

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಸಂ: ಗ್ರಾಅಪ 10 ಸ್ವೀಮರ 2018

ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಸಚಿವಾಲಯ,
ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ:22.01.2018.

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಮಾನ್ಯ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯದ ತೀರ್ಪನ್ನು ಆಧರಿಸಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್‌ಅರ್ಜಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ: 382/2013 ರಲ್ಲಿ ನೀಡಿರುವ ತೀರ್ಪನ್ನು ಅನುಸರಿಸಿ ಕ್ರಮ ವಹಿಸುವ ಬಗ್ಗೆ - ಪೋಕ್ಸೋ ಕಾಯ್ದೆಯ ಅಂಶಗಳನ್ನು ಜಾರಿ ಮಾಡಲು ಎಲ್ಲಾ ಬಾಲ್ಯ ವಿವಾಹ ನಿಷೇಧಾಧಿಕಾರಿಗಳಿಗೆ ತಿಳಿಸುವ ಬಗ್ಗೆ.

- ಉಲ್ಲೇಖ: 1. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: WCD 377 SWW 2004, ದಿ:02.05.2008
2. ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ: WCD 171 SWW 2011, ದಿ:16.11.2011

ಮಾನ್ಯ ಭಾರತ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯವು ಅಪ್ರಾಪ್ತ ಪತ್ನಿಯ ಜೊತೆಗಿನ ಲೈಂಗಿಕ ಸಂಪರ್ಕವು ಕೂಡ ಅತ್ಯಾಚಾರವಾಗುತ್ತದೆ ಎಂದು ತೀರ್ಪು ನೀಡಿದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ರಿಟ್ ಅರ್ಜಿ (ಸಿವಿಲ್) ಸಂಖ್ಯೆ: 382/2013 ರಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು "declared that the Protection of Children from Sexual Offences Act, 2012 being a special law prevails over the Indian Penal Code, 1860" ಎಂದು ಆದೇಶಿಸಿದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಐ.ಪಿ.ಸಿ. ಕಲಂ 325 2ನೇ ಅಪವಾದವನ್ನು (exception) ತಿದ್ದುಪಡಿ ಮಾಡಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲೇಖ (2)ರ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯಲ್ಲಿ ಗ್ರಾಮೀಣ ಅಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಇಲಾಖೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನೇಮಿಸಿರುವ ಬಾಲ್ಯವಿವಾಹದ ನಿಷೇಧಾಧಿಕಾರಿಗಳು ಬಾಲ್ಯ ವಿವಾಹ ನಡೆದಾಗ ಪೋಕ್ಸೋ ಕಾಯ್ದೆಯ 2012ರ ಸೂಕ್ತ ಪರಿಚ್ಛೇದಗಳನ್ನು ಬಳಸಿ ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ ದಾಖಲಿಸಿ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಈ ಮೂಲಕ ಸೂಚಿಸಿದೆ. ಈ ಸಂಬಂಧ ಭಾರತ ಸರ್ಕಾರದ ಮಹಿಳೆ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಮಂತ್ರಾಲಯದ ಕಾರ್ಯದರ್ಶಿಯವರ ದಿನಾಂಕ 10.11.2017ರ ಪತ್ರವನ್ನೂ ಸಹ ಮಾಹಿತಿಗಾಗಿ ಇದರೊಂದಿಗೆ ಅಡಕಗೊಳಿಸಿದೆ.

(ಡಾ|| ಎನ್.ನಾಗಾಂಬಿಕಾ ದೇವಿ)

ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ
ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಇಲಾಖೆ

ಇವರಿಗೆ:

1. ಎಲ್ಲಾ ಜಿಲ್ಲಾ ಪಂಚಾಯತಿಗಳ ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು,
2. ನಿರ್ದೇಶಕರು (ಪಂ.ರಾಜ್), ಗ್ರಾಮೀಣಾಭಿವೃದ್ಧಿ ಮತ್ತು ಪಂಚಾಯತ್ ರಾಜ್ ಇಲಾಖೆ
3. ಎಲ್ಲಾ ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗಳ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು.

