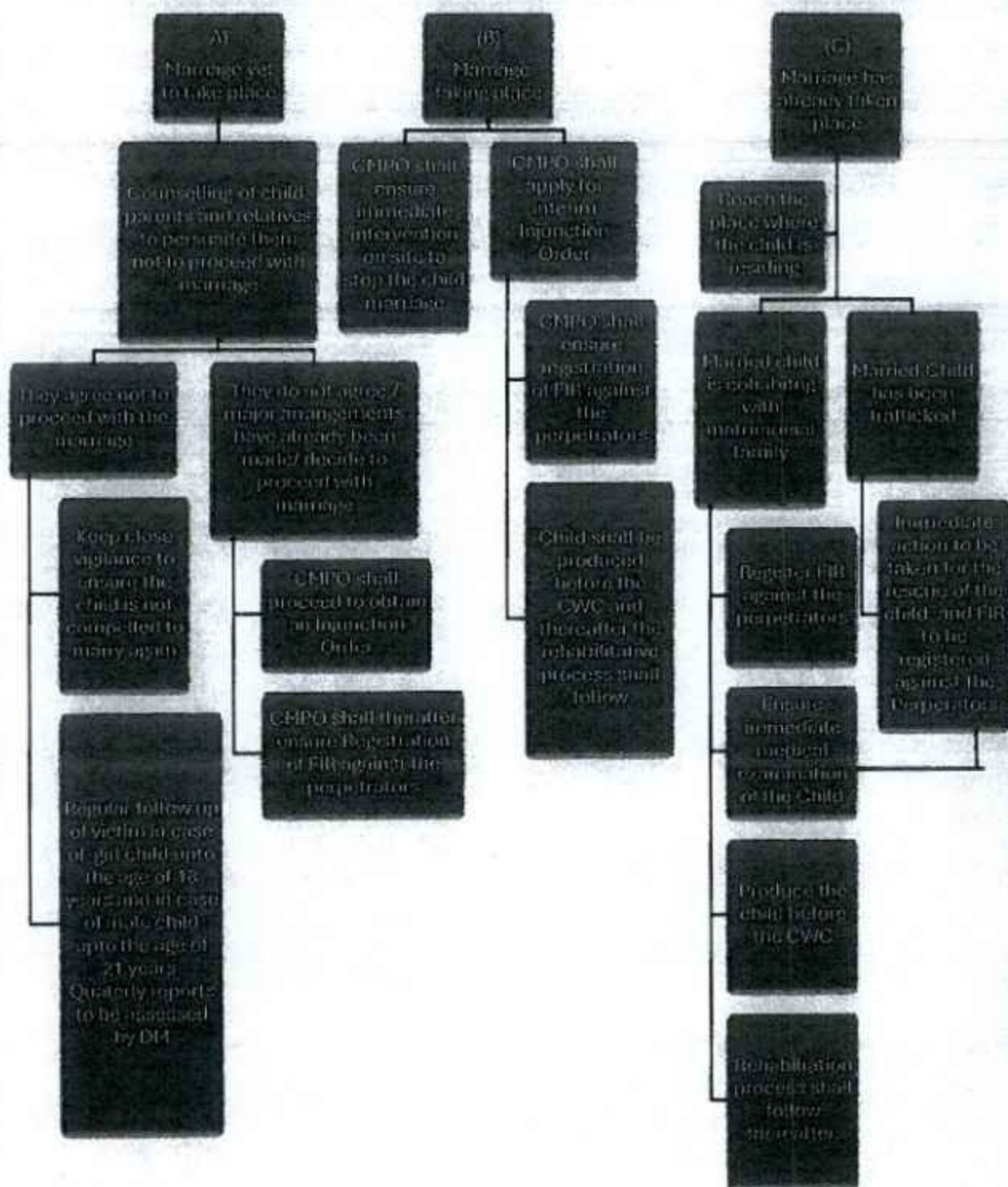
Implementation of Standard Operating Procedure

