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WOMEN & CHILD DEVELOPMENT DEPARTMENT

NOTIFICATION

The 19th September 2009

S.R.O. No. 392/2009—In exercise of the powers conferred under Section 19 of the Prohibition of Child Marriage Act, 2006, (Act No. 6 of 2007), the State Government do hereby make the following rules, namely :—

1. Short title and commencement—(1) These rules may be called the Orissa Prohibition of Child Marriage Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definitions—(1) In these rules unless the context otherwise requires,—

(a) "Act" means the Prohibition of Child Marriage Act, 2006 (Act 6 of 2007);

(b) "Form" means Form appended to these rules;

(c) "Police Officer" means an officer in the State Police;

(d) "Section" means a Section of the Act;

(e) "State Government" means the Government of Orissa.

(2) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Duties and functions of Child Marriage Prohibition Officer in addition to the duties and functions assigned to a Child Marriage Prohibition Officer under Clauses (a) to (g) of sub-section (3) of Section 16 of the Act, it shall be the duty of every Child Marriage Prohibition Officer—

(a) to act immediately upon any information of the solemnization of any child marriage that may be received through any mode of communication including writing or oral i.e. through a letter, telephone, telegram, e-mail, etc. or by any other means to initiate all necessary action;

(b) to furnish quarterly return and statistics to the Chief Child Marriage Prohibition Officer in Form I;

(c) to file petition for annulling a child marriage in the district court, if the petitioner is a minor;

(d) to file petition before the district court to pay maintenance to the female contracting party of the marriage until her re-marriage; and

(e) to file petition to the district court for the custody and maintenance of children of the child marriage.

4. Method of appointment, duties and functions of Chief Child Marriage Prohibition Officer—(1) The State Government shall, by notification in the official Gazette, designate a senior officer of the Women and Child Development Department as the Chief Child Marriage Prohibition Officer to administer and co-ordinate the work relating to Child Marriage Prohibition throughout the State.

(2) The Chief Child Marriage Prohibition Officer shall co-ordinate the work of Child Marriage Prohibition Officers and shall be responsible for the proper performance of the Child Marriage Prohibition work in the State.

(3) The Chief Child Marriage Prohibition Officer shall be responsible for the preparation and submission of an Annual Report on the progress of implementation of the Act and related matters and such statistics as may be required from time to time by the State Government.

(4) In addition to the general duties of monitoring and supervision of the implementation of the provisions of the Act it shall be the duty of the Chief Child Marriage Prohibition Officer—

(a) to exercise general control, superintendence and direction over all the Child Marriage Prohibition Officers so far as the implementation of the Act and rules are concerned;

(b) to review periodically the functioning of Child Marriage Prohibition Officers across the State;

(c) to cause an annual status report on Child Marriage to be submitted to the State Government;

(d) to formulate schemes and programmes for creating awareness sensitizing the community and organize training to functionaries of the concerned departments;

(e) to discharge such other functions and duties as may be assigned to him by the State Government;

(f) to convene an annual review and strategy conference on prevention of child marriage; and

(g) to cause publication and circulation of the Act and rules in Oriya and English.

5. Nodal Officer—(1) The District Collector shall be the Nodal Officer at the district Level for the purpose of implementation of the Act.

(2) The District Collector shall periodically review the implementation of the Act within the respective district and take all necessary measures for the proper and effective implementation of the Act.

6. Procedure for conducting enquiry—(1) A complaint/information to the Child Marriage Prohibition Officer may be filed/given by any person in any form, written, phone, e-mail, etc;

(2) On receipt of a complaint/information under sub-rule (1) of this rule, the Child Marriage Prohibition Officer shall record it in Form II and conduct a brief enquiry;

(3) For the conduct of enquiry under sub-rule(2) of this rule, he shall have the powers of a Police Officer under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), for the purpose of investigation, summoning of parties and witnesses, recording of statement, etc., for discharging his duties under the Act;

(4) Officers in charge of Police Station shall provide all such assistance to the Child Marriage Prohibition Officer in order to carry out his duties under the Act and rules; and

(5) Every Child Marriage Prohibition Officer shall submit his report in Form III to the concerned Judicial Magistrate of the First Class or the Chief Judicial Magistrate with his enquiry report.

7. Production of Document—It is the duty of the accused party to furnish the relevant document to the satisfaction of the court to prove that the none of the parties in the marriage is a child as defined in Clause (a) of Section 2 of the Act.

[No. 16217—G.O.(P)]

By order of the Governor

SUBHASHREE NANDA

Under-Secretary to Government

FORM I**[See Rule 3 (2) (b)]**

For the Quarter starting from.....to.....

Name of District.....

Name and address of the Child Marriage Prohibition Officer (with Phone No.) :

1. Total No. of complaints received :
2. Total No. of enquiry conducted :
3. Total No. of reports submitted to Courts :
4. Total No. of Injunction order received :
5. Total No. of violations made by parties :
6. Total No. of maintenance orders issued :
7. Total No. of punishment orders made :
8. Total No. of child marriage successfully prevented :
9. Total No. of residence orders made under Section 4 :
10. Total No. of awareness programmes conducted :
11. Total No. of review meetings of assistance conducted :
12. Any other information :

Signature of the
Child Marriage Prohibition Officer
(with date)

(Seal)

FORM II

[See Rule 6 (2)]

CHILD MARRIAGE INFORMATION REPORT

1. Name and address of the Complainant (with Phone No.) :
2. Name and address of the : (1)
accused (with phone No.) (2)
3. Particulars of the report—
 - (a) Age and date of birth :
 - (b) Address :
 - (c) Present residence :
 - (d) Occupation :
 - (e) Education :
 - (f) Name and address of parents :
 - (g) Name and address of employer, if any :
 - (h) Any other relevant information :
4. Short Summary on the circumstances of the Child Marriage : List of enclosures
5. Any other information :

Signature of the
Child Marriage Prohibition Officer
(with date)

(Seal)

952 E.V.G. 2

FORM III

[See Rule 6 (5)]

REPORT OF CHILD MARRIAGE PROHIBITION OFFICER

Summary of First Information

Relief required*

- 1. Under Section 3 of the Act : _____
- 2. Under Section 4 of the Act : _____
- 3. Under Section 5 of the Act : _____
- 4. Under Section 13 of the Act : _____

Signature of the
 Child Marriage Prohibition Officer
 (with date)

(Seal)

List of enclosures :

- 1. Age certificate if any :
- 2. Copy of complaint if any :
- 3.

* [Add separate sheet if required]