



Comparative Analysis of State Rules: Prohibition of Child Marriage Act, 2006



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COMPARATIVE ANALYSIS OF STATE RULES: PROHIBITION OF CHILD MARRIAGE ACT, 2006

1. INTRODUCTION

The Prohibition of Child Marriage Act, 2006 is the key legislation dealing with the marriage of persons under the age of 18 (if female) and 21 (if male). Section 19 (1) of the Act empowers state governments to make Rules for carrying out the provisions of the Act. The objective of this report is to analyse all the state Rules notified under the Prohibition of Child Marriage Act, 2006 (hereinafter referred to as 'the said Act' or the 'Act'). The research aims to analyse the various provisions of the state Rules in comparison with each other as also to seek a common thread.

The key provisions of the Act pertain to the prohibition of solemnization of child marriages. Provisions include annulment of child marriages and ancillary rights arising therefrom such as maintenance, custody, and legitimacy of children born from such marriages. The Act further provides for various preventive orders that a Child Marriage Prohibition Officer may obtain from a court such as an injunction or police assistance. It also elucidates the various duties of the Child Marriage Prohibition Officer (hereinafter referred to as the 'CMPO') with respect to creating awareness amongst the community, preventing mass marriages and prosecution for offences.

The analysis has revealed that some states and union territories have chosen to detail particular provisions while some states have drafted new provisions. This reveals similarities as well as dissimilarities across the country. It should be noted that while many states may have enacted Rules, a large number of the provisions are a replica of the Act and do not create new law for instance the Rules on annulment, amongst others. While this report has covered most aspects of state Rules, it has primarily attempted to detail provisions that are an innovation or addition to the law.

This report presents the findings of the analysis, with a special focus on:

- First responders and stakeholders
 - Child Marriage Prohibition Officers, District Magistrates
 - Committees, Police and others
- Reporting mechanisms
 - Reporting an offence or providing information
 - Collation of data
 - Performance review of implementers
- Courts
 - Orders and reliefs
 - Assistance to aggrieved persons
- Convergent and divergent Rules
 - Linguistic provisions
 - Mass marriages

1.1. Geographical Profile



Figure No. 1

With 28 states and 9 Union territories in India, there are a total of 37 units as on March 2020. Of the said 37 states and union territories:

- The Act does not apply to Jammu & Kashmir and Ladakh
- Rules are not found/uploaded for 4 states and 1 union territory, namely Arunachal Pradesh, Nagaland, Uttar Pradesh, Uttarakhand and Lakshadweep.

Rules under the said Act have been uploaded for 30 states and union territories on the website of the Ministry of Women and Child Development. However, the following must be noted:

- Copy of notification of the Prohibition of Child Marriage Act, 2006 has been uploaded for Himachal Pradesh and Sikkim
- Copy of Rules for Punjab are in Punjabi. Owing to linguistic limitations, they were not included in this analysis.
- The notification for Meghalaya declares that “Child Marriage does not exist in the state of Meghalaya”. The state has notified Child Marriage Prohibition Officers.
- Telangana was created in 2014 and hence the Rules notified by Andhra Pradesh in 2012 are applicable.

For the purpose of this research, documents that were available on the website of the Ministry of Women and Child Development, Government of India in March 2020 were accessed. Hence, data of the following 25 states and union territories was eventually analysed for a majority of the research: Andhra Pradesh, Assam, Bihar, Chattisgarh, Goa, Gujarat, Haryana, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh,

Manipur, Mizoram, Orissa, Rajasthan, Tripura, Tamil Nadu, West Bengal, Andaman and Nicobar, Chandigarh, Daman and Diu, Dadra and Nagar Haveli, Delhi and Puducherry.

1.2. Methodology

This research is a legal analysis of the Rules enacted to the Prohibition of Child Marriage Act, 2006 by Indian States and Union Territories. Each of the state Rules was reviewed in comparison to the Act at first and all other Rules thereafter. All provisions in all Rules were quantitatively analysed and then cross referenced with each other to identify areas of convergence and divergence.

The Child Marriage Prohibition Officer (CMPO) is the predominant implementer of the Act, hence this research analysed the duties and roles of CMPOs across state Rules. It analysed the various appointees, their duties, powers, functions and responsibilities in comparison with each other. Appointment of the Nodal Officer and Chief CMPO was also studied.

The analysis studied the subtle variations in reporting relating to the manner and recipient of such information, regarding child marriages that are likely to or may have occurred. The research analysed the various reports and reporting formats provided for, in various state Rules. This was done by comparing the headings under each of the formats. A few states have taken innovative approaches by creating committees and novel provisions, which have been identified as such.

Limitations

This analysis is limited to a legal study of the provisions of all available state Rules, and does not include information beyond the same. The scope of the research was designed to include references to the Prohibition of Child Marriage Act, 2006 and other laws mentioned in the State Rules, however the analysis does not delve in to the Rules under other laws. The analysis also limits itself to the letter of the law and does not take in to account social realities that affect the implementation of the same.

Scanned copies of Rules for some other states are not entirely legible because of a blurred image, hence despite best efforts, some inadvertent inaccuracies in understanding may have possibly found their way into the report. It should be noted that while Jharkhand has notified Rules, it appears that all the pages have not been uploaded.

Assumptions

This analysis assumes that the implementation is based on the Prohibition of Child Marriage Act, 2006 and Rules in each of the States and Union Territories. It assumes that there are no further changes that have been made to the Rules, as uploaded on the website. It assumes that all stakeholders are carrying out their duties, functions and powers as mentioned in the respective State Rules. Information that is not explicit has been assumed in the negative and all provisions have been taken at face value rather than based on knowledge about their implementation in reality. Recommendations have been made accordingly.

2. ANALYSIS

First Responders and stakeholders

The key first responders to the issue of child marriage are Child Marriage Prohibition Officers, Chief Child Marriage Prohibition Officers, District Magistrates, Committees / Advisory Boards, Police and in some cases Courts. This chapter has individual sections dedicated to the analysis of each of these entities. This chapter also analyses provisions regarding other stakeholders such as Child Welfare Committees.

2.1. Child Marriage Prohibition Officer

2.1.1. Qualification and Appointment

Section 16 of the Act provides for appointment of Child Marriage Prohibition Officers for a state or for such parts as may be decided. The analysis has largely shown that either states have identified a specific position/government post as the CMPO, such as the District Child Protection Officer, or, they have merely declared the existence of the post of CMPO, without specifying the position that will take up additional charge or be a dedicated position.

Selection of Positions for Appointment as CMPO

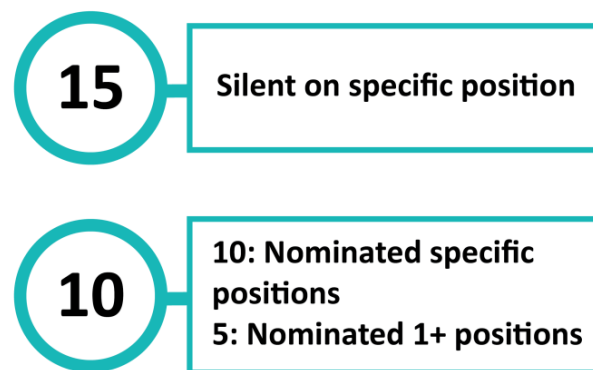


Figure No. 2

- Fifteen out of twenty-five states and union territories are silent on the specific post and have not nominated any (government or private) position as the CMPO.
- Ten out of the twenty-five states and union territories have nominated specific positions from already existing roles as CMPOs: Andhra Pradesh, Assam, Kerala, Mizoram, Orissa, Rajasthan, Tamil Nadu, Tripura, Andaman and Nicobar, Delhi. Five out of these 10 states and union territories have more than one position nominated for the role of CMPO: Andhra Pradesh, Assam, Mizoram, Rajasthan and Andaman and Nicobar.

The various positions that have been nominated across states for appointment as CMPO are:

- District Collector/ District Magistrate
- Revenue Divisional Officer/Sub-collector for Division
- Child Development Project Officer
- Tahsildar

- Integrated Child Development Scheme (ICDS) Supervisor
- Panchayat Secretary
- Village Administrative Officer (Revenue)
- Superintendent of Child Care Institution (CCI)
- District Social Welfare Officer (DSWO)

Three out of twenty-five states and Union territories namely Manipur, Daman and Diu, and Dadra and Nagar Haveli have provided specific Rules for qualifications and experience of CMPOs.

- Manipur is the only state that has provided detailed qualifications (Rule 3).
 - Bachelor of Law with 7 years of practice
 - Age between 45 - 65 years (+ 1 year maximum i.e. 66)
 - Removal on the following basis:
 - Insolvency; conviction for moral turpitude; declared unsound mind by court
 - incapable/refusal to work; abuse of position detrimental to public interest

The Manipur Rules also specify that the opportunity of being heard is essential and must be granted to such CMPO before removal.

- Union Territories of Daman and Diu and Dadra and Nagar Haveli have both provided that the CMPO shall be an Officer of the Government, preferably a woman with a tenure of minimum 3 years and support by the Administration (Rule 3).
- Chandigarh is the only state that provides the CMPO assistance (during an inquiry) from the local Probation Officer. The CMPO may seek this information in Form-IV (Rule 3[g]).

Duties/Powers

Almost all states have stipulated a variety of duties for the Child Marriage Prohibition Officer, namely, prevention of child marriages; provision of advice, legal assistance, and other types of services for a contracting party to a child marriage or a complainant; aid in prosecution of offenders by collection of evidence, registration of FIR; (in some cases) rescue or action during emergencies; and documentation in the form of reports etc.

Key Duties and Powers of Child Marriage Prohibition Officers



Figure No. 3

2.1.2. Duty to Prevent

Section 16(3)(a) of the Act states that it is the duty of the Child Marriage Prohibition Officer to prevent solemnization of child marriages by taking such action as he may deem fit. Rules of three states and union territories state that the approach of the CMPO much be one of prevention. Over 13 States and Union Territories specifically mention *prevention* as a duty of the CMPO: Andhra Pradesh, Assam, Gujarat, Karnataka, Mizoram, Rajasthan, Tripura, West Bengal, Andaman, Chandigarh, Daman and Diu, and Dadra and Nagar Haveli.

General Provisions

Most states have advised the CMPOs to use their powers to act on and prevent child marriages through:

- Appropriate identification and response strategies.
- Assistance from the police.
- Long-term community based preventive measures.

Section 16 (3)(c) of the Act states that a CMPO must advise individual cases or residents a locality in general, dissuading them from providing any kind of support to a child marriage, emphasizing the preventive role.

Distinct provisions

- Haryana Rules state that the CMPO may take *any action necessary* for prohibiting a child marriage, empowering the CMPO to *monitor the parental home/* alternative residence of a female contracting party to a possible child marriage.
- Assam Rules state that if an offence under the Act cannot be prevented without arrest, the CMPO *may arrest a person with help of the police.*
- Gujarat Rules state the *use of traditional media* for awareness and meetings with caste groups for prevention of child marriage.
- Karnataka Rules reflect a wide ambit of powers where the CMPO is to take *all possible assistance and action as he deems fit* to prevent a child marriage.
- West Bengal Rules require the CMPO to communicate with the panchayat to prevent child marriage.

2.1.3. Duty to Prosecute Offenders

One of the key duties of a CMPO is to advise a child, contracting party, complainant or informant on their rights and remedies under the law. Further, a CMPO must provide access or facilitate services and legal support all concerned. While some States and Union Territories have empowered CMPOs to initiate legal action suo moto, namely Mizoram, others require the CMPOs to initiate legal action on the receipt of a complaint as specified herein below. Almost all Rules require CMPOs to share/forward information to the local Police Station/ In-charge regarding an offence or preventive action under the Act. Assam is the only exception where there is no explicit duty and it is left up to the discretion of the CMPO (Rule 5 [3]).

Initiating Prosecution

Over 12 out of 25 States and Union Territories have empowered CMPOs to initiate prosecution, namely Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Karnataka, Kerala, Mizoram, Rajasthan, Andaman and Nicobar, Chandigarh and Puducherry. Some others have permitted initiation of prosecution on the receipt of a complaint. Six out of these 12 states and union territories that have specifically authorized CMPOs to initiate prosecution are Andhra Pradesh, Assam, Gujarat, Mizoram, Andaman and Nicobar and Chandigarh. Six of the remaining States and Union Territories, have potentially included this power (to initiate prosecution), within the larger ambit of the power to take ‘any action as may be necessary’, namely Bihar, Haryana, Karnataka, Kerala, Mizoram, Rajasthan and Puducherry.