STAGE 1

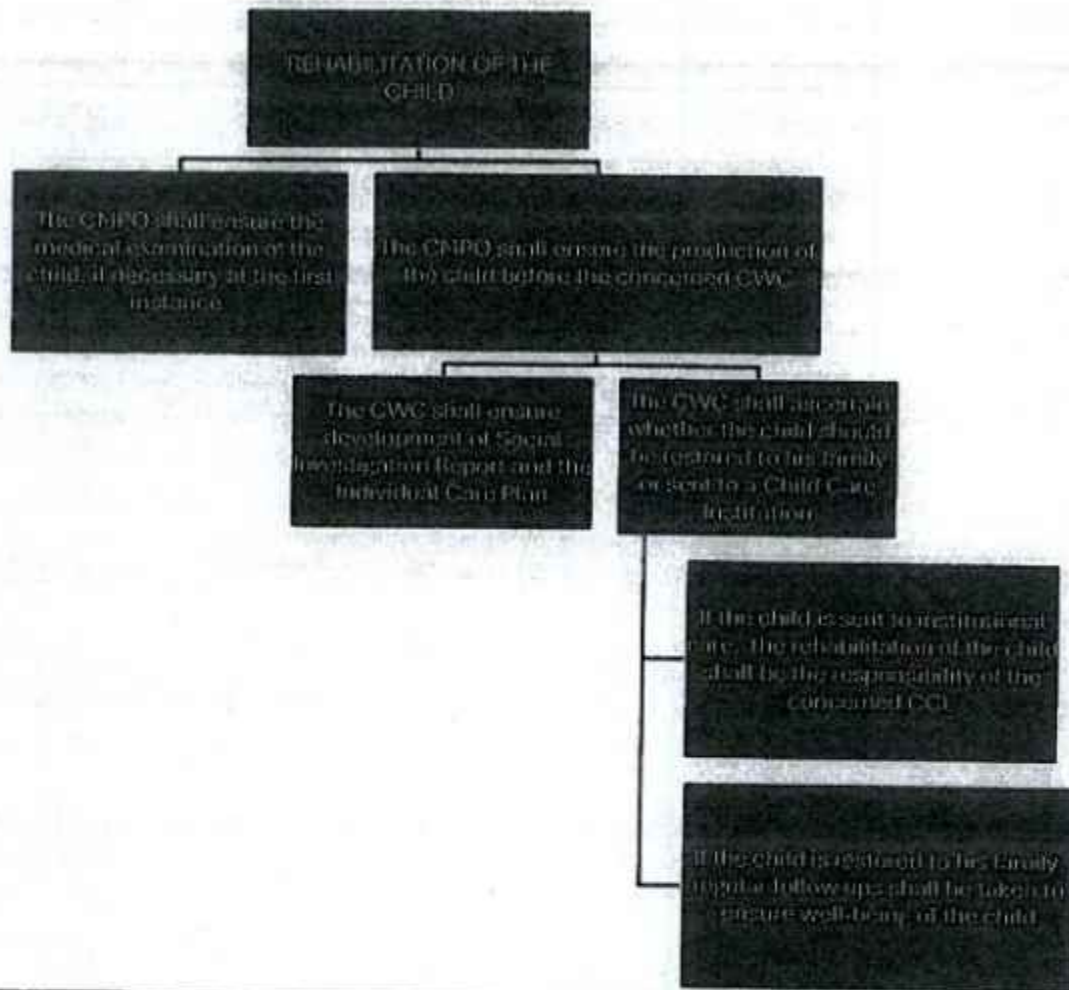


STAGE 2





STAGE 3



D. PROSECUTION PROCEDURE

Even though child marriages are prohibited under the said Act and any marriage in contravention of the PCM Act is punishable, the practice of child marriages is very much prevalent in India across religions despite penal provisions and prohibitions in place. One of the reasons for such widespread prevalence is that despite relevant laws have been enforced to curb the menace of child marriage, there is a lack of effective implementation of the law which leads to absence of deterrence and instead instils a mindset amongst perpetrators that they may not be prosecuted even if they perform, abet, permit or promote a child marriage.

Thus, it becomes imperative to identify the procedures that have been formulated for prosecution of perpetrators in incidents of child marriages in order to aid the stakeholders and the duty bearers to carry out their functions effectively and potentially exercise the powers conferred upon them in eliminating child marriages.