4. ಎಲ್ಲಾ ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳ ಪಂಚಾಯತ್ ಅಭಿವೃದ್ಧಿ ಅಧಿಕಾರಿಗಳು - ತಾಲ್ಲೂಕು ಪಂಚಾಯತಿಗಳ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಮೂಲಕ

ಪ್ರತಿಯನ್ನು:

1. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿ, ಮಹಿಳಾ ಮತ್ತು ಮಕ್ಕಳ ಅಭಿವೃದ್ಧಿ ಹಾಗೂ ವಿಕಲಚೇತನರ ಮತ್ತು ಹಿರಿಯ ನಾಗರಿಕರ ಸಬಲೀಕರಣ ಇಲಾಖೆ
2. ಮಾನ್ಯ ಮುಖ್ಯ ಕಾರ್ಯದರ್ಶಿಯವರ ಆಪ್ತ ಕಾರ್ಯದರ್ಶಿ, ವಿಧಾನ ಸೌಧ, ಬೆಂಗಳೂರು
3. ಇಲಾಖೆಯ ಎಲ್ಲಾ ಹಿರಿಯ ಅಧಿಕಾರಿಗಳು
4. ಇಲಾಖೆಯ ಜಾಲಾತಾಣ
5. ಶಾಖಾ ರಕ್ಷ ಕಡತ / ಹೆಚ್ಚುವರಿ ಪ್ರತಿ.

राकेश श्रीवास्तव
सचिव
Rakesh Srivastava

Copy



भारत सरकार
महिला एवं बाल विकास मंत्रालय
शास्त्री भवन, नई दिल्ली - 110001
Government of India
Ministry of Women & Child Development
Shastri Bhawan, New Delhi-110001
Website : http://www.wcd.nic.in

Secretary
DO No.16/9/2017-WW

C-14800/17

Dated : 10th November, 2017

Dear Chief Secretary,

I am writing to you in the context of the judgment passed by Hon'ble Supreme Court of India declaring sex by a man with minor wife will be considered as rape.

2. On 11th October 2017, the Hon'ble Court while deciding the Writ Petition (Civil) no. 382 of 2013 (Independent Thought v. Union of India and Anr.) declared that the Protection of Children from Sexual Offences Act, 2012 being a special law prevails over Indian Penal Code, 1860 and criminalised sex with a minor wife aged between 15 and 18 years by saying that the prevailing exception in the rape law was arbitrary and was violative of the Constitution. Accordingly, the Hon'ble Supreme Court invalidated the existing exception 2 to section 375 of Indian Penal Code, 1860 which is read as, "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape."

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3. Hence, the Hon'ble Supreme Court has amended the existing exception 2 of Section 375 of IPC to be read as: "Sexual intercourse or sexual acts by a man with his own wife, the wife not being under eighteen years of age, is not rape."

ppr/wcd

4. In light of the aforementioned directive of the Hon'ble Apex Court, it is requested that necessary instructions may be issued to the concerned authorities i.e. police, ICPS functionaries etc. directing them to invoke appropriate provisions of the Protection of Children from Sexual Offences Act, 2012 in cases related to child marriages.

5. You will agree that this matter is of grave concern. I shall be grateful, if you could personally look into the matter and take steps so that the evil practice of child marriage could be stopped.

With regards,

Dr. Subhash C. Khuntia
13/11/2017

Yours sincerely,

Pr. Secretary W & CD
No. 14800 Date 13/11/17

Dr. Subhash C. Khuntia
Chief Secretary
Government of Karnataka
Bangalore - 560001

(1) Home Dept
(2) ICPS
(3) All CIPDS

(Rakesh Srivastava)

File No.

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Government of Karnataka

No: WCD 377 SWW 2004

Karnataka Government Secretariat,
M.S. Building,
Bangalore. Dated: 02.05.2008.

NOTIFICATION

In exercise of powers conferred by sub-section (1) of section 16 of the Prohibition Child Marriage Act, 2007 (Central Act No 6 of 2007), Government of Karnataka hereby appoints the following officers as Child Marriage Prohibition Officers having jurisdiction over the area specified against them:

Sl. No	Designation of Officers appointed as Child Marriage Prohibition Officers	Jurisdiction
1	Director, Women and Child Development Department	All over the State of Karnataka
2	All Deputy Commissioner	Over the concerned revenue districts
3	All Deputy Directors, Women and Child Development Department	Over the concerned district
4	All Programme Officers, Women and Child Development Department	Over the concerned district
5	All Tahsildars, Revenue Department	Over the concerned revenue taluk
6	All Labour Officers, Labour Department	Over the concerned taluk
7	All Block Education Officers, Department of Public Instructions	Over the concerned taluk
8	All Child Development Project Officers, Women and Child Development Department	Over the concerned taluk
9	All Village Accountants, Revenue Department	Over the concerned hobli
10	All Revenue Officers, City Corporations/Municipalities	Over the concerned corporation/Municipal area