- In Bihar, the CMPO is to assist the prosecution, and in Karnataka and Chandigarh, prosecution is to be the last resort.
- Gujarat, Karnataka, Mizoram and Chandigarh advise a preventive approach with regard to due care, decorum, privacy, dignity and harmony of the child and *family relationships.*

Action under the Immoral Traffic Prevention Act, 1956

The Immoral Traffic Prevention Act, 1956 is a law relating to commercial sexual exploitation of persons, with special powers given to notified police officers. Upon receipt of information a designated ‘Special Police Officer’ may rescue i.e. remove persons from situations of exploitation, by carrying out a warrantless search in the presence of an independent witness. Under State Rules to the Prohibition of Child Marriage Act, 2006, where a CMPO receives information about an offence under both these Acts, he may act upon it if so

empowered, or may pass on the information to a Special Police Officer under the Immoral Traffic Prevention Act, 1956.

While some States have gone to the extent of empowering a CMPO to carry out a warrantless search for rescue of persons, others have limited the powers of a CMPO to informing the Police Officer designated under the Immoral Traffic Prevention Act, 1956 for appropriate actions. In five states, namely Andhra Pradesh, Assam, Bihar, Goa and Maharashtra, the CMPOs are to give information to the 'Special Police Officer' (under the Immoral Traffic Prevention Act, 1956) where a minor is enticed out of guardian's keeping; compelled by force or induced by deceitful means; sold for trafficking/marriage or made to go through form of marriage; married for an immoral purpose or forced in to such after marriage. Andhra Pradesh and Assam require CMPOs to formulate strategies for identification, rescue, rehabilitation and reintegration of survivors of child marriage.

2.1.4. Power to Search without Warrant

Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court (Section 165). However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.

In this regard, Rules for Chattisgarh and Tripura empower CMPOs to search premises without obtaining a warrant for investigation of offences relating to the Prohibition of Child Marriage Act, 2006.

- In Tripura the CMPO must do so on reasonable grounds and after submitting the same to a District Magistrate. He must also call upon a witness from the locality (as per Section 16 (2) of the Act), and a refusal to obey such summons would amount to an omission to assist a public servant, which is an offence under Section 187 of the Indian Penal Code.
- In Chattisgarh, the CMPO when entering a premise without a warrant, is to call-upon local residents to witnesses such deed.

Section 16 (2) of the Prohibition of Child Marriage Act, 2006 provides a list of persons who may be called upon to witness such search:

- a respectable member of the locality with a record of social service
- an officer of the Gram Panchayat of Municipality
- an officer of the government or any public sector undertaking
- an office bearer of any Non-Governmental Organization.

2.1.5. Powers of a police officer

Five States and Union Territories bestow CMPOs with the powers of a Police Officer and/or with the power to conduct an investigation under the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Cr.P.C'), namely Andhra Pradesh, Assam, Mizoram, Chandigarh and Puducherry.

- Andhra Pradesh, Assam and Chandigarh authorize recording of statements by CMPOs. Chandigarh Rules empower a CMPO to record statements, however, do not explicitly mention the power to conduct an investigation.

- Puducherry Rules empower a CMPO with the ‘powers of a police officer’, especially to take cognizance.
- Chattisgarh, empower a CMPO to investigate and submit a report to the Magistrate.
- Andhra Pradesh Rules have an explicit and wide ambit where a CMPO has the powers of a Police Office for investigation, summoning, recording of statement and registering cases. A CMPO also has the power to seek assistance of the Police who shall be *bound to respond*. A CMPO’s reports are material evidence.
- Assam Rules go further and specify additional powers of the CMPO: to enter a premise, make inquiries, demand production of documents to prove age, collect evidence, record statements and record the investigation in a diary with proper timings. The CMPO is to intimate the police about such investigation if necessary.

Duty of Evidence Collection

Six out of 25 states have empowered CMPOs to collect evidence with regard to prosecution of offences under the Act, namely Andhra Pradesh, Chattisgarh, Karnataka, Mizoram, Andaman and Nicobar and Chandigarh. Andhra Pradesh Rules state that the report of a CMPO shall be treated as material evidence.

Burden of Proof

Peculiarly, the Kerala Rules state that the burden of proof, to prove the majority of a contracting party to a child marriage, is on the accused person. This is a significant provision which reverses the burden of proof, which typically rests on the prosecution. This would mean that if a criminal case is registered against a person for an offence under the Act, ordinarily the prosecution would have to establish the age or minority of the child/contracting party. However, under the Kerala Rules, the accused person would have to establish the same, consequently giving the prosecution an advantage in the case. From a legal perspective, such inclusion shows a progressive approach to tackling the issue, and will greatly enable prosecutors to succeed against offenders.

Duties during Emergencies

Some States and Union Territories have provided for Duties relating to emergencies, and to prevent the recurrence of a marriage, prevented earlier. Six States and Union Territories namely Karnataka, Mizoram, Daman and Diu, Dadra and Nagar Haveli, Delhi and West Bengal have stipulated special actions that may be taken during emergencies or to prevent the recurrence of a child marriage.

Four out of the Six States and Union Territories namely Karnataka, Daman and Diu, Delhi and Dadra and Nagar Haveli have the following plan of action in emergencies: On receipt of reliable information through email, telephone or similar, from anyone, the CMPO can obtain immediate assistance of the police and reach the venue or place of occurrence of the child marriage. He must then record the incident in writing and report it to a Magistrate, without delay, for appropriate orders.

In West Bengal, if there is no scope to move the court for an injunction, the CMPO can approach the District Magistrate to pass an injunction order under section 13 (5) of the Act. In Mizoram, CMPOs must ordinarily consult the Advisory board in performance of duties, however there is an exception in case of emergencies, when the CMPO can take action as per the Act. Daman, Delhi and Dadra and Nagar Haveli specifically require the CMPO to take necessary steps to prevent recurrence of child marriage of any child.

2.1.6. Special Duties

While on the one hand, states like Jharkhand and Manipur have not enacted any additional provisions with regard to the duties of the CMPO, on the other hand, states like Andhra Pradesh and Rajasthan have enacted unique provisions.

Ancillary duties of a Child Marriage Prohibition Officer

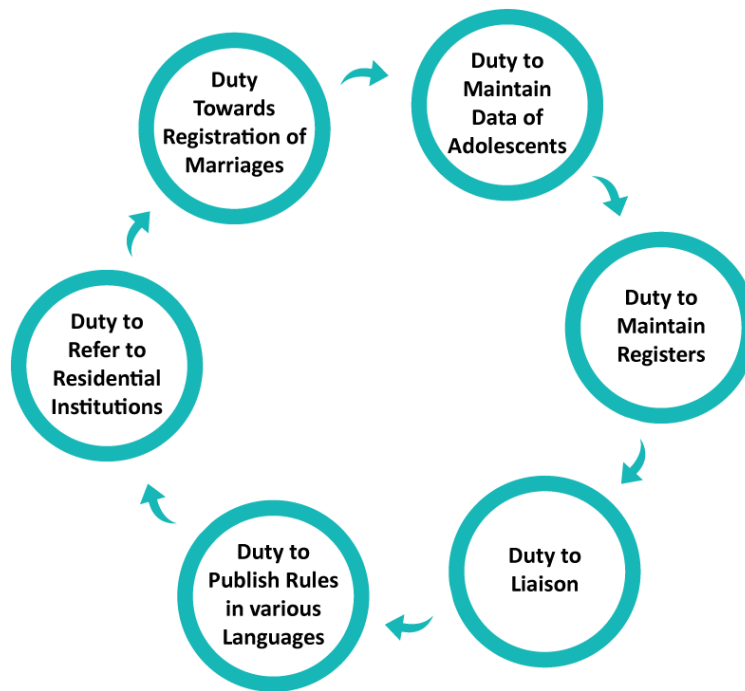


Figure No. 4

○ Registration of Marriages

Andhra Pradesh and Rajasthan are the only states that have included duties connected to registration of marriages. In Rajasthan, the CMPO is to periodically inspect the records of the Marriage Registration Officer for Compulsory Registration of Marriages and in Andhra Pradesh, the CMPO must work towards implementation of the Compulsory Registration of Marriages Act, 2002 and Rules 2003.

○ Data on Adolescents

Assam is the only state that requires the CMPO to maintain updated data/profiles within their jurisdiction of adolescent children, in particular girls, focusing on the background of the community (See Rule 3{10}).

Similarly, Haryana Rules state that the CMPO may *monitor the parental home/alternative residence* of a female contracting party to a possible child marriage from the perspective of prevention of such marriage.

○ **Disciplinary Action**

Andhra Pradesh is the only state that has provided for disciplinary action against CMPOs. It requires CMPOs to take proactive steps to prevent child marriages including furnishing of such information about child marriages or proposals to the Police or Superior Officers. It has linked the failure in reporting of such information by the CMPO to initiation of disciplinary action.

○ **Liaison**

A total of four States and Union Territories have enacted a provision to bring about a synergy between the CMPO and other stakeholders through liaison functions. Rules of Three Union Territories, namely Daman and Diu, Dadra and Nagar Haveli and Delhi, require the CMPO to liaison between the complainant, police and other authorities under law.

West Bengal Rules explicitly require the CMPO to liaison with the police for:

- advising a contracting party/child (connected to a child marriage), guardian, person or others to desist from committing an offence under the Act
- communicating with the local authorities of the panchayat to prevent child marriages
- executing a court order

○ **Maintenance of registers**

Karnataka Rules require the CMPO to maintain a directory of NGOs registered under the Societies Registration Act, Companies Act, or any other law. Chandigarh Rules require the CMPO to maintain a register of complaints to record complaints and enquiries etc in Form-I with separate files for each case.

2.2. Miscellaneous Rules

2.2.1. Linguistic provisions

Three states explicitly require the publication of the Act and Rules in specific languages, often those largely understood in the state, namely:

- Andhra Pradesh: Telugu and Urdu
 - Kerala: Malayalam and English
 - Punjab: Punjabi
- A pertinent provision is found in the Assam Rules specifically states that the CMPO must provide the child or any person information about their rights, remedies and services *in a language that they understand*. This is a significant rule for many reasons, one of which is that it would create a positive duty on the CMPO to provide appropriate linguistic services for persons who do not speak the local language (potentially in cases of trafficking or kidnapping).
 - Andhra Pradesh Rules stipulate that the Nodal Officer must facilitate publicity of the negative consequences of child marriage in the local language with help of creative media.
 - Haryana Rules state that the CMPO must give wide publicity to consequences of child marriages in the local language by using creative ways and mass awareness such as

films, hoardings, posters, pamphlets, loudspeakers, cultural programmes, advertisements, television, TV, radio, newspapers, buses and trains.

2.2.2. Mass Marriages

Four states namely Andhra Pradesh, Bihar, Haryana and Karnataka have devised specific Rules to address the issue of mass marriages. Andhra Pradesh and Haryana have devised the most detailed provisions for combatting mass marriages. Both mandate the following for CMPOs and other stakeholders:

- Take serious note of glorification of child marriage and initiate proceedings against those involved
- Involve other government departments from both states include Enforcement, Health, Education, Rural Development, Panchayati Raj, Women and Child Development, Police, Public Relations, Adult Education, Revenue, Social Justice and Empowerment, and Information and Public Relations.
Educate and involve stakeholders such owner/in-charge of community center, public building, banquet hall, marriage place, temple authorities etc
- Plan and strategize before the mass marriage event (Haryana: minimum one month before)
- Publicity of negative consequences in creative ways and in local languages through mass awareness media like films, hoardings, posters, pamphlets, loudspeakers, cultural programmes, advertisements, television, TV, radio, newspapers, buses and trains to be undertaken (by Nodal Officers in Andhra Pradesh and CMPOs in Haryana).

Haryana specific duties require the CMPO to ensure doctors, professionals and/or officials do not issue false medical, birth or age certificates. The CMPO must initiate action against persons contravening this provision.

Andhra Pradesh requires CMPOs to ensure registration of marriages. They must also necessarily involve NGOs having a track record of work on the issue.

In Bihar, the District Magistrate is to pass orders for vigilance by Police regarding mass solemnization of marriages at religious or public places or during special occasions.

Karnataka states that the CMPO must ensure that the organizers of mass marriages maintain a register and list of proposed eligible couples; record details after verification of photos and proof of age through birth, school or medical certificate from a medical practitioner.

2.2.3. Shelter Homes and Child Care Institutions

Five states have provided for linkages for residence / shelter as may be required under the Act namely Assam, Bihar, Goa, Karnataka and Maharashtra.

Bihar, Goa and Maharashtra Rules require the CMPO to inform the child or contracting party about shelter homes if needed for residence or for safety and shall make necessary arrangements too.

Assam Rules state that the CMPO must inform a child/ contracting party about shelter homes or Child Care Institutions, especially during the pendency of proceedings, should they require support or confidentiality. The Rules refer to shelter homes/registered NGOs/Child Care Institutions under the Juvenile Justice Act, 2015 for safe custody of children. Most

significantly, the Assam Rules mandate that such homes will not refuse admission to females when such order is made by a court.

2.3. Other Stakeholders



Figure No. 5

2.3.1. Chief Child Marriage Prohibition Officer

Three states, namely Assam, Kerala and Orissa have created a new post called the *Chief* Child Marriage Prohibition Officer. In Assam, the Director and in Kerala a Senior Officer of Social Welfare is to be appointed as the Chief CMPO. Whereas in Orissa, it is to be a Senior Officer of the Women and Child Development Department.