Potential Perpetrators according to the Prohibition of Child Marriage Act, 2006:

Persons who can be punished for violating the provisions of the Prohibition of Child Marriage Act, 2006-

1. Any adult male who marries a child¹
2. Persons having the charge of the child, whether parent/guardian or any other person in any other capacity, lawful or unlawful, including any member of an organization or association of persons.²
3. Persons who perform, abet, or permit the marriage—such as priests, religious leaders, community leaders, caterers, organizers, and relatives or neighbours present at the wedding.³

¹ Section 9 of Prohibition of Child Marriage Act, 2006

² Section 11 of Prohibition of Child Marriage Act, 2006

³ Section 10 3of Prohibition of Child Marriage Act, 2006

Reporting of Child Marriage

One of the first steps towards prosecution of perpetrators in incidents of Child Marriages is awareness of the general public which encourages them to report such incidents and raise complaints against the perpetrators enabling and aiding the stakeholders and duty bearers to decrease the number of such incidents. Therefore, the following steps can be taken to ensure the information pertaining to incidents of child marriages reaches the relevant and competent authorities for them to take necessary and suitable actions.

Information is most crucial, thus, even if there is a suspicion that a child marriage is imminent, in progress, or has already happened, the first step is to report and register a complaint, whether verbally or in writing by:

- Calling helplines like 1098, 1090, or 112
- Making a direct complaint to the Child Marriage Prohibition Officer
- Lodging an FIR/complaint at the nearest Police Station
- Reaching out to the District Magistrate, if possible
- Reaching out to the NCPCR/SCPCR

Procedure to be followed after Receipt of a Report of Child Marriage

- Upon receiving information about a potential child marriage, the concerned competent authority shall document the details thoroughly and ensure the informant signs the statement, if it's in writing.
- If a written report is not feasible, the informant's details, including their name, address, and relationship to the victim shall be recorded.
- The concerned officer, so recording the said information shall provide a copy of the documentation to the informant at no cost, reinforcing the commitment to transparency and support.
- The CMPO of the relevant jurisdiction shall be informed about such report if he is not present at the time of such reporting. It is crucial for the information to reach the CMPO as he is the competent authority to deal with the cases of child marriages.

- The CMPO along with his team shall visit the site and conduct a thorough preliminary investigation. The CMPO must ensure protection of vulnerable children if any and his vigilance is vital.

In pursuance of Section 16(2), the following persons can be requested to assist the CMPO and they shall be bound to act accordingly:

- (i) Any respectable member of the locality with a record of social service
- (ii) Any officer of the Gram Panchayat or Municipality, or Government, or any public sector undertaking
- (iii) Any office-bearer of any Non-governmental Organisation

After reaching the site, the CMPO and his team shall act in accordance with the circumstances that exist in each instance as below:

Where marriage has not taken place:

In instances of apprehension of child marriage, where the marriage has only been arranged and is yet to take place, the CMPO and his team shall consist of counsellors or persons who can persuade the perpetrators as well as the child not to proceed with the marriage. In such cases, the situation can be kept under control through persuasion itself and the safety of the child can be ensured first hand.

- The parents/guardians of the child shall be contacted and the CMPO or a counsellor, if present, shall try to convince them to refrain from getting the child married. The parents/guardians must be informed that child marriage is a punishable offence and that it has a detrimental impact on the physical and mental well-being of children.
- A counsellor shall have a conversation with the child and make them aware of the consequences of child marriage.
- A counsellor shall also speak to the relatives to make them aware of the punishment under the Prohibition of Child Marriage Act, 2006 if they still wish to proceed.

- The CMPO and his team shall seek assistance from the police, if required.
- The CMPO and his team shall seek assistance from community leaders, teachers and civil society organizations, if required.
- Information pertaining to the case shall be communicated to the Chairperson/Member of the concerned CWC and DCPO, so that an assessment of the child needing care and protection may be done and the specified rehabilitative processes are followed.
- School authorities where the child is studying must be informed so as to ensure that follow up on the child's welfare can be taken to provide the concerned CWC with regular updates.
- A detailed report shall be prepared based on the information/complaint and the steps taken thereafter to prevent the child marriage as well as to ensure the well-being of the child.
- The complaint along with the Report must be submitted to the District Court or the Metropolitan Magistrate and a copy of the same shall be forwarded to the police officer in charge of the police station within the local limits of which the child was to be married. This is to make sure that all the stakeholders within the jurisdiction of such an incident are kept in loop and can take further action, if required.
- Regular Follow-up of the minor victim's be conducted incase of girl child upto the age of 18 years and incase of male child upto the age of 21 years. A quarterly report shall also be assessed by the District Magistrate.