- (1) The Child Marriage Prohibition Officer shall ensure that the Organizers of mass marriages shall maintain register and a list of the proposed eligible couples to be married and record details and verify their photographs, birth certificate/school certificate / medical certificate in proof of age from a registered Medical Practitioner.
- (2) The Child Marriage Prohibition Officer shall ensure the person/applicant to avail the benefit of legal services available under Karnataka Legal Services Authority in obtaining injunction, prohibitory orders, custody orders maintenance orders and matters pertaining to the enforcement of the Act.
- (3) The Child Marriage prohibition Officer is empowered to move the court suo moto for getting interim orders like injunction, prohibitory orders, maintenance orders, custody orders and also getting suitable orders as to the residence of female contracting party to the child marriage.
- (4) The Child Marriage prohibition Officer shall maintain a directory of Non Governmental Organizations registered under Karnataka Societies Registration Act, 1950/Companies registered under the Companies Act, 1956 or any other law for the time being in force.
- (5) The Child marriage Prohibition Officer at taluka level and at the district level shall report the statistics of the incidence of Child Marriage periodically (quarterly) as per section 16 (3) (f) of the Act to the Director, Women and Child Development in Form No.-III.
- (6) It is the duty of the Child Marriage Prohibition Officer to collect evidence and assist the Court/Magistrate in effective prosecution of the cases.
- (7) The Child Marriage Prohibition Officer shall facilitate in getting appropriate orders from the courts for custody of the children born out of the child marriage.
- (8) The Child Marriage prohibition officers shall provide all possible assistance to stop the child marriage and to ensure the

person/applicant, police help, if any in the event of occurrence of child marriage.

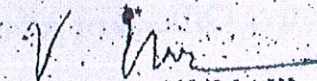
(9) The Child Marriage Prohibition Officer shall create awareness and sensitize the community about the provisions of the Act and its harmful effects on the issue of child marriage.

(10) The Child Marriage Prohibition Officer shall discharge his duties with due care, decorum, privacy and in a manner to uphold the dignity and harmony of the child and family relationship.

(11) The approach of the Child Marriage prohibition Officer shall be primarily prevention of Child Marriage and it shall be a remedial one. Prosecution shall be recommended or resorted to only, if all other measures and directions are found ineffective or parties fail to comply with the orders or directions within the stipulated time.

(12) The Child Marriage Prohibition Officer shall prevent the solemnization of Child Marriage by taking such action as he deems fit. While doing so he may take the assistance of the respectable members of the locality, with a record of social service.

By Order and in the name of
the President of India


(V. SHIVA KUMAR)

Under Secretary to Government-1,
Women and Child Development Department.

To,

The Compiler, Karnataka Gazette, Bangalore - with a request to publish in the next issue of the Gazette and supply 500 copies to Under Secretary to Government, Women and Child Development Department, Room No.115, 1st Floor, M.S. Building, Bangalore.

Copy to:

1. The Secretary of Government of India, Ministry of Women and Child Development, Shastri Bhavan, New Delhi.
2. The Director, Women and Child Development Department, Bangalore.
3. The Director, Disabled and Senior Citizens Welfare Department,

4. The Managing Director, Karnataka State Women's Development Corporation, Bangalore.
5. Secretary, Karnataka State Women Commission, Bangalore.
6. The Registrar, High Court of Karnataka, Bangalore.
7. Principle Secretary to Government, Social Welfare Department, Vikasa Soudha, Bangalore.
8. Principle Secretary to Government, Home Department, Vidhana Soudha, Bangalore.
9. Principle Secretary to Government, Rural Development and Panchayath Raj, Bangalore.
10. Principle Secretary to Revenue Department, Bangalore.
11. Principle Secretary to Government, Labour Department
12. D.I.G. and I.G.P. Nrupathunga Road, Bangalore
13. I.G.P./Commissioners of Police, Bangalore, Hubli-Dharwad, Mysore.
14. All Commissioners, Corporations/Municipalities
15. Commissioner, Department of Labour.
16. Deputy Commissioners of all districts.
17. Deputy Director/Programme Officers, Child Development Project Officer of all districts/taluks, Women and Child Development Department.
18. Tahasildars of All Taluks.
19. Labour Department Officers, Block Education Officers and Taluk Panchayath Executive Officers of All taluks.
20. Section guard file/

Government of Karnataka

No.WCD 171 SWW 2011

Karnataka Government Secretariat,
M.S. Building,
Bangalore, Dated 16.11.2011.ADDENDUM

In addition to the notification No.WCD 377 SWW 2004, dated 02.05.2008 the exercise of powers conferred by Section 16(1) the "Prohibition of Child Marriage" Act of 2007 (Central Act No.6 of 2007 the Government of Karnataka hereby appoints the following officers as Child Marriage Prohibition Officers at State, District and Taluk levels:-