Common duties across the three states are:

- Supervision and coordination of the work of CMPOs across the state.
- Periodic review of functioning and performance of CMPOs.
- Convening an annual review and strategy conference.
- Publication of the Act and Rules in regional languages.
- Creation of Annual Status Report, statistics.
- Formulation of schemes and programs of awareness

Orissa and Kerala Rules state that the Chief CMPO is responsible for the performance of the CMPOs; sensitization of communities; publication of the Act and Rules in local languages and English. Assam requires the Chief CMPO to create an Annual Status Report on Child Marriage.

2.3.2. District Magistrate

Section 13 (4) of the Act stipulates that for the purpose of preventing solemnization of mass child marriages, the District Magistrate shall be deemed to *be* and *have* all the powers of the Child Marriage Prohibition Officer under this Act. Further, Section 13 (5) stipulates that the District Magistrate shall have additional powers to stop and prevent solemnization of child marriages and for this he may take all appropriate measures and use minimum force required.

Bihar Rules state that the District Magistrate can pass an order for vigilance at religious sites, public places or special occasions by the Police for preventing mass solemnization of marriages. In Rajasthan and Delhi, the District Magistrate has powers of supervision through reports received from CMPOs.

2.3.3. Committees and Boards

Three states have special committees or boards set up under respective Rules, namely Andhra Pradesh, Tamil Nadu and Mizoram. Herein below are specific details of each of these states:

Andhra Pradesh

Committee at the Village, Mandal, Divisional, District Level of 12 members

1	Gram Panchayat Sarpanch	Chairperson
2	Panchayat secretary	Member
3	Village Administrative Officers of Revenue Department	Member
4	Local School Teacher	Member
5	Self Help Group Members/Gram Samkhya	Member
6	Elected Panchayat Women Members	Member
7	ANM	Member
8	NGO (functioning in the area)	Member
9	Youth Organisation Member (Preferably Female)	Member
10	Village Officers	Member
11	ASHA	Member
12	Anganwadi Workers	Convenor

Tamil Nadu

Core Committee at the Panchayat Level of 6 members

1	Panchayat President	Chairperson
2	Extension Officer (Social Welfare)	Convenor
3	Village Administrative Officer	Member
4	Secretary, Panchayat Level Federation of Self Help Groups	Member
5	Head Master/ Senior Teacher (where no head master)	Member

6	One Woman Ward Member (if more than one woman ward member, the senior most by age)	Member
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Mizoram

One Advisory Board for each CMPO: Total of 5 members

Prominent citizen/officer bearer from the following:	One member
Youth Mizo Association (YMA)	
Mizo Hmeichhe Insuihkhawm Pawl (MHIP)	
Mizo Upa Pawl (MUP)	
Mizoram Kohhran Hruaitu Committee (MKHC)	Two Members
Members having experience of social service or having knowledge/practical experience in child rights	
Women activists/workers known to work in the jurisdiction of the CMPO	Two Members

2.3.4. Police

The role of the police primarily centers around responding to offences under the act; some states have tasked the police to support with emergency and preventive action as well. The police are to primarily take cognizance of offences and reports under the Act and support the CMPO in implementation of the Act and Rules.

Some states have provided specific Rules with respect to their duties and role, as mentioned herein below:

- Andhra Pradesh Rules specifically mention that a CMPO is empowered to seek the assistance of the Police, who shall be bound to respond. It appears that this is expected to ensure police support and prioritization of offences under the Act.
- Bihar Rules provide for vigilance by the Police with regard to a potential mass solemnization of marriages.

2.3.5. Child Welfare Committee

Jharkhand and Madhya Pradesh are the only two state Rules that mention a role for the Child Welfare Committee (CWC) in the implementation of the Act. Both state Rules state that in case of minors and in appropriate cases, the Court must make a reference to the Child Welfare Committee in the best interest of such child or youth.

Madhya Pradesh Rules state that a copy of an order for custody under Section 5 (1) of the Act shall be sent to the CWC to ensure from time to time that the child (born from a child marriage), is getting proper care and protection from authorized custodians. The Rules also provide for the referral of a minor contracting party, to the CWC, for protection of their best interest. They also state that the order for custody under Section 7 can be given to a contracting party, guardian or CMPO.

It is pertinent to note that a child who has been or is likely to be married, is considered to be a 'Child In Need Of Care And Protection' under the definition provided in section 2 (14) of

the Juvenile Justice Act, 2015. Hence, by reading both laws together, a CMPO or police officer could produce any such child before the Child Welfare Committee for appropriate care and protection orders under the Juvenile Justice Act, 2015.

2.3.6. Government and Nodal Officers

Government

Only the Delhi Rules mention a duty for the Government. They stipulate that the Government should make available a list of volunteers to assist the CMPO in every district as per Section 16 (2) of the Act, which recommends the following persons:

- (a) a respectable member of the locality with a record of social service
- (b) an officer of the Gram Panchayat of Municipality
- (c) an officer of the government or any public sector undertaking
- (d) an office bearer of any NGO

Nodal Officers

Four out of 25 states and union territories have provided for Nodal officers, namely Andhra Pradesh, Kerala, Orissa and Puducherry.

- Andhra Pradesh Rules nominate the Commissioner/Director of Women Development and Child Welfare at State Level and District Collector at District Level as Nodal Officers.
- Kerala Rules nominate the District Collector as Nodal Officer and require him to periodically review the implementation of the Act and take necessary action (Rule 5).
- Orissa Rules nominate the District Collector to be Nodal Office at district level (Rule 5). The Rules are silent on a Nodal Officer at the State Level however they designate a Senior Officer of the Women and Child Development Department as the Chief CMPO at the state level.
- Puducherry Rules nominate the Nodal Officer to periodically monitor the functioning of the CMPO and collect the quarterly report from the CMPO in Form-II to share with the state government (Rule 5).

2.4. Reporting Mechanisms

This section contains information on the various Rules regarding reporting of information about child marriages, formats for incident reports, progress reports, and performance review under the Act.

There are a variety of reporting mechanisms available in the Act and Rules to record complaints and the response of the system to incidents of child marriage. In most cases, any person may submit information to a CMPO for appropriate action. However, some states have also empowered persons other than the CMPO to receive such reports. This subsection is divided in to two parts: Procedure for Reporting of information and Recording of such information. The first part contains a comparison between all States and Union Territories on the various components of reporting such as locus, recipient, manner of submitting information or lodging complaint and means of communication. The second part contains information on the formats recommended by various states.

2.4.1. Providing Information / Lodging a complaint

The Prohibition of Child Marriage Act, 2006 does not specify the procedure to lodge a complaint or the manner in which information may be provided to first responders regarding the solemnization of a child marriage. Therefore, it is of utmost importance that the Rules specify the same, as it determines the manner in which such information is processed and acted upon, thereby influencing the implementation of the Act. The analysis has revealed that a majority of states (19) have provided the procedure of receipt of such information, while some states (6) are silent on the same.

Rules of the following 19 States and Union Territories *explicitly mention* a procedure for receipt of information or a complaint regarding a child marriage: Andhra Pradesh, Assam, Bihar, Chattisgarh, Goa, Gujarat, Jharkhand, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Mizoram, Orissa, Tamil Nadu, West Bengal, Daman and Diu, Dadra and Nagar Haveli, Delhi and Puducherry.

Rules of the following 6 States and Union Territories *do not mention* a procedure for receipt of information or a complaint regarding a child marriage: Haryana, Manipur, Rajasthan, Tripura, Andaman and Nicobar and Chandigarh. Herein below is a further analysis of the Rules with respect to reporting of information and lodging a complaint:

Recipient

The following nine States and Union Territories *stipulate reporting only to the CMPO*: Puducherry, Delhi, Daman and Diu, West Bengal, Tamil Nadu, Orissa, Kerala, Gujarat and Chattisgarh. Rules of the following three States and Union Territories *stipulate reporting to stakeholders other than the CMPO*: Bihar, Madhya Pradesh and Delhi.

- In Bihar and Madhya Pradesh, information about the solemnization of child marriage may be given to the CMPO, local Police Station or Sarpanch of the Gram Panchayat of the concerned area. Bihar has one additional potential recipient of information: Block Development Officer, which is not seen in the Madhya Pradesh Rules.
- In Delhi, while a CMPO is empowered to prepare a Child Marriage Report and submit it to the District Court and Police, any person authorized under Section 16 (2) can record such complaint and forward it to District Court & CMPO (Rule 5). Such persons being a social worker of the locality, officer of gram panchayat / municipality/ government or office bearer of any NGO (Section 16 [2]).

Jurisdiction

- Rules Assam, Maharashtra, Goa and Bihar state that the CMPO is to record information, even if it is regarding a child marriage outside their jurisdiction; subsequently forward such information to the concerned CMPO.

Others

- Incident Reports are mentioned in Rules of 11 States and Union Territories namely, Assam, Bihar, Goa, Kerala, Maharashtra, Tamil Nadu, Chandigarh, Daman and Diu, Dadra and Nagar Haveli, Delhi and Puducherry.
- In the following eight States and Union Territories Assam, Bihar, Goa, Maharashtra, West Bengal, Daman and Diu, Dadra and Nagar Haveli, and Delhi, a copy of the information/complaint is to be provided to the informant with a seal and sign, free of cost.

- Andhra Pradesh Rules mention suo moto action on reports in media by the CMPO and maintenance of the confidentiality of the informant.
- Jharkhand Rules provide for incentivizing reporting through awareness of communities and leaders.

2.4.2. Incident Report

Eleven out of twenty-five States and Union Territories have provided formats for recording/reporting incidents under the Act, namely Assam, Bihar, Goa, Kerala, Maharashtra, Tamil Nadu, Chandigarh, Daman and Diu, Dadra and Nagar Haveli, Delhi and Puducherry.

As per the analysis, typically, new information is recorded by the CMPO and shared with the Police and Magistrate in the form of an Incident Report or some kind of reporting format.

Selected features of reporting procedures are:

- Informant submits information or complaint to a CMPO
- CMPO records such information/ particulars in the prescribed format
- CMPO shares such information with the local police and JMFC/Court
- CMPO conducts an inquiry/investigation
- CMPO submits report to the police/Court for appropriate orders
- CMPO provides appropriate support/services to complainant/informant

Selected features of Incident Reports are:

- Particulars about the informant
- Particulars about the contracting parties (name, age, address, parents, employer)
- Summary of circumstances, information about the incident or child marriage

The analysis has revealed that some States and Union Territories have provided formats for recording of child marriages that were prevented, however, this practice is not consistent across the country under the Rules to the PCM Act.¹ Features such as 'List of documents' and 'Orders sought' are not found in all states. Puducherry and Kerala Formats contain vague unclear instructions in the 'particulars of incident' section, which may result in inconsistent data.

2.4.3. Progress Report

Rules of the following 10 States and Union Territories include specific provisions for reporting under the Act, namely Assam, Gujarat, Karnataka, Kerala, Mizoram, Orissa, Rajasthan, Chandigarh, Delhi and Puducherry. In almost all Rules, the responsibility for creating the report rests on the CMPO, with the exception of a few, where the Chief CMPO is responsible for generation of the reports. Most reports are expected district wise and on a quarterly basis, and almost all states provide a template for reference. Karnataka is the only state that also requires a Taluka level report in addition to the district level report.

¹ Reporting is part of the Integrated Child Protection Scheme review meetings at District Level and State Level across India.

The below mentioned Ten States and Union Territories have stipulated the following specifics:

Sr. No	Authority	State/ Union Territory	Type of Report	Frequency/ Level	Recipient	Contents
1.	CMPO	Assam	Status Report	Quarterly & Annual	State Government	Information on child marriages
2.	CMPO	Gujarat	Progress Report	Monthly	Director of Social Defense	Form-III
			Statement	Quarterly	Director of Social Defense	Form-IV
3.	CMPO	Karnataka	Statistics	Taluka	Director, (WCD)	Form-III
				District	Director, (WCD)	
4.	CMPO	Kerala	Report	Quarterly	--	Form-I (Rule 3(2)(b))
	Chief CMPO		Report on Progress & Statistics	Annual	State Government	--
5.	CMPO	Mizoram	Returns with Statistics	Annual	State Government	Schedule 1 (Rule 3[4])
6.	CMPO	Orissa	Statistics	District	--	Form-I (Rule 3 (2)[b])
7.	CMPO	Rajasthan	Returns	Quarterly	District Magistrate	Form (Rule 5 [3])
8.	CMPO	Chandigarh	Report	Quarterly	Director of Social Welfare	Form-II (Rule 3[e])
9.	CMPO	Delhi	Report	Quarterly	District Magistrate	Form-I (Not scanned)
10.	CMPO	Puducherry	Statistics	Quarterly	Nodal Officer	Form-II (Rule 2 [d])

Figure No. 6

2.4.4. Performance Review/ Supervision

Performance Review by Chief CMPO

There are a total of six states which have mentioned performance review of CMPOs in their Rules namely Andhra Pradesh, Assam, Kerala, Mizoram, Orissa and Puducherry.

