

GUIDELINES ISSUED BY HON’BLE SUPREME COURT FOR EFFECTIVE IMPLEMENTATION OF PROHIBITION OF CHILD MARRIAGE ACT, 2006

By Institutional Article

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The Hon’ble Supreme Court in ***Society for Enlightenment and Voluntary Action & anr. v. Union of India & ors., 2024 INSC 790*** held that despite the enactment of the Prohibition of Child Marriage Act, 2006, the rate of child marriages in our country continues to remain alarmingly high. Acknowledging the same, the Hon’ble Supreme Court has issued guidelines thereby encouraging stronger enforcement mechanisms, promoting awareness programmes, providing for appointment of Child Marriage Prohibition Officers and having a comprehensive support system for child brides - including education, healthcare and compensation and also, to ensure the protection and welfare of vulnerable minors. There are various heads in which guidelines have been issued namely, Legal enforcement, judicial measures, community involvement, awareness campaigns, training/capacity building, educational and social support, monitoring and accountability, technology-driven mechanisms for reporting child marriages and funding and resources. The guidelines pertaining to the head of Judicial measures are reproduced below:

- 1. **Judicial Measures**
- 2. Empowering Magistrates to take *Suo Motu* Action and Issue Preventive Injunctions

1.1. All Magistrates vested with authority under Section 13 of the Prohibition of Child Marriage Act, 2006, are directed to take proactive measures, including issuing *suo motu* injunctions to prevent the solemnization of child marriages; and

1.2. Magistrates are encouraged to particularly focus on "auspicious days" known for mass weddings, when the occurrence of child marriages is notably high. Upon receiving credible information or even upon suspicion, Magistrates should use their judicial powers to halt such marriages and ensure child protection.

- 2. Exploration of Special Fast-Track Courts for Child Marriage Cases

2.1. The Union Government, in coordination with State Governments, is directed to assess the feasibility of establishing special fast-track courts exclusively to handle cases under the PCMA. These courts will expedite case proceedings, thereby preventing prolonged delays that often lead to additional harm for the affected children; and

2.2. A status report on the establishment, resource allocation, and potential effectiveness of these fast-track courts shall be submitted to this Court within a year from now onwards.

- 3. Mandatory Action Against Neglectful Public Servants

3.1. It is directed that strict disciplinary and legal action be taken against any public servant found to be in deliberate neglect of duty concerning child marriage cases within their jurisdiction. As stipulated under Section 199(c) of the Bharatiya Nyaya Sanhita (BNS), 2023, public officials who fail to act in child marriage cases, particularly, those with knowledge of imminent marriages, shall be subject to stringent punishment. This direction is aimed at reinforcing accountability among public officials and ensuring that child marriage cases receive immediate and appropriate action at all administrative and enforcement levels.