State Level	Project Director, ICPS, Department of Women and Child Development
	1) Director General of Police, Inspector General of Police (Training), Bangalore. 2) D.I.G.P of the concerned Range.
	Commissioner of Public Instruction, Education Department
	State Project Director, Serva Shikshana Abhiyana
	Secretary to Government, Revenue Department
	Director,(Panchayath Raj) , Rural Development and Panchayath Raj Department
	Commissioner, Health and Family Welfare Department
	Commissioner, Labour Department
	Commissioner, Social Welfare Department
	Commissioner, Backward Classes Development Department
	Director, Tribal Welfare Department
	1) Superintendent of Police. 2) Senior Child Welfare Officer of Special Juvenile Police Unit, Police Department
	Deputy Director of Public Instruction, Education Department

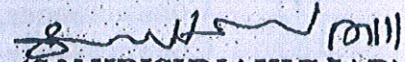
P.T.O

District Level	Chief Executive Officers, Zilla Panchayat, Rural Development and Panchayath Raj Department
	District Health Officer, Health and Family Welfare Department
	Deputy Labour Commissioner/Assistant Labour Commissioner, Labour Department
	District Social Welfare Officer, Social Welfare Department
	District Officer, Backward Classes Development Department
	ITDP – Project Development Officers – Tribal Welfare Department
	District Child Protection Officer, ICPS, Department of Women and Child Development
Taluk Levels	Protection Officer, (Domestic Violence Act), Department of Women and Child Development
	Circle Inspector, Police Department
	Executive Officer, Taluk Panchayat, Rural Development and Panchayath Raj
	Taluk Medical Officer, Health and Family Welfare Department
	Taluk Social Welfare Officer, Social Welfare Department
	Extention Officers – Backward Classes Development Department
Gram Panchayath	Panchayath Development Officer, Department of Rural Development and Panchayath Raj
	Jurisdiction Police Sub Inspector, Police Department
Village Level	Head Master, Education Department
	Revenue Inspectors, Revenue Department

P.T.O

City Corporation/ Municipality	Head Master, Education Department
	Revenue Inspectors, Revenue Department
	Health Inspector, Health and Family Welfare Department
	Sr. Labour Inspector/Labour Inspector, Labour Department
	Jurisdiction Police Inspector, Police Department

By order and in the name of
the Governor of Karnataka


(S.N. KRISHNAKUMAR)

Under Secretary to Government-1,
Women and Child Development Department.

To,

The compiler, Karnataka Gazette, Bangalore – with a request to publish in the next issue of the Gazette and supply 500 copies to Under Secretary to Government, Women and Child Development Department, Room No. 115, 1st Floor, M.S. Building, Bangalore.

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- 4) Principle Secretary to Government, Home Department, Vidhana Soudha, Bangalore.
- 5) Principle Secretary to Government, Rural Development and Panchayath Raj, Bangalore.
- 6) Principle Secretary to Government, Revenue Department, Bangalore.
- 7) Secretary to Government, Health and Family Welfare Department.

P.T.O

- 8) Secretary to Government, Primary and Secondary Education, Bangalore.
 - 9) Secretary to Government, Labour Department, Bangalore.
 - 10) The Director, Women and Child Development Department, Bangalore.
 - 11) The Director, Department of welfare for disabled and Senior Citizen, Bangalore.
 - 12) The Managing Director, Karnataka State Women's Development Corporation, Bangalore.
 - 13) Secretary, Karnataka State Women Commission, Bangalore.
 - 14) DIG and I.G.P. Nrupathung Road, Bangalore.
 - 15) Commissioners of Police, Bangalore, Hubli-Dharwad, Mysore, Mangalore.
 - 16) Commissioner, Social Welfare Department.
 - 17) Commissioner, Labour Department.
 - 18) Commissioner, Social Welfare Department.
 - 19) Commissioner of Public Instruction, Bangalore.
 - 20) Commissioner, Health and Family Welfare Department.
 - 21) Director, (Panchayath Raj) Rural Development and Panchayath Raj Department.
 - 22) State Project Director, Serva Shikshana Abhiyana.
 - 23) Deputy Commissioners of all districts.
 - 24) Chief Executive Officers of all Zilla Panchayath.
 - 25) Superintendent of Police of all districts.
 - 26) Deputy Director of all districts, Department of Women and Child Development.
 - 27) Deputy Director of Public Instruction of all districts.
 - 28) District Health Officer of all districts.
 - 29) District Labour Officer of all districts.
 - 30) District Social Welfare Officers of all districts.
 - 31) District Officers, District Backward Classes Development Department.
 - 32) Project Development Officers Tribal Welfare Department.
 - 33) Tahasildars of all Taluks.
 - 34) Child Development Project Officers of all taluks.
 - 35) Executive officer / Taluk Medical Officer / Taluk Social Welfare Officer / Extension officer of Backward Classes / Circle Inspector of Police Department.
 - 36) Section guard file.
- (Sl.No. 11 to 35 - through Director, Women & Child Development Department)