- Andhra Pradesh has provided that the Commissioner/Director of WCD and District Collector ought to periodically review the functioning of CMPOs at the state level, the

District Collector at the district level and the RDO/Sub-divisional Collector at their level, not less than once in six months.

- Assam, Kerala and Orissa have provided that the Chief CMPO will not only control, co-ordinate, direct, and review CMPOs but will also be responsible for the performance of CMPOs across the state.
- In Puducherry, the Nodal Officer is to periodically monitor the functioning of CMPOs.

Performance in consultation with Board

- Peculiarly, Mizoram has provided for the CMPO to consult an Advisory Board in performance of duties, except in emergencies. However, the CMPO may take any steps as per the Act (Rule 4).

2.5. Legal Relief

Jurisdiction

For legal issues arising from the Act, the District Court is designated as the court of first instance under Section 2(e) which defines a District Court as a 'Family Court' (under section 3 of the Family Courts Act, 1984) in areas where one exists and a city civil court where a Family Court does not exist.

Given that the Act is clear about the jurisdiction, most state Rules are silent on the same.

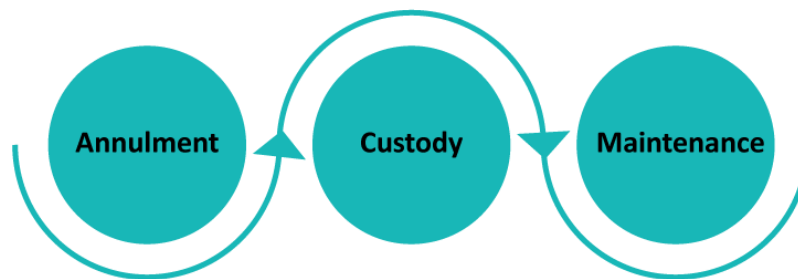
However, 5 states namely Gujarat, Jharkhand, Kerala, Madhya Pradesh and Mizoram have further specified courts which may exercise jurisdiction over offences under the Act.

Sr. No.	State	Court
1	Gujarat	District Court
2	Jharkhand	District Court
3	Kerala	Judicial Magistrate (First Class)
4	Madhya Pradesh	District Court
5	Mizoram	Civil Court

Figure No. 7

Orders

The Act provides for a variety of reliefs and orders that may be sought and passed, inter alia annulment of marriage; maintenance and residence to female contracting party; custody and maintenance of children born out of child marriages; punishment for offences; and injunction to prohibit.



Typically, the CMPO or the contracting party to the child marriage or their guardian may approach the appropriate court through a petition. Many states have tasked the CMPO to provide all kinds of support and legal aid that may be required for parties or persons who may face difficulties due to their age, illiteracy and other reasons.

2.5.1. Annulment

Orders for Annulment may be sought in sixteen states and union territories in various ways as mentioned herein below. Twelve States And Union Territories have provided explicit Rules for accessing annulment rights namely Assam, Bihar, Gujarat, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, West Bengal, Andaman and Nicobar and Puducherry; Three states and Union Territories have made indirect provisions namely Dadra and Nagar Haveli, Daman and Diu, Delhi; Two states are not explicit but could potentially include orders for annulment, namely Goa and Maharashtra.

- Dadra and Nagar Haveli, Daman and Diu and Delhi do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for annulment, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for annulment.
- Goa and Maharashtra make it the duty of the CMPO to assist the aggrieved person in filing an application in the court of the Judicial Magistrate (First Class) regarding any offence under the Act, which by inference could include an application for annulment.
- Andaman and Nicobar Rules empower the CMPO to move the court under section 3 for an order for annulment of a marriage. Assam Rules require the Annulment Petition to be made as soon as possible. Where parties or children are illiterate, the Assam Rules also require the CMPO to read over the contents of the petition to them, thus ensuring they are fully informed and aware of the proceedings.
- A special provision found in the Bihar and Madhya Pradesh Rules declare that the order requiring the return of money in an annulment proceeding, is executable as decree, thus making it more effective to execute, especially in case of default. Peculiarly, the Bihar and Jharkhand Rules empower courts to exercise these powers under the Code of Civil Procedure, as opposed to the Code of Criminal Procedure mentioned in most other State Rules.
- The Gujarat Rules stipulate that while passing a decree of 'nullity' under Section 3 of the Act, the District Court should call for the report of the District Probation Officer, to make an inquiry about the child, the lifestyle enjoyed during the marriage, means of income (of paying party) with evidence and supporting documents.
- In Kerala, Orissa, Tamil Nadu, it is the CMPO's duty/discretion, to file a petition for annulling a child marriage, on behalf of a minor petitioner, in the District court. Puducherry Rules simply state that it shall be the duty of a CMPO to file a petition for

annulling a child marriage under section 3 of the Act. In West Bengal, an aggrieved person, a child, or any other person who seeks to file a petition for annulment may seek the assistance of the CMPO.

2.5.2. Maintenance

Thirteen states and union territories have provided for orders of maintenance in various ways. Twelve States and Union Territories namely Assam, Bihar, Gujarat, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Andaman and Nicobar, and Puducherry have provided for maintenance rights to the female contracting party to a child marriage. Most Rules stipulate that any maintenance (lumpsum or monthly), article, gift, item that may be payable or returnable by one party to another ought to be exchanged in the presence of the court and CMPO. Often, the CMPO is advised to assist parties in the process. Daman and Diu, Dadra and Nagar Haveli and Delhi do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for maintenance, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for maintenance. Goa and Maharashtra Rules are not explicit but could potentially include orders for maintenance.

- Bihar Rules provide for payment of maintenance within 30 days of court order where lumpsum and by the 15th day of every month and upon failure of payment by minor, execution proceedings may be initiated in a district court under the Code of Criminal Procedure, 1973 (CrPC).
- Gujarat Rules stipulate that while passing a decree of maintenance under Section 4 of the Act, the District Court should call for the report of the District Probation Officer, to make an inquiry about the child, the lifestyle enjoyed during the marriage, means of income (of paying party) with evidence and supporting documents.
- Goa Rules makes it the duty of the CMPO to assist an aggrieved person in filing any application in the court of the Judicial Magistrate (First Class) regarding offences under the Act. By inference, this would include applications/ petitions for maintenance.
- Jharkhand Rules stipulate that jurisdictional courts can pass orders for return of sum/article/maintenance (lump-sum) for female child/party which is to be paid within 30 days of order and returned/paid in presence of court. A monthly maintenance to be paid by 15th day of every calendar month. If minor male child/party fails to obey order under Sec 4 (1), then an application for execution may be filed.
- In Assam, the CMPO is responsible to monitor compliance of maintenance orders passed in favor of children born out of child marriages.

2.5.3. Custody

- Five states namely Assam, Gujarat, Madhya Pradesh, Kerala and Orissa have provided specific Rules concerning the custody of children born from child marriages. Goa Rules are not specific as Rule 4 (iv) makes it the duty of the CMPO to assist an aggrieved person in filing an application in the court of the Judicial Magistrate (First Class) regarding offences under the Act. Hence, by interpretation, this would include an application/petition for custody.
- Assam Rules, state that with respect to an order for custody and maintenance for children of child marriages, the court may require a CMPO to undertake a home visit for verification purposes. The CMPO may be asked to submit a recommendation, in keeping with the welfare of the child. In case of refusal to take custody of such child by either

party, the CMPO may recommend to the Court, a Specialized Adoption Agency / Child Care Institution in best interest of such child. Thereafter, the CMPO may recommend the number and duration of visits to such child by the parents etc.

- Gujarat Rules have a provision for Custody Orders for children of child marriages wherein the court may call for a report/opinion of the Probation Officer regarding appropriate persons/place for keeping the child. This report should contain recommendations with reasons for the same in keeping with provision of Section 3 (2) and (3) of the Act concerning voidability of the marriage.
- Kerala Rules state that it is the CMPO's duty to file a petition in the District Court for the custody and maintenance of children born from a child marriage.
- Orissa Rules state that the CMPO can file a petition for the custody and maintenance of a minor.
- Madhya Pradesh Rules states that orders for custody under Section 7 may be given to a contracting party (to a child marriage), guardian or the CMPO.

2.5.4. Disposal

Mizoram Rules state that every complaint/prosecution/case under the Act shall be disposed off within 90 days from its receipt by the competent court. Chandigarh Rules state that it is the duty of the CMPO to ensure that every complaint is enquired into within a period of one month from the date of its receipt. Assam Rules stipulate a timeframe of two months for the CMPO to obtain complete information and file an application before a magistrate.

2.5.5. Breach of Prohibition Orders

Delhi Rules stipulate that any resistance to enforcement amounts to breach. Such breach of interim / injunction orders may be reported to CMPO or directly to Court by any person in writing, duly signed by informant and the CMPO is to assist in lodging of a report with the police in this regard.

3. RECOMMENDATIONS

This analysis of Rules has revealed a variety of trends and novel practices that are prevalent across the country. However, while some subjects are consistently addressed in at least 50% of the State Rules, many others are not found consistently, exposing a gap in the law. For instance, there exist various specific practices concerning prevention of child marriage in over 15 State Rules, and while there are noteworthy practices in a few states, all states must have prevention strategy which they don't at the moment. Existing variability and inconsistencies are not conducive to the effective implementation of the Act, hence the Central Government should consider the formation of central guidelines which can recommend essential improvements. Sharing of practices and knowledge across states will be beneficial, given the detail that is present in some State Rules. This chapter, therefore, highlights variabilities as well as good practices and also advises on the formulation of central guidelines which can potentially provide an indicative yet comprehensive framework as a starting point for states to build on.

Herein below are some recommendations that can feed in to the formation of central guidelines or as amendment to State Rules.

Best Practices and Recommendations from State Rules

3.1. Linkages

Involvement of all concerned stakeholders is crucial in tackling a complex social issue like child marriage. Given that there are many stakeholders who work at the intersection of governance and child protection, it is important to bring about a convergence between all of these stakeholders in all states. This is currently only seen in a handful of state Rules. For example, Rules of only a handful states mention a referral to the Child Welfare Committee. Given that children that may be affected by offences under this Act could potentially be 'children in need of care and protection' under the Juvenile Justice Act 2015, referral provisions should exist so that such children can be linked to stakeholders such as the Child Welfare Committees, Child Care Institutions, District Child Protection Units under the ICPS (Integrated Child Protection Scheme) etc for a holistic response to their challenges and requirements.

A total of four States and Union Territories have enacted a provision to bring about a synergy between the CMPO and other stakeholders such as the complainant and the police. through liaison functions. Rules of Three Union Territories, namely Daman and Diu, Dadra and Nagar Haveli and Delhi, require the CMPO to liaison between the complainant, police and other authorities under law. West Bengal Rules explicitly require the CMPO to liaison with the police for a variety of support services. Convergence practices such as these are highly desirable and ought to be replicated across all states.

3.2. Child Care Institutions

It is advisable that all states Rules must include referral mechanisms for alternative residence options available under the Juvenile Justice Act, 2015 or any other appropriate law, as especially seen in the Assam Rules. The Assam Rules state that the CMPO must inform a child/ contracting party about shelter homes or Child Care Institutions, especially during the pendency of proceedings, should they require support. The Rules refer to shelter homes/registered NGOs/Child Care Institutions under the Juvenile Justice Act, 2015 for safe

custody of children. Most significantly, the Assam Rules mandate that such homes will not refuse admission to females when such order is made by a court.

Such provisions, if included in other state Rules, will provide a second layer of protection and safety to children affected by offences under the Act, especially given that families and parents are often involved in the crime. Linkages to child protection mechanisms will also connect the child to other protective and rehabilitative mechanisms such as the Child Welfare Committee and the Integrated Child Protection Scheme of the Central Government, implemented in partnership with State Government.

3.3. Linguistic Support

A basic but important feature of the Act and Rules is its availability in languages that are locally known and spoken in various States and Union Territories. As of now, the Act and State Rules are only available in Telugu and Urdu (Andhra Pradesh), Malayalam and English (Kerala) and Punjabi (Punjab). Given the diverse linguistic demography of India, the same ought to be made available in many more local languages for a greater reach, if not already available².

Another pertinent provision relates to translation services that may be required from time to time. Other state ought to take a cue from the Assam Rules which specifically state that a CMPO must provide the child or any person information about their rights, remedies and services *in a language that they understand*. This is a significant rule for many reasons, one of which is that it would create a positive duty on the CMPO to provide appropriate linguistic services for persons who do not speak the local language (potentially in cases of trafficking or kidnapping). Other states should consider including a similar provision in order to make the law accessible to persons who may not speak the local language.