Procedure to be followed in cases of Non- reporting of Child Marriages:

Under the PCM Act, the scope of persons who can be punished for contravening the provisions of the said Act is very wide and therefore, specifically in pursuance of Section 11 (1) of the PCM Act, even the persons attending and participating in child marriages are liable and may be punished.

To quote, "...person who does any act to promote the marriage or permits it to be solemnised. Including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend upto one lakh rupees."

The phrase '*negligently prevents it to be solemnised*' places the liability on all those persons who have knowledge of a child marriage taking place and choose not to report it. Such a choice fixes their accountability as they may be punished under the said provision. It must be noted that women shall not be punishable with imprisonment.

The State Governments may make corresponding Rules to give effect to this provision and fix accountability of the persons responsible in cases of non-reporting of child marriages.

Moreover, if a child marriage has been solemnised and thereafter consummated, it constitutes an offence under the POCSO Act. Under POCSO Act, the provision under Section 19 provides for mandatory reporting of commission of an offence under the said Act.

Therefore, any person having the knowledge of consummation of a child marriage fails to report it, he is liable for such non-reporting and may be punished under Section 21 of POCSO Act, with imprisonment for a term which may extend to six months or fine or both.

INJUNCTIONS

Where the CMPO and his team are unable to persuade the family to stop the Child Marriage, they shall approach the DM or Metropolitan Magistrate seeking an injunction on the child marriage.⁴

The effect of the injunction, if issued, would be that even if the child marriage is contracted despite your best efforts, the same would be void ab initio. The Metropolitan Magistrate has to issue a notice to the parties providing an opportunity for a hearing before passing an injunction order.

However, if the court is satisfied that it is urgent to issue an ex-parte Injunction Order to ensure the ends of justice, then the court may issue an interim injunction to prevent miscarriage of justice.

Where the marriage is yet to occur, it is crucial to understand that an impending marriage can and must be prevented through an application seeking an injunction against it. This

⁴ Section 13 of Prohibition of Child Marriage Act, 2006

injunction serves as a direct order prohibiting the performance of the marriage. It can be granted by Judicial Magistrate Class I or Metropolitan Magistrate, upon application by the child marriage prohibition officer, a third party, or even the court itself. Any marriages conducted in defiance of this injunction are deemed invalid and will be void.

Section 13 (10) even penalises the offence of child marriage conducted in contravention of the Injunction order. It states that whoever, knowing that an injunction has been issued under sub-section (1) against him, disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with a fine which may extend to one lakh rupees or with both: Provided that no woman shall be punishable with imprisonment.

Where the Marriage Has Already taken place

Regardless of the law, if an underage marriage has taken place, it is considered legally valid. Nevertheless, the law grants the underage party the right to repudiate or nullify the marriage at any point before reaching the age of majority. The minor has the authority to file a petition for invalidation of the marriage through a guardian, friend, or Child Marriage Prohibition Officer.

However, performance, abetment, promotion or permission to solemnise a child marriage is still a punishable offence and strict action shall be taken against the perpetrators to ensure the well-being of the married minor.

If information is received about a child marriage that occurred before intervention of the CMPO, priority must be the well-being and safety of the child. Thus, following measures should be taken without delay:

1. **Visit to the Child's Location:** The CMPO and his team shall immediately visit the place to where the child resides, likely their marital home, to assess their safety and security.
2. **Explain Available Options Clearly:** The counsellor or the CMPO shall articulate the options available to the child, including annulment of the marriage and maintenance. The person shall speak with the child firmly yet compassionately, reassuring them they are not at fault.

3. Provide Essential Support: The CMPO shall make sure that the child is sent for a medical examination at the first instance possible. The DCPU shall be informed. A Support Person shall be appointed. It must also be ensured that the child is provided with free Legal aid.

4. Registration of FIR: The CMPO shall then ensure that an FIR is registered against the perpetrators under the PCM Act.

5. Promote Education: The family of the child shall be persuaded to ensure that the child continues their Education without interruption.