3.4. Recording of Information

Jurisdictional challenges or technicalities should not interfere with the spirit of prevention or recording of information by CMPOs. Assam, Maharashtra, Goa and Bihar Rules specifically state that CMPOs should not refuse to record information about cases outside their jurisdiction; they must record such information and immediately forward it to the concerned CMPO. This provision is highly desirable as it ensures recording and sharing of information across jurisdictions, without inconveniencing the person reporting the offence. It places the onus of processing the information on the state mechanism i.e. CMPOs, as opposed to the person reporting it, thereby making the reporting mechanism more accessible.

Significant provisions such as powers to initiate suo moto action and maintenance of confidentiality of the informant can be found in the Andhra Pradesh Rules. Rules for maintaining the confidentiality of the informant (West Bengal) as well as 'all concerned parties' (Gujarat) are also important. Needless to mention, these provisions merit instant replication across other states, recognizing the needs and safeguards that

² It should be noted that states may have notified publication of the Act and Rules in local languages in separate notifications not included in the Rules to the PCM Act, 2006. Hence, the same is beyond the scope of this analysis.

informers/whistleblowers require, especially in lieu of Indian traditions and social circumstances that may run against the spirit of the Act.

The analysis has revealed that formats for recording of incidents are not consistent across the country under the Rules to the PCM Act. Features such as 'List of documents' and 'Orders sought' are not found in all states, and can be included by all Rules, to bring in uniformity and enhanced documentary proof. Some templates such as Puducherry and Kerala have vague instructions in the 'particulars of incident' section, and require clarity in those provisions. None of the formats inquire about the education of the parties, and this information may be helpful in the larger analysis of the issue, hence states could consider including it in their Rules.

3.5. Receipt of Information

Receipt of a complaint or of information is a key factor in the implementation of the Act, and therefore any first responder must be conveniently accessible to an informant. Ease of communication, confidentiality and provision of appropriate support (linguistic or legal) can be a decisive stimulus for an informant. The manner and means of communication that informants are expected to follow, can greatly influence reporting a well. Hence, recommendations in this regard are made herein after.

All states should consider increasing the number of stakeholders who may receive information regarding a child marriage, especially beyond the CMPO. This increase in point of contact will possibly increase reporting given that informant will have more access to more than one designated official. For instance, there may be only one CMPO per district, and such CMPO likely works out of the district headquarters. Such CMPO is likely to be less accessible as compared the various other stakeholders at the village and block level, such as an office bearer of the Gram Panchayat. Hence, empowering multiple stakeholders to receive information will increase the access points for informants.

Further, while receiving complaints, if the district-wise demarcation/jurisdiction of a CMPO/stakeholder is strictly enforced, then the onus to approach the appropriate CMPO lies on the informant, thus potentially giving rise to logistical, economic or political barriers in reporting. However, if the Rules empower such stakeholders to receive information irrespective of jurisdiction, then reporting becomes that much simpler, encouraging informants to freely approach any stakeholder conveniently placed for their specific circumstances.

Hence, it is advisable that firstly, more than one stakeholder i.e. the CMPO be nominated to receive information or complaints under the Act. Secondly, all nominated stakeholders should be able to freely receive information across jurisdictions and positions, to remove barriers and facilitate reporting.

3.6. Reporting of Information

In keeping with Indian realities, the means and methods for reporting an offence or providing information under this Act ought to be practical, simple and easily understandable. Accordingly, many states have provided a wide range of options such as oral (verbal, telephonic) and written (in-hand-letter, post), electronic (email) [See Annexure 2 for details]. In some states, the CMPO is required to reduce the verbal account into writing and obtain the signature of the informant. In cases where the informant cannot give the

information in writing or attest a written version, then in such cases the CMPO is required to be satisfied of the same, and keep a record of the identity of the informant. States have appreciably used open ended provisions by use of phrases such as “or in any other form” and “or by any other means”. However, all of the above is only true of 19 states out of 25 [See Annexure 2 for details]. States of Haryana, Manipur, Rajasthan, Tripura, Andaman and Nicobar and Chandigarh do not mention the procedure to report offences or provide information under the law. Hence, it is highly recommended that these states adapt the above mentioned practices. Ideally, clauses should be as open ended as possible, allowing a maximum variety of persons to provide information or lodge complaints under the law, thereby enabling wide-ranging reporting.

Locus of Informant

As is the case with any offense, the law must grant a right or permit i.e. give locus to, a person to report an offence. Accordingly, 18 out of the above mention 19 States and Union Territories empower “any person” to provide information to a CMPO regarding an offense or the solemnization of a child marriage [See Annexure 2 for details]. Various Rules also make a mention of a variety of sub-categories of persons who may particularly have the locus to lodge a complaint, in addition to “any person”, such as a child, contracting parties, victims, parents, relatives, NGO etc. While the state of Gujarat does mention a procedure for receiving a complaint by the CMPO, it does not explicitly mention the person who may lodge such complaint. Hence, it is advisable for Gujarat along with Haryana, Manipur, Rajasthan, Tripura, Andaman and Nicobar and Chandigarh to enact provisions that will clarify the locus of (any) person to file a complaint under the Act.

Incident Reports

Formats of most incident reports contain basic information regarding persons involved in the reporting, offence, child marriage etc. However, features such as ‘List of documents’ and ‘Orders sought’ are not found in the formats of all states, and ought to be included in the interest of uniformity and enhanced documentary proof.

Some templates such as Puducherry and Kerala have vague instructions in the ‘particulars of incident’ section, and will benefit from providing clarity, on information sought. None of the reports inquire about the particulars of the education, which may be helpful assessing access to education under the Right to Education Act, 2009. Hence states could consider including it in their incident reports. Overall, it appears that all states are not capturing data in a uniform manner and it is advisable that this be rectified.

3.7. Review

Progress Reports

It appears that about 10 Rules are tracking the progress of CMPOs and the work being undertaken to address the issue. As this is a significant factor in studying efficacy and impact, all states should implement Rules to include the same. This will also result in collation of information of each individual state, over a period of time, which is immensely beneficial for learning, development and analysis.

Performance Review

Less than 50% of the States and Union Territories have created a mechanism that tracks the progress of the work the issue in the state. In States and Union Territories where a Chief

CMPO is appointed, often it is their duty to review the performance of the CMPOs. This is a highly desirable practice that, if adopted by other states, will boost accountability of CMPOs, and streamline processes across the country. Similarly, provisions for disciplinary action are only found in one state, Andhra Pradesh and other states may consider including the same.

3.8. Legal Relief

Monetary Relief

Six states, namely Assam, Bihar, Jharkhand, Kerala, Madhya Pradesh and Orissa have provided for maintenance rights to the female contracting party to a child marriage. Most Rules stipulate that any maintenance (lumpsum or monthly), article, gift, item that may be payable or returnable by one party to another ought to be exchanged in the presence of the court and CMPO. It is recommended that all states include provisions regarding payment of maintenance to the female contracting party to a child marriage, based on peculiar socio-economic disadvantages faced by them.

Annulment Process

The Gujarat Rules stipulate that while passing a decree of 'nullity' under Section 3 or 4 of the Act, the District Court should call for the report of the District Probation Officer, to make an inquiry about the child, the lifestyle enjoyed during the marriage, means of income (of paying party) with evidence and supporting documents. This appears to be a practice that will guide courts in making decisions and passing orders which can be arrived at by giving due consideration to pertinent criteria and can be substantiated with reasonable grounds. This is a desirable practice than can be adopted by other state Rules, to guide courts in similar cases.

One special provision found in the Bihar and Madhya Pradesh Rules is that the order requiring the return of money is executable as decree, thus making it better to execute, especially in case of default. If all states adopt this practice, the execution of such orders will become more efficient and female contracting parties will have better access to such monetary relief.

In Kerala, Orissa and Tamil Nadu, it is the CMPO's duty/discretion, to file a petition for annulling a child marriage, on behalf of a minor petitioner, in the District court. If a positive duty like this is included in the other states, it might empower CMPOs with locus and will eventually benefit minor contracting parties to access their rights.

Disposal Timeline

Mizoram, Chandigarh and Assam stipulate timelines from one-month days to three-months for disposal of cases under this Act. Time is of essence, given the age, nature of the offence and issue sought to be tackled by this Act. Hence, this becomes a crucial component of implementation and access to timely justice and ought to be adopted by all other states.

Burden of Proof

Uniquely, the Kerala Rules shift the burden of proof of establishing the age or majority of a contracting party to a child marriage, on the accused person. This is a significant provision which reverses the burden of proof, which typically rests on the prosecution. From a legal perspective, such inclusion shows a progressive approach to tackling the issue, and will greatly enable prosecutors to succeed against offenders.

3.9. Recommendations for Child Marriage Prohibition Officers

Appointees

The analysis has shown that almost all states and union territories have appointed officers or positions already existing in the governance system. Hence, any person carrying out the role of the CMPO will also have other responsibilities and that many not be conducive to their optimal functioning.

Further, not all state Rules mention a fixed or designated position as the Child Marriage Prohibition Officer. Some Rules mentioned that there are separate notifications for the same and hence, with the data available within the state Rules, it appeared that less than 50% states and union territories had a specific position nominated for the role. Given the significance of this role, work load, expected performance and deliverables, all states must forthwith identify persons and/or posts that will play this role in their respective states.

Requirement

It has been noted that while most states have appointed CMPOs at a single unit of governance viz. a district, others have appointed CMPOs at multiple levels. It is recommended that while keeping state specific requirements in mind, the number of posts and levels should be based on the incidence, population and complexity of the issue in a state. For instance, the incidence may not be high in a given state, but that could also be an issue of under-reporting owing to social complexities thus requiring deeper outreach. Hence, the number of CMPOs may have to be higher even though the incidence may not be high. Further, posts may have to be created at lower levels of governance, below the level of districts for better implementation in large states.

Duty of Prevention

Most states have advised CMPOs to use their powers to act on and prevent child marriages and some states like Haryana, Assam and Karnataka have stipulated novel powers in this regard. For instance, Haryana permits CMPOs to may take any action necessary for prohibiting a child marriage, including the power to *monitor* the parental home/ alternative residence of a female contracting party to a possible child marriage. While this may be a novel function, ethical and legal considerations ought to be outlined to ensure appropriate data collection and maintenance means as well as the right to privacy and confidentiality of such children.

Similarly, the provision regarding collection and maintenance of *profiles of adolescent children*, in particular girls, with updated data, focusing on the background of the community by CMPOs within their jurisdiction in Assam requires scrutiny. After due consideration to the legal soundness of such provisions, comparable information collection measures may be adopted by other states, to create effective preventive measures.

With regard to the power to arrest, Assam Rules state that, if, an offence under the Act cannot be prevented without arrest, the CMPO *may arrest a person with help of the police*. Such emergency powers could be very powerful in preventing child marriages and other states should consider including them.

3.10. Powers of a Police Officer

Prosecution

There is much variation with respect to the powers of prosecution of offenders under the Rules. It is advisable for all States and Union Territories to clearly empower CMPOs to initiate prosecution under the Rules. At the moment, some states do not explicitly bestow this power, thus leaving space for a narrow interpretation of the same. This could potentially mean that CMPOs may not be able to initiate prosecution and will be dependent on the Police.

The analysis has also revealed much variations in powers of recording statements, conduct investigations, collecting evidence, summoning persons and registering offences which are typically in the domain of police officers trained in criminal procedure laws. Since some states have granted these powers to CMPOs, the same ought to be tested for compliance with criminal procedural laws. For instance, Assam Rules give special powers to a CMPO to enter a premise, make inquiries, demand production of documents to prove age, collect evidence, record statements and record the investigation in a diary with proper timings. The CMPO is to intimate the police about such investigation if necessary. Having such complex legal responsibilities may be a challenge for CMPOs in Assam given that District Child Protection Officers are designated CMPOs, and do not have the legal expertise of knowledge to undertake the responsibilities of a police officer, who go through many months of technical training after appointment.

States like Karnataka and Chandigarh have taken the conservative route by terming prosecution as the 'last resort', thereby discouraging prosecution. Application of such provisions can become lop-sided given the wide range of possible interpretations, narrow on one extreme and wide on the other. Within prosecution, provisions that require consideration to subjective aspects like due care, decorum, privacy, dignity and harmony of the child and *family relationships* can become problematic, particularly when they are not defined (Gujarat, Karnataka, Mizoram and Chandigarh Rules).

When provisions like 'last resort' are combined with 'due regard to dignity and family relationships', it is possible that offenders may escape prosecution owing to an inaccurate or liberal interpretation, as being prosecuted is socially, not considered a dignified event. Practices from such states ought to be scrutinized and studied to better understand their application, especially to assess the tendency to circumvent prosecution. Similarly, provisions like due regard to the 'self-respect' and decorum ought to be scrutinized for potential of misapplication.

Search without warrant and the Immoral Traffic Prevention Act, 1956

A few states require CMPOs to formulate strategies for identification, rescue, rehabilitation and reintegration of survivors of child marriage, thereby creating a linkage with laws relating to forced marriages and human trafficking for sexual exploitation.

Some States have broadened the scope of the Rules to the Prohibition of Child Marriage Act, 2006 to include offences relating to human trafficking and exploitation under the pretext of marriage. A few State rules provide for warrantless searches, however, this power is riddled with a variety of procedural limitations arising from the Code of Criminal Procedure followed by Indian Courts. If those strict legal requirements are not met with, it can render the search and/or prosecution invalid. Hence, such powers ought to be analyzed legally, for

compliance with the Code of Criminal Procedure. However, if found feasible, these powers merit further exploration and possible adaptation across states, depending on the requirement and incidence.

Duties During Emergencies

A few states have invented novel responses to situations of urgency, typically involving the assistance of the police, in order to impede the occurrence or recurrence of a child marriage. Notably, these powers are not explicitly found in over 17 out of 25 states and hence make a compelling case for inclusion in the Rules of many states.

3.11. Registration of Marriages

While many states have laws relating to the registration of marriages, few link them to the child marriage issue. States like Andhra Pradesh and Rajasthan have included provisions in their Rules. As per Andhra Pradesh Rules, a CMPO is to ensure the implementation of the Andhra Pradesh Compulsory Registration of Marriages Act, 2002 and Rules 2003 and as per the Rajasthan Rules, a CMPO is to periodically inspect the record of the Marriage Registration Officer for compulsory registration of marriages. This inspired approach can potentially assist in identification of violations of the Prohibition of Child Marriage Act, 2006 and also identify contracting parties that may require support. Accordingly, it is recommended that all States should firstly advise CMPOs to ensure the registration of all marriages in their jurisdiction and secondly, require them to periodically review such register of marriages. Thereafter, depending on the provisions and penalties of individual laws, further actions may be recommended.

3.12. Chief Child Marriage Prohibition Officer

Creation of the Office of the Chief CMPO is an innovation seen in Assam, Orissa and Kerala. Given the oversight and steering functions required of a Chief CMPO, it is likely to have a positive impact on bringing about much needed cohesion and synergy in the implementation of the Act across a state. This makes it a highly recommended practice that could be adopted by other States And Union Territories. The practice of convening an annual review and strategy conference will especially feed into sharing of learning across districts and possibly states, if held at the state and national levels.

3.13. District Magistrate

The role of the District Magistrate has been mentioned in a few states, especially with regard to the prevention of Mass Marriages. Based on current experiences, states may consider expanding or integrating the role within the larger ecosystem of the Act.

3.14. Committees and Boards

Three states have special committees or boards set up under respective Rules, namely Andhra Pradesh, Tamil Nadu and Mizoram. Andhra Pradesh has one such Committee at each of the following levels: Village, Mandal, Divisional, District Level consisting 12 members; Tamil Nadu has a Core Committee at the Panchayat Level consisting 6 members; and Mizoram has one Advisory Board for each CMPO consisting 5 members in each Board. Based on specific requirements of each State, setting up of such committees or boards may be explored. Experiences of these three states will immensely inform such discourse, especially civil society participation.

ANNEXURES:

Annexure 1:

This annexure presents analysis of all provisions in all Rules cross referenced with each other and Prohibition of Child Marriage Act, 2006, to identify areas of convergence and divergence.

[Click here](#) to access downloadable sheet.

Part 1: Andhra Pradesh, Assam, Bihar

State/Ut -->		Andhra Pradesh	Assam	Bihar
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No divergence	No divergence	No mention
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No divergence	If an offence under the Act cannot be prevented without arrest, the CMPO may arrest a person with help of the police	No mention
Duty to Prosecute Offenders	Initiating prosecution	Specifically authorized CMPOs to initiate prosecution	Specifically authorized CMPOs to initiate prosecution	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments	No mention	No mention	No mention

	without a warrant.			
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Andhra Pradesh Rules have an explicit and wide ambit where a CMPO has the powers of a Police Office for investigation, summoning, recording of statement and registering cases. A CMPO also has the power to seek assistance of the Police who shall be bound to respond. A CMPO's reports are material evidence.	Assam Rules go further and specify additional powers of the CMPO: to enter a premise, make inquiries, demand production of documents to prove age, collect evidence, record statements and record the investigation in a diary with proper timings. The CMPO is to intimate the police about such investigation if necessary.	Other
Duty Of Evidence Collection	Evidence collection	Additionally, Andhra Pradesh Rules state that the report of a CMPO shall be treated as material evidence	Other	Other
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	No mention	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	in Andhra Pradesh, the CMPO must work towards implementation of the Compulsory Registration of Marriages Act, 2002 and Rules 2003	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	Assam is the only state that requires the CMPO to maintain updated data/profiles within their jurisdiction of adolescent children, in particular girls, focusing on the background of the community (See Rule 3{10}).	No mention
Disciplinary	Disciplinary Action	Andhra Pradesh is the	No mention	No mention

Action		only state that has provided for disciplinary action against CMPOs. It requires CMPOs to take proactive steps to prevent child marriages including furnishing of such information about child marriages or proposals to the Police or Superior Officers. It has linked the failure in reporting of such information by the CMPO to initiation of disciplinary action.		
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Andhra Pradesh: Publication of Act and Rules in Telugu and Urdu. Rules also stipulate that the Nodal Officer must facilitate publicity of the negative consequences of child marriage in the local language with help of creative media.	· A pertinent provision is found in the Assam Rules specifically states that the CMPO must provide the child or any person information about their rights, remedies and services in a language that they understand. This is a significant rule for many reasons, one of which is that it would create a positive duty on the CMPO to provide appropriate linguistic services for persons who do not speak the local language (potentially in cases of trafficking or kidnapping).	Other
Mass Marriages	Mass Marriages	The following for CMPOs and other stakeholders: o Take serious note of glorification of child marriage and initiate proceedings against	No mention	In Bihar, the District Magistrate is to pass orders for vigilance by Police regarding mass solemnization of marriages at religious or public places or

		<p>those involved</p> <ul style="list-style-type: none"> o Involve other government departments from both states include Enforcement, Health, Education, Rural Development, Panchayati Raj, Women and Child Development, Police, Public Relations, Adult Education, Revenue, Social Justice and Empowerment, and Information and Public Relations. Educate and involve stakeholders such owner/in-charge of community center, public building, banquet hall, marriage place, temple authorities etc o Plan and strategize before the mass marriage event (Haryana: minimum one month before) o Publicity of negative consequences in creative ways and in local languages through mass awareness media like films, hoardings, posters, pamphlets, loudspeakers, cultural programmes, advertisements, television, TV, radio, newspapers, buses and trains to be undertaken (by Nodal Officers in Andhra Pradesh and CMPOs in Haryana). <p>Andhra Pradesh requires CMPOs to ensure registration of marriages. They must also necessarily involve NGOs having a track record of work on the</p>		<p>during special occasions.</p>
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		issue.		
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	Rules state that the CMPO must inform a child/ contracting party about shelter homes or Child Care Institutions, especially during the pendency of proceedings, should they require support or confidentiality. The Rules refer to shelter homes/registered NGOs/Child Care Institutions under the Juvenile Justice Act, 2015 for safe custody of children. Most significantly, the Assam Rules mandate that such homes will not refuse admission to females when such order is made by a court.	Rules require the CMPO to inform the child or contracting party about shelter homes if needed for residence or for safety and shall make necessary arrangements too.
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	The Director of Social Welfare is to be appointed as the Chief CMPO. Rules also require the Chief CMPO to create an Annual Status Report on Child Marriage.	No mention
District Magistrate	Powers of the DM	No mention	No mention	Rules state that the District Magistrate can pass an order for vigilance at religious sites, public places or special occasions by the Police for preventing mass solemnization of marriages.
Committees and Boards	Special committees or boards set up under respective Rules.	Committee at the Village, Mandal, Divisional, District Level of 12 members	No mention	No mention
Police	Role of the police	Rules specifically mention that a CMPO is empowered to seek the assistance of the Police, who shall be bound to respond. It appears that this is expected to ensure	No mention	Rules provide for vigilance by the Police with regard to a potential mass solemnization of marriages.

		police support and prioritization of offences under the Act.		
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	Rules nominate the Commissioner/Director of Women Development and Child Welfare at State Level and District Collector at District Level as Nodal Officers.	No mention	No mention
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage
Incident Report	Incident Report	No mention	No divergence	No divergence
Progress Report	Progress Reports	No mention	No divergence	No mention
Performance Review	Performance review of CMPOs	Rules have provided that the Commissioner/Director of WCD and District Collector ought to periodically review the functioning of CMPOs at the state level, the District Collector at the district level and the RDO/Sub-divisional Collector at their level, not less than once in six months.	Rules have provided that the Chief CMPO will not only control, co-ordinate, direct, and review CMPOs but will also be responsible for the performance of CMPOs across the state.	No mention
Jurisdiction	Court of first instance	Other	Other	Other
Annulment	Seeking orders for annulment of marriage	No mention	Rules require the Annulment Petition to be made as soon as possible. Where parties or children are illiterate, the Assam Rules also require the CMPO to read over the contents of the petition to them, thus ensuring they are fully informed and aware of	A special provision found in the Bihar and Madhya Pradesh Rules declare that the order requiring the return of money in an annulment proceeding, is executable as decree, thus making it more effective to execute, especially in case of

			the proceedings.	default. Peculiarly, the Bihar and Jharkhand Rules empower courts to exercise these powers under the Code of Civil Procedure, as opposed to the Code of Criminal Procedure mentioned in most other State Rules.
Maintenance	Seeking orders for maintenance.	No mention	In Assam, the CMPO is responsible to monitor compliance of maintenance orders passed in favor of children born out of child marriages.	Bihar Rules provide for payment of maintenance within 30 days of court order where lumpsum and by the 15th day of every month and upon failure of payment by minor, execution proceedings may be initiated in a district court under the CrPC.
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	Rules, state that with respect to an order for custody and maintenance for children of child marriages, the court may require a CMPO to undertake a home visit for verification purposes. The CMPO may be asked to submit a recommendation, in keeping with the welfare of the child. In case of refusal to take custody of such child by either party, the CMPO may recommend to the Court, a Specialized Adoption Agency / Child Care Institution in best interest of such child. Thereafter, the CMPO may recommend the number and duration of visits to such child by the parents etc.	No mention
Disposal	Disposal of cases.	No mention	Rules stipulate a timeframe of two	No mention

			months for the CMPO to obtain complete information and file an application before a magistrate.	
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 2: Chattisgarh, Goa, Gujarat

State/Ut -->		Chattisgarh	Goa	Gujarat
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No mention	No mention	No mention
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No mention	No mention	The use of traditional media for awareness and meetings with caste groups for prevention of child marriage
Duty to Prosecute Offenders	Initiating prosecution	Other	Other	Specifically authorized CMPOs to initiate prosecution
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	Rules for Chattisgarh and Tripura empower CMPOs to search premises without obtaining a warrant for investigation of offences relating to the Prohibition of Child Marriage Act, 2006.	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Chandigarh and Chattisgarh, empower a CMPO to investigate and submit a report to the Magistrate. Chandigarh Rules empower a CMPO to	Other	Other

		record statements, however, do not explicitly mention the power to conduct an investigation.		
Duty Of Evidence Collection	Evidence collection	No divergence	Other	Other
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	No mention	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other	Other
Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	Rules require the CMPO to inform the child or contracting party about shelter homes if needed for residence or for safety and shall make necessary arrangements too.	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	No mention

District Magistrate	Powers of the DM	No mention	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention	No mention
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	No mention	No mention	No mention
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage
Incident Report	Incident Report	No mention	No divergence	No mention
Progress Report	Progress Reports	No mention	No mention	No divergence
Performance Review	Performance review of CMPOs	No mention	No mention	No mention
Jurisdiction	Court of first instance	Other	Other	District Court
Annulment	Seeking orders for annulment of marriage	No mention	Rules make it the duty of the CMPO to assist the aggrieved person in filing an application in the court of the JMFC regarding any offence under the Act, which by inference could include an application for annulment.	Rules stipulate that while passing a decree of 'nullity' under Section 3 of the Act, the District Court should call for the report of the District Probation Officer, to make an inquiry about the child, the lifestyle enjoyed during the marriage, means of income (of paying party) with evidence and supporting documents.
Maintenance	Seeking orders for maintenance.	No mention	Goa Rules makes it the duty of the CMPO to assist an aggrieved person in filing any application in the court of the JMFC regarding offences under the Act. By inference, this would include applications/ petitions for maintenance.	Gujarat Rules stipulate that while passing a decree of maintenance under Section 4 of the Act, the District Court should call for the report of the District Probation Officer, to make an inquiry about the child, the lifestyle enjoyed during the

				marriage, means of income (of paying party) with evidence and supporting documents.
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	Rules are not specific as Rule 4 (iv) makes it the duty of the CMPO to assist an aggrieved person in filing an application in the court of the JMFC regarding offences under the Act. Hence, by interpretation, this would include an application/petition for custody.	Rules have a provision for Custody Orders for children of child marriages wherein the court may call for a report/opinion of the Probation Officer regarding appropriate persons/place for keeping the child. This report should contain recommendations with reasons for the same in keeping with provision of Section 3 (2) and (3) of the Act concerning voidability of the marriage.
Disposal	Disposal of cases.	No mention	No mention	No mention
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 3: Haryana, Jharkhand, Karnataka