6. File a Petition for Annulment: Should the child wish to annul the marriage, a petition to such effect must be filed before the District Court, provided they are minors. This petition must be submitted before the child reaches the age limit for filing—two years after attaining majority, which is 20 years for girls and 23 years for boys.

7. If the child chooses to remain in the marriage, the CMPO is responsible to:

(i) submit a Report to the District Court with a copy to the police and

(ii) produce the child before the concerned Child Welfare Committee (CWC).

(iii) CWC and DCPO shall be updated about the details of the case so that an assessment of the child needing care and protection may be done and the specified rehabilitative processes are followed.

8. The CMPO shall also collect evidence of the marriage that has taken place, i.e., photographs, invitations, receipts of payments etc.

It is pertinent to understand that the CMPO and all the other stakeholders shall be on their toes to prevent the incidents of child marriage as far as possible and by spreading awareness and taking preventive measures. However, if prevention is not possible, immediate and effective steps must be taken to ensure the safety and security of the child and it must be ensured that the child is provided with the necessary support, be it legal or moral.

E. REHABILITATION OF THE MINOR VICTIMS

The essence of the Juvenile Justice System in India is rehabilitation of the victims in order to ensure the physical and mental well-being of minor victims and devise procedures for rehabilitation of the minor victims in their best interest as they fall under the category of 'children in need of care and protection'. Rehabilitation is a complex process that requires a multidisciplinary approach for it to be effective. In cases of child marriage, where the perpetrators are usually the parents, guardians or relatives of the minor, the task of ensuring the well-being of the minor victim becomes even more crucial. Moreover, in many cases of child marriage, there is a tendency that the minor victim is also a victim of trafficking or an offence under POCSO Act, 2012. Consequently, in cases where the child is a victim of more than one offence, it gives rise to applicability of more than one statute. Therefore, while being concerned with the process of rehabilitation of the minor victim in cases of child marriage, the concerned officials must make sure that due attention is given to the factual matrix of each and every incident.

In case where the child is a victim of Child Marriage only

1. As part of the prevention of a child marriage, the CMPO and his team are responsible to reach the site as reported immediately and take steps to ensure the safety of the child. If the child marriage is yet to take place, or is taking place, or has taken place, counselling shall be done with the parents/guardians as well as the child to explain the negative impacts it can have on the child and how a child marriage can be detrimental for the future of the child. They must also be informed that subjecting a child to marriage is a punishable offence under PCM Act.
2. If the parents/guardians of the child agree to not proceed with the marriage, then the CMPO and his team must ascertain that such parents/guardians do not have a tendency to compel the minor to marry again. However, in accordance with Section 11 of the PCMA, even promotion of a child marriage is a punishable offence. Therefore, the CMPO shall ensure registration of an FIR against the perpetrators even if the child marriage has been prevented from taking place.
3. If the parents/ guardians are adamant to proceed with the child marriage, the CMPO shall and apply before the court of Judicial Magistrate Class 1 or Chief Metropolitan Magistrate to secure an Injunction order restraining the perpetrators

to proceed with the child marriage. A marriage taking place in contravention of an Injunction order is not only void, it also attracts punishment under PCMA.

4. Thereafter, in order to ensure the safety and security of the child, the DCPU shall be informed and the child shall be produced before the concerned Child Welfare Committee. The CWC thereafter shall ascertain whether the child should be sent for care under the parents/guardians or s/he should be sent to a Child Care facility. For this purpose, the CWC concerned shall appoint a social worker, case worker of CWO or designated officer of DCPU or the CCI or any NGO to prepare a Social Investigation Report within 15 days of producing before the CWC as per FORM 22 to provide an assessment whether it will be in best interest of the child to restore him to his family.⁵
5. If the CWC places the child in non-institutional care, it shall direct the concerned DCPU to develop an Individual Care Plan in Form 7 and if the CWC places the child in institutional care, then it shall direct the management of the CCI concerned to develop an ICP in Form 7 which includes a rehabilitation plan.⁶
6. If the CWC decides to restore or release the child, both the child and as well as the parents/guardians may be referred to a counsellor.⁷
7. The CMPO shall also be responsible for preparing a detailed investigation Report of every such incident so reported and dealt with as given above.