State/Ut -->		Haryana	Jharkhand	Karnataka
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No mention	No mention	No mention
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	The CMPO may take any action necessary for prohibiting a child marriage. They also empower the CMPO to monitor the parental home/alternative residence of a female contracting party to a possible child marriage.	No mention	Reflect a wide ambit of powers for the CMPO: to prevent a child marriage, the CMPO is to take all possible assistance and action as he deems fit
Duty to Prosecute Offenders	Initiating prosecution	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'	Other	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Other	Other

Duty Of Evidence Collection	Evidence collection	Other	Other	No divergence
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	No mention	On receipt of reliable information through email, telephone or similar, from anyone, the CMPO can obtain immediate assistance of the police and reach the venue or place of occurrence of the child marriage. He must then record the incident in writing and report it to a Magistrate, without delay, for appropriate orders.
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	Haryana Rules state that the CMPO may monitor the parental home/alternative residence of a female contracting party to a possible child marriage from the perspective of prevention of such marriage.	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	Rules require the CMPO to maintain a directory of NGOs registered under the Societies Registration Act, Companies Act, or any other law.
Linguistic provisions	Publication of the Act and Rules in specific languages.	Rules state that the CMPO must give wide publicity to consequences of child marriages in the local language by using	Other	Other

		creative ways and mass awareness such as films, hoardings, posters, pamphlets, loudspeakers, cultural programmes, advertisements, television, TV, radio, newspapers, buses and trains.		
Mass Marriages	Mass Marriages	<p>The following for CMPOs and other stakeholders:</p> <ul style="list-style-type: none"> -Take serious note of glorification of child marriage and initiate proceedings against those involved - Involve other government departments form both states include Enforcement, Health, Education, Rural Development, Panchayati Raj, Women and Child Development, Police, Public Relations, Adult Education, Revenue, Social Justice and Empowerment, and Information and Public Relations. <p>Educate and involve stakeholders such owner/in-charge of community center, public building, banquet hall, marriage place, temple authorities etc</p> <ul style="list-style-type: none"> - Plan and strategize before the mass marriage event (Haryana: minimum one month before) - Publicity of negative consequences in creative ways and in local languages through mass awareness media like films, hoardings, posters, pamphlets, loudspeakers, cultural 	No mention	Rules state that the CMPO must ensure that the organizers of mass marriages maintain a register and list of proposed eligible couples; record details after verification of photos and proof of age through birth, school or medical certificate from a medical practitioner.

		programmes, advertisements, television, TV, radio, newspapers, buses and trains to be undertaken (by Nodal Officers in Andhra Pradesh and CMPOs in Haryana). Haryana specific duties require the CMPO to ensure doctors, professionals and/or officials do not issue false medical, birth or age certificates. The CMPO must initiate action against persons contravening this provision.		
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	No mention
District Magistrate	Powers of the DM	No mention	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention	No mention
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act		Rules state that in case of minors and in appropriate cases, the Court must make a reference to the Child Welfare Committee in the best interest of such child or youth.	
Nodal Officers	Creation of post of Nodal officers	No mention	No mention	No mention
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	No mention	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage
Incident	Incident Report	No mention	No mention	No mention

Report				
Progress Report	Progress Reports	No mention	No mention	No divergence
Performance Review	Performance review of CMPOs	No mention	No mention	No mention
Jurisdiction	Court of first instance	Other	District Court	Other
Annulment	Seeking orders for annulment of marriage	No mention	No mention	No mention
Maintenance	Seeking orders for maintenance.	No mention	Jharkhand Rules stipulate that jurisdictional courts can pass orders for return of sum/article/maintenance (lump-sum) for female child/party which is to be paid within 30 days of order and returned/paid in presence of court. A monthly maintenance to be paid by 15th day of every calendar month. If minor male child/party fails to obey order under Sec 4 (1), then an application for execution may be filed.	No mention
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention	No mention
Disposal	Disposal of cases.	No mention	No mention	No mention
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 4: Kerala, Madhya Pradesh, Maharashtra

State/Ut -->		Kerala	Madhya Pradesh	Maharashtra
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No divergence	No mention	No mention
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No mention	No mention	No mention
Duty to Prosecute Offenders	Initiating prosecution	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'	Other	Other
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Other	Other

Duty Of Evidence Collection	Evidence collection	Other	Other	Other
Burden of Proof	Burden of Proof	Peculiarly, the Kerala Rules state that the burden of proof, to prove the majority of a contracting party to a child marriage, is on the accused person.	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	No mention	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Kerala: Malayalam and English	Other	Other
Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	Rules require the CMPO to inform the child or contracting party about shelter homes if needed for residence or for safety and shall make necessary arrangements too.
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	A Senior Officer of Social Welfare is to be appointed as the Chief CMPO. Rules state that the Chief CMPO is responsible for the	No mention	No mention

		performance of the CMPOs; sensitization of communities; publication of the Act and Rules in local languages and English.		
District Magistrate	Powers of the DM	No mention	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention	No mention
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act		<p>Rules state that in case of minors and in appropriate cases, the Court must make a reference to the Child Welfare Committee in the best interest of such child or youth.</p> <p>Rules state that a copy of an order for custody under Section 5 (1) of the Act shall be sent to the CWC to ensure from time to time that the child (born from a child marriage), is getting proper care and protection from authorized custodians. The Rules also provide for the referral of a minor contracting party, to the CWC, for protection of their best interest. They also state that the order for custody under Section 7 can be given to a contracting party, guardian or CMPO.</p>	
Nodal Officers	Creation of post of Nodal officers	Rules nominate the District Collector as Nodal Officer and require him to periodically review the	No mention	No mention

		implementation of the Act and take necessary action (Rule 5).		
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage
Incident Report	Incident Report	No divergence	No mention	No divergence
Progress Report	Progress Reports	No divergence	No mention	No mention
Performance Review	Performance review of CMPOs	Rules have provided that the Chief CMPO will not only control, co-ordinate, direct, and review CMPOs but will also be responsible for the performance of CMPOs across the state.	No mention	No mention
Jurisdiction	Court of first instance	Judicial Magistrate First Class	District Court	Other
Annulment	Seeking orders for annulment of marriage	In Kerala, Orissa, Tamil Nadu, it is the CMPO's duty/discretion, to file a petition for annulling a child marriage, on behalf of a minor petitioner, in the District court. Puducherry Rules simply state that it shall be the duty of a CMPO to file a petition for annulling a child marriage under section 3 of the Act. In West Bengal, an aggrieved person, a child, or any other person who seeks to file a petition for annulment may seek the assistance of the CMPO.	A special provision found in the Bihar and Madhya Pradesh Rules declare that the order requiring the return of money in an annulment proceeding is executable as decree, thus making it more effective to execute, especially in case of default. Peculiarly, the Bihar and Jharkhand Rules empower courts to exercise these powers under the Code of Civil Procedure, as opposed to the Code of Criminal Procedure mentioned in most other State Rules.	Goa and Maharashtra make it the duty of the CMPO to assist the aggrieved person in filing an application in the court of the JMFC regarding any offence under the Act, which by inference could include an application for annulment.

Maintenance	Seeking orders for maintenance.	No mention	No mention	No mention
Custody	Specific Rules concerning the custody of children born from child marriages.	Rules state that it is the CMPO's duty to file a petition in the District Court for the custody and maintenance of children born from a child marriage.	Rules states that orders for custody under Section 7 may be given to a contracting party (to a child marriage), guardian or the CMPO.	No mention
Disposal	Disposal of cases.	No mention	No mention	No mention
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 5: Manipur, Mizoram, Orissa

State/Ut -->		Manipur	Mizoram	Orissa
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No mention	No divergence	No divergence
Qualification	Rules for qualifications and experience of CMPOs	<p>Manipur is the only state that has provided detailed qualifications (Rule 3).</p> <ul style="list-style-type: none"> -Bachelor of Law with 7 years of practice -Age between 45 - 65 years (+ 1 year maximum i.e. 66) -Removal on the following basis: <ul style="list-style-type: none"> -Insolvency; conviction for moral turpitude; declared unsound mind by court -incapable/refusal to work; abuse of position detrimental to public interest. <p>The Manipur Rules also specify that the opportunity of being heard is essential and must be granted to such CMPO before removal.</p>	No mention	No mention
Duty To Prevent	<p>Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through:</p> <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No mention	No divergence	No mention
Duty to Prosecute Offenders	Initiating prosecution	Other	Specifically authorized CMPOs to initiate prosecution	Other

Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	No divergence	Other
Duty Of Evidence Collection	Evidence collection	Other	No divergence	Other
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	In Mizoram, CMPOs must ordinarily consult the Advisory board in performance of duties, however there is an exception in case of emergencies, when the CMPO can take action as per the Act.	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention

Maintenance of registers	Maintenance of registers	No mention	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other	Other
Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	The Senior Officer of the Women and Child Development Department is the Chief CMPO. Rules state that the Chief CMPO is responsible for the performance of the CMPOs; sensitization of communities; publication of the Act and Rules in local languages and English.
District Magistrate	Powers of the DM	No mention	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	One Advisory Board for each CMPO: Total of 5 members	No mention
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	No mention	No mention	Orissa Rules nominate the District Collector to be Nodal Office at district level (Rule 5). The Rules are silent on a Nodal Officer at the State Level however they designate a Senior Officer of the Women and Child Development Department as the Chief CMPO at the state level.
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	No mention	Rules explicitly mention a procedure for receipt of information or a	Rules explicitly mention a procedure for receipt of information or a complaint regarding a

			complaint regarding a child marriage	child marriage
Incident Report	Incident Report	No mention	No mention	No mention
Progress Report	Progress Reports	No mention	No divergence	No divergence
Performance Review	Performance review of CMPOs	No mention	No mention	Assam, Kerala and Orissa have provided that the Chief CMPO will not only control, co-ordinate, direct, and review CMPOs but will also be responsible for the performance of CMPOs across the state.
Jurisdiction	Court of first instance	Other	Civil Court	Other
Annulment	Seeking orders for annulment of marriage	No mention	No mention	it is the CMPO's duty/discretion, to file a petition for annulling a child marriage, on behalf of a minor petitioner, in the District court. Puducherry Rules simply state that it shall be the duty of a CMPO to file a petition for annulling a child marriage under section 3 of the Act. In West Bengal, an aggrieved person, a child, or any other person who seeks to file a petition for annulment may seek the assistance of the CMPO.
Maintenance	Seeking orders for maintenance.	No mention	No mention	No mention
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention	Rules state that the CMPO can file a petition for the custody and maintenance of a minor.
Disposal	Disposal of cases.	No mention	Rules state that every complaint/prosecution/case under the Act shall be disposed off within 90 days from its receipt by the competent court.	No mention
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 6: Rajasthan, Tamil Nadu, Tripura

State/Ut -->		Rajasthan	Tamil Nadu	Tripura
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No divergence	No divergence	No divergence
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No divergence	No mention	No divergence
Duty to Prosecute Offenders	Initiating prosecution	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'	Other	Other
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	Rules for Chattisgarh and Tripura empower CMPOs to search premises without obtaining a warrant for investigation of offences relating to the Prohibition of Child Marriage Act, 2006.
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Other	Other

Duty Of Evidence Collection	Evidence collection	Other	Other	Other
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	No mention	No mention	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	In Rajasthan, the CMPO is to periodically inspect the records of the Marriage Registration Officer for Compulsory Registration of Marriages	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	No mention	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other	Other
Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	No mention
District Magistrate	Powers of the DM	The District Magistrate has powers of supervision through reports received from CMPOs.	No mention	No mention
Committees and Boards	Special committees or boards set up under	No mention	Core Committee at the Panchayat Level of 6	No mention

	respective Rules.		members	
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	No mention	No mention	No mention
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	No mention	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	No mention
Incident Report	Incident Report	No mention	No divergence	No mention
Progress Report	Progress Reports	No divergence	No mention	No mention
Performance Review	Performance review of CMPOs	No mention	No mention	No mention
Jurisdiction	Court of first instance	Other	Other	Other
Annulment	Seeking orders for annulment of marriage	No mention	In Kerala, Orissa, Tamil Nadu, it is the CMPO's duty/discretion, to file a petition for annulling a child marriage, on behalf of a minor petitioner, in the District court. Puducherry Rules simply state that it shall be the duty of a CMPO to file a petition for annulling a child marriage under section 3 of the Act. In West Bengal, an aggrieved person, a child, or any other person who seeks to file a petition for annulment may seek the assistance of the CMPO.	No mention
Maintenance	Seeking orders for maintenance.	No mention	No mention	No mention
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention	No mention
Disposal	Disposal of cases.	No mention	No mention	No mention

Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention
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Part 7: West Bengal, Andaman and Nicobar, Chandigarh

State/Ut -->		West Bengal	Andaman and Nicobar	Chandigarh
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No mention	No divergence	No mention
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	No mention
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	Requires the CMPO to communicate with the panchayat to prevent child marriage.	No divergence	No divergence
Duty to Prosecute Offenders	Initiating prosecution	Other	Specifically authorized CMPOs to initiate prosecution	Specifically authorized CMPOs to initiate prosecution
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Other	Chandigarh and Chattisgarh, empower a CMPO to investigate and submit a report to the Magistrate.