In case where a minor is a victim of Child Marriage and offence/s under POCSO Act

1. In such cases, the CMPO and his team are responsible to reach the site as reported immediately and take steps to ensure the safety of the child victim. If the child marriage has taken place and thereafter solemnised, counselling is required for the child as well as the parents to explain the negative impacts it can have on the child and how a child marriage can be detrimental for the future of the child. The health of the child is also in jeopardy as s/he is inevitably exposed to sexual intercourse during minority and exposes the girl child victims to high risks of teen pregnancy.
2. When the child victim is presented before the concerned Child Welfare Committee, the CWC shall also appoint a Support Person for the support and aid of the victim.

⁵ Rule 19 sub rule 8 of JJ Model Rules, 2016

⁶ Rule 19 sub rule 4 of JJ Model Rules, 2016

⁷ Rule 19 sub rule 9 of JJ Model Rules, 2016

The appointment of a support person is deemed mandatory in all POCSO cases, unless and until the child victim or their legal guardian provide a written statement clearly stating their preference not to avail the services of a support person.

3. The details of the Support Person as well as the child victim shall be uploaded on the POCSO Tracking Portal of NCPCR by the DCPO.
4. The Support Person shall ensure an FIR is registered, and the child victim is taken for a medical examination as soon as possible. The Support person shall also ensure provision of free legal aid to the minor and his family through the District Legal Services Authority.
5. The duties of the Support Person have been ascertained in detail in NCPCR's Model Guidelines with respect to Support persons u/s 39 of POCSO Act.
6. The CWC while assigning a case of a minor victim to a Support Person must consider the needs and requirement of child on the basis of education, psychological needs, family condition, legal assistance, and awareness, as well as logistical factors such as distance from the minor's residence to Court, hospital etc.
7. The Support Person shall submit monthly reports to the CWC on the child's well-being, including physical, emotional, and mental health, collaborate with medical facilities for necessary care, and facilitate the child's education, potentially relocating them to a new school as needed.
8. The office of the CMPO shall be responsible for making a detailed investigation and Compliance Report of every such incident so reported and dealt with as given above.

In case where the minor is a victim of Child Marriage, offence under POCSO Act and Trafficking

1. In such cases, ensuring the safety of the victim by rescuing them immediately becomes a primary concern. Thus, a team must be formed consisting of stakeholders that may be required for immediate help, comprising of local police, DCPU, a non-governmental organization, a translator, medical staff who shall provide assistance during and immediately after rescue of the child. The Rescue team shall also ensure availability of any other basic necessities to make the child feel comfortable enough to trust the people around her/him

2. The child shall be transferred to a comfortable environment immediately after rescue, post which a counsellor who is trained to talk to a vulnerable victim should have a conversation with the child. It must be ensured that the child feels safe and comfortable before any counsellor speaks to the child in order to make sure that the child is able to give details about the incidents.
3. The child, thereafter, shall be produced before the concerned CWC and then be taken for medical examination. In cases of a POCSO victim, a support person shall be appointed to cater to the needs of the victim. The duties of the Support Person have been ascertained in detail in NCPCR's Model Guidelines with respect to Support persons u/s 39 of POCSO Act.
4. The details of the Support Person as well as the child victim shall be uploaded on the POCSO Tracking Portal of NCPCR by the DCPD.
5. In cases where the child has been a victim of child trafficking, the CWC shall ascertain whether the child should be sent for care under the parents/guardians or s/he should be sent to a Child Care facility. For this purpose, the CWC concerned shall appoint a social worker, case worker of CWO or designated officer of DCPD or the CCI or any NGO to prepare a Social Investigation Report within 15 days of producing before the CWC as per FORM 22 to provide an assessment whether it will be in best interest of the child to restore him to his family.⁸
6. If the CWC places the child in non-institutional care, it shall direct the concerned DCPD to develop an Individual Care Plan in Form 7 and if the CWC places the child in institutional care, then it shall direct the management of the CCI concerned to develop an ICP in Form 7 which includes a rehabilitation plan.⁹
7. If the CWC decides to restore or release the child, both the child and as well as the parents/guardians may be referred to a counsellor.¹⁰
8. The Support Person shall submit monthly reports to the CWC on the child's well-being, including physical, emotional, and mental health, collaborate with medical facilities for necessary care, and facilitate the child's education, potentially relocating them to a new school as needed.

⁸ Rule 19 sub rule 8 of JJ Model Rules, 2016

⁹ Rule 19 sub rule 4 of JJ Model Rules, 2016

¹⁰ Rule 19 sub rule 9 of JJ Model Rules, 2016

9. The CMPO shall also be responsible for preparing a detailed investigation Report of every such incident so reported and dealt with as given above.

F. ACCOUNTABILITY OF STAKEHOLDERS

By the virtue of Section 16 (3) (a), the foremost duty of a Child Marriage Prohibition Officer (CMPO) is to prevent solemnisation of child marriages. However, the implementation of the said mandate has been left to the judgment of the CMPO. In other words, the CMPO is duty bound to prevent solemnisation of child marriages by taking such action as *'he may deem fit'*.

In furtherance of this mandate and to broadly cater to the incidents of child marriage, many states have formulated corresponding Rules wherein the duties of the CMPO as well as other stakeholders and actions to be taken by them have been laid down to deal with the complaints/reports of child marriages. However, in the absence of a defined protocol/procedure, the aim of eradicating child marriages across India still remains far-fetched. Thus, along with identifying the procedure and the steps that may/shall be taken by different stakeholders in cases of child marriages, this SOP also aims to provide for the accountability of the different stakeholders in case of failure to perform their duties effectively.

ON RECEIPT OF INFORMATION/COMPLAINT

As soon as a CMPO or any other officer in-charge receives any information/complaint pertaining to child marriage, either oral or written, it becomes the duty of such officer to register an FIR at the first instance as such information pertains to commission of a cognizable offence.

It is mandatory for police to register FIR if any complaint disclosing cognizable offence has been made to police. By virtue of Section 15 of PCM Act, all offences in the said act are cognizable and non-bailable. Thus, if police or the concerned officer, in information pertaining to child marriage, does not register FIR despite disclosure of cognizable offence in the complaint, the concerned official will be liable under Section 199, BNS.

According to Section 199 of Bhartiya Nyaya Sanhita, 2023, if any public servant disobeys any direction as provided under the law, then he shall be liable under Section 199.

Moreover, credibility of the information is not a prerequisite to register an FIR under Section 173 of Bhartiya Nagarik Suraksha Sanhita, 2023.

Therefore, an officer found to be disobeying the mandate under the law, shall be liable to rigorous imprisonment for a term of not less than six months which may extend up to two years and shall also be liable to fine.

REGULAR MONITORING BY DISTRICT TASK FORCES

A comprehensive team at district level as a 'Child Marriage Prevention Task Force' under the aegis of District Magistrate shall be formed consisting of CMPO, Police Officers and representatives from CWC's and NGO' s. (sub Rule 2)

This Task Force shall be imparted with the responsibility of taking immediate action as soon as information pertaining to a child marriage is received. Moreover, this task force shall also be responsible for regular monitoring of areas under its jurisdictions, especially the identified hotspots prone to a greater number of child marriages taking place to increase chances of prevention of child marriages.

Monthly Reviews:

(Rule 85 Sub Rule 1 Clause viii)

(Sub Rule 3)

This task force shall conduct review meetings on a monthly basis to assess the status of ongoing cases, analyse trends driving the incidents of child marriages to discuss steps that can be taken to prevent incidents of child marriages and to ascertain their plan of action in prospective complaints to ensure timely intervention.

PUBLIC GRIEVANCE REDRESSAL MECHANISM

a. Complaint Redressal Mechanism:

To further extend the scope of accountability of the district officials, a Complaint Redressal Mechanism shall be put in place where individuals can report non-action or delays by district officials. A separate committee should handle complaints against CMPOs or police officers.

b. Annual Audits and Compliance Reports:

- i. The District Magistrate should conduct annual audits of the CMPOs' activities and police performance in handling child marriage cases. Non-compliance should result in disciplinary action according to All India Service Rules.
- ii. Compliance reports shall be submitted annually to the National Commission for Protection of Child Rights and State Commission for Protection of Child Rights (SCPCR) providing details of all the actions undertaken to prevent child marriage. The detailed report shall also consist of all the activities undertaken, and challenges faced during performing of duties with respect to preventing child marriages. The said report shall also consist of Action plan for next year as way forward to overcome challenges.