Duty Of Evidence Collection	Evidence collection	Other	No divergence	No divergence
Burden of Proof	Burden of Proof	No mention	No mention	No mention
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	Additionally, in West Bengal, if there is no scope to move the court for an injunction, the CMPO can approach the District Magistrate to pass an injunction order under section 13 (5) of the Act.	No mention	No mention
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	West Bengal Rules explicitly require the CMPO to liaison with the police for: -advising a contracting party/child (connected to a child marriage), guardian, person or others to desist from committing an offence under the Act communicating with the local authorities of the panchayat to prevent child marriages -executing a court order	No mention	No mention
Maintenance of registers	Maintenance of registers	No mention	No mention	Rules Require the CMPO to maintain a register of complaints to record complaints and enquiries etc in Form-I with separate files for each case.
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other	Other

Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	No mention
District Magistrate	Powers of the DM	No mention	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention	No mention
Police	Role of the police	No mention	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	No mention	No mention	No mention
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	No mention	No mention
Incident Report	Incident Report	No mention	No mention	No divergence
Progress Report	Progress Reports	No mention	No mention	No divergence
Performance Review	Performance review of CMPOs	No mention	No mention	No mention
Jurisdiction	Court of first instance	Other	Other	Other
Annulment	Seeking orders for annulment of marriage	No mention	Andaman and Nicobar Rules empower the CMPO to move the court under section 3 for an order for annulment of a marriage.	No mention
Maintenance	Seeking orders for maintenance.	No mention	No mention	No mention
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention	No mention

Disposal	Disposal of cases.	No mention	No mention	Chandigarh Rules state that it is the duty of the CMPO to ensure that every complaint is enquired into within a period of one month from the date of its receipt.
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention	No mention

Part 8: Daman and Diu, Dadra and Nagar Haveli

State/Ut -->		Daman and Diu	Dadra and Nagar Haveli
Analysis Criteria	Common Rule	Divergent Rules	
Appointment	Nomination of specific position/s as CMPO	No mention	No mention
Qualification	Rules for qualifications and experience of CMPOs	Union Territories of Daman and Diu and Dadra and Nagar Haveli have both provided that the CMPO shall be an Officer of the Government, preferably a woman with a tenure of minimum 3 years and support by the Administration (Rule 3).	Union Territories of Daman and Diu and Dadra and Nagar Haveli have both provided that the CMPO shall be an Officer of the Government, preferably a woman with a tenure of minimum 3 years and support by the Administration (Rule 3).
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No divergence	No divergence
Duty to Prosecute Offenders	Initiating prosecution	Other	Other
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Other
Duty Of Evidence Collection	Evidence collection	Other	Other
Burden of Proof	Burden of Proof	No mention	No mention
Duties During	Duties relating to emergencies,	On receipt of reliable	On receipt of reliable

Emergencies	and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	information through email, telephone or similar, from anyone, the CMPO can obtain immediate assistance of the police and reach the venue or place of occurrence of the child marriage. He must then record the incident in writing and report it to a Magistrate, without delay, for appropriate orders. Daman, Delhi and Dadra and Nagar Haveli specifically require the CMPO to take necessary steps to prevent recurrence of child marriage of any child.	information through email, telephone or similar, from anyone, the CMPO can obtain immediate assistance of the police and reach the venue or place of occurrence of the child marriage. He must then record the incident in writing and report it to a Magistrate, without delay, for appropriate orders. Daman, Delhi and Dadra and Nagar Haveli specifically require the CMPO to take necessary steps to prevent recurrence of child marriage of any child.
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention
Disciplinary Action	Disciplinary Action	No mention	No mention
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	Rules require the CMPO to liaison between the complainant, police and other authorities under law.	Rules require the CMPO to liaison between the complainant, police and other authorities under law.
Maintenance of registers	Maintenance of registers	No mention	No mention
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other
Mass Marriages	Mass Marriages	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention
District Magistrate	Powers of the DM	No mention	No mention
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention
Police	Role of the police	No mention	No mention
Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act		
Nodal Officers	Creation of post of Nodal	No mention	No mention

	officers		
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage
Incident Report	Incident Report	No divergence	No divergence
Progress Report	Progress Reports	No mention	No mention
Performance Review	Performance review of CMPOs	No mention	No mention
Jurisdiction	Court of first instance	Other	Other
Annulment	Seeking orders for annulment of marriage	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for annulment, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for annulment.	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for annulment, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for annulment.
Maintenance	Seeking orders for maintenance.	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for maintenance, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for maintenance.	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for maintenance, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for maintenance.
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention
Disposal	Disposal of cases.	No mention	No mention
Breach of Prohibition Orders	Breach of Prohibition Orders	No mention	No mention

Part 9: Delhi, Puducherry, Punjab

State/Ut -->		Delhi	Puducherry	Punjab
Analysis Criteria	Common Rule	Divergent Rules		
Appointment	Nomination of specific position/s as CMPO	No divergence	No mention	
Qualification	Rules for qualifications and experience of CMPOs	No mention	No mention	
Duty To Prevent	Prevention as a duty of the CMPO: Most states have advised the CMPOs use their powers to act on and prevent child marriages through: <ul style="list-style-type: none"> • Appropriate identification and response strategies by CMPOs • Taking assistance from the police. • Long-term community based preventive measures. 	No mention	No mention	
Duty to Prosecute Offenders	Initiating prosecution	Other	Potentially included this power (to initiate prosecution), within the larger ambit of the power to take 'any action as may be necessary'	
Power To Search Without Warrant	Search: Ordinarily, the Code of Criminal Procedure requires a police officer to obtain a warrant to search a premise from a Court. However, there are some exceptions to this rule, notably the Immoral Traffic Prevention Act, 1956, which provides for search and removal of persons from certain establishments without a warrant.	No mention	No mention	
Powers of a police officer	Powers of a Police Officer and/or the power to conduct an investigation.	Other	Puducherry Rules empower a CMPO with the 'powers of a police officer', especially to take cognizance.	
Duty Of Evidence Collection	Evidence collection	Other	Other	
Burden of	Burden of Proof	No mention	No mention	

Proof				
Duties During Emergencies	Duties relating to emergencies, and preventing the recurrence of a marriage prevented earlier like special actions that may be taken.	On receipt of reliable information through email, telephone or similar, from anyone, the CMPO can obtain immediate assistance of the police and reach the venue or place of occurrence of the child marriage. He must then record the incident in writing and report it to a Magistrate, without delay, for appropriate orders.	No mention	
Special duties: Registration of Marriages	Duties connected to registration of marriages.	No mention	No mention	
Special duties: Data on Adolescents	Rules regarding maintenance of information / data about adolescents	No mention	No mention	
Disciplinary Action	Disciplinary Action	No mention	No mention	
Liaison	Provisions to bring about a synergy between the CMPO and other stakeholders.	Rules require the CMPO to liaison between the complainant, police and other authorities under law.	No mention	
Maintenance of registers	Maintenance of registers	No mention	No mention	
Linguistic provisions	Publication of the Act and Rules in specific languages.	Other	Other	Punjab: Punjabi
Mass Marriages	Mass Marriages	No mention	No mention	No mention
Shelter Homes and Child Care Institutions	Linkages for residence / shelter.	No mention	No mention	No mention
Chief Child Marriage Prohibition Officer	Creation of a new post called the Chief Child Marriage Prohibition Officer.	No mention	No mention	
District Magistrate	Powers of the DM	No mention	No mention	
Committees and Boards	Special committees or boards set up under respective Rules.	No mention	No mention	
Police	Role of the police	No mention	No mention	

Child Welfare Committee	Role for the Child Welfare Committee (CWC) in the implementation of the Act			
Nodal Officers	Creation of post of Nodal officers	No mention	Puducherry Rules nominate the Nodal Officer to periodically monitor the functioning of the CMPO and collect the quarterly report from the CMPO in Form-II to share with the state government (Rule 5).	
Providing Information / Lodging a complaint	Providing Information / Lodging a complaint	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	Rules explicitly mention a procedure for receipt of information or a complaint regarding a child marriage	
Incident Report	Incident Report	No divergence	No divergence	
Progress Report	Progress Reports	No divergence	No divergence	
Performance Review	Performance review of CMPOs	No mention	In Puducherry, the Nodal Officer is to periodically monitor the functioning of CMPOs.	
Jurisdiction	Court of first instance	Other	Other	
Annulment	Seeking orders for annulment of marriage	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for annulment, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act, which by inference includes an application for annulment.	No mention	
Maintenance	Seeking orders for maintenance.	Rules do not specifically empower CMPOs (or any other authority) to assist persons in filing a petition for maintenance, they however stipulate that a CMPO may assist a person in making an application under any provision of the Act,	No mention	

		which by inference includes an application for maintenance.		
Custody	Specific Rules concerning the custody of children born from child marriages.	No mention	No mention	
Disposal	Disposal of cases.	No mention	No mention	
Breach of Prohibition Orders	Breach of Prohibition Orders	Rules stipulate that any resistance to enforcement amounts to breach. Such breach of interim / injunction orders may be reported to CMPO or directly to Court by any person in writing, duly signed by informant and the CMPO is to assist in lodging of a report with the police in this regard.	No mention	

Annexure 2:

This Annexure exclusively details and analyses the Means/Mode to report Child Marriage as per the State rules.

[Click here](#) to access downloadable sheet.

Sr. No.	State	Locus/ Who	Means/How	Recipient
1	Andhra Pradesh	Any person	Orally or in writing or by post or electronically or by telephonic call etc.	CMPO of police station
2	Assam	Child/any person /organization	-Letter or email or telephone call or in any other form, either orally or in writing in person or otherwise. -If info. is given orally, CMPO to reduce to writing; signed by informant or, if can't give in writing, CMPO shall satisfy and keep record of identity.	CMPO of jurisdiction or otherwise
3	Bihar	Any person	Either Orally or in writing or by post or by electronic mode	CMPO, BDO, Police station or Sarpanch of Gram panchayat
4	Chattisgarh	Any person/ parents/ relative/ victim / NGO	-Complain to be in writing. -Complaint may be communicated personally or through another or by post	CMPO
5	Goa	Any person	Letter or email or telephone call or in any other form	CMPO having jurisdiction or otherwise.
6	Gujarat	--	In person or other means of communication	CMPO
7	Jharkhand	Any Person/mother/ father/relative, recognized welfare institution/ organization	-Complaint may be communicated orally or in writing or by post or electronic mode -Personally or through messenger or by post	CMPO or Block Development Officer or local Police Station, or the Sarpanch of the Gram panchayat
8	Karnataka	Any person	Orally or in writing in Form-I or if the informant can't give the information in writing, then the CMPO shall be satisfied of the same and keep a record of the identity of the informant	CMPO or District Magistrate
9	Kerala	Any person	In any form: written, phone, email etc.	CMPO
10	Maharashtra	Any person	Letter, email, telephone call or in any other form	CMPO having jurisdiction or otherwise
11	Madhya Pradesh	Any person	Orally or in writing or by post or through an electronic mode	CMPO or the police station or the Sarpanch of the Gram Panchayat
12	Mizoram	Any person	-Either orally or in writing or by post or email or by telephonic call or the like. -Where written or signed copy not possible, CMPO to keep record of identity of informant.	CMPO of police station
13	Orissa	Any person	In any form (written, phone, email etc.)	CMPO
14	Tamil Nadu	--	Any mode of communication including	CMPO

			written or oral i.e. through a letter, telephone, telegram, email etc or by any other means.	
15	West Bengal	Any person	If info given orally, CMPO to reduce into writing, read over and signed by informant.	CMPO
16	Daman and Diu	Any person	-Letter, email, telephone call or any other form. - Oral info. to be written and signed by informant	CMPO
17	Dadra and Nagar Haveli	Any person	- Letter, email, telephone call or any other form. - Oral info. to be written and signed by informant	CMPO having jurisdiction
18	Delhi	Any person	Orally or in writing; - Oral info. to be written by CMPO and signed by informant - If not possible to write info, CMPO may record identity of informant	CMPO
19	Puducherry	Any person	In any form such as written, phone, email etc.	CMPO

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