

GOVERNMENT OF ARUNACHAL PRADESH
SOCIAL WELFARE, WOMEN & CHILD DEVELOPMENT DEPARTMENT
NAHARLGUN.

No. WCD-12/2007(PCMA)

Dated Itanagar, the 3rd March'2010.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 19 of the Prohibition of Child Marriage Act, 2006 (No.6 of 2007) the Governor of Arunachal Pradesh hereby makes the following rules, namely :-

THE ARUNACHAL PRADESH PROHIBITION OF CHILD MARRIAGE RULES 2009

1. Short title and commencement: - (1) These rules may be called the Arunachal Pradesh Prohibition of Child Marriage Rules, 2009.

(2) They shall come into force from the date of publication in the Official Gazette.

2. Definitions :- In these rules, unless the context otherwise requires:-

- (a) 'Act' means the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007) ;
- (b) 'Rule' means the Arunachal Pradesh Prohibition of Child Marriage Rules, 2009 ;
- (c) 'Government' means the Government of Arunachal Pradesh ;
- (d) 'Form' means a form appended to these rules;
- (e) 'Section' means a section of the Act;
- (f) 'Child Marriage Prohibition Officer' means a Child Marriage Prohibition Officer appointed under sub-section (1) of section 16 of the Act;
- (g) The words and expressions used and not defined in these rules but defined in the Act shall have the meaning respectively assigned to them in the Act.

3. Qualification and experience of Child Marriage Prohibition Officer(section-16):-

- (1) The Child Marriage Prohibition Officers appointed by the State Government shall be Female government servants. The minimum educational qualification for appointment to the post is a degree in any discipline from a recognized University. Preference will however be given to graduates in Law/Social Work/Sociology.
- (2) Every person appointed as Child Marriage Prohibition Officer under the Act shall have at least three years experience in social sector.
- (3) The tenure of a Child Marriage Prohibition Officer shall be for a minimum period of three years or as decided by the State Government.
- (4) The State Government shall provide necessary office assistance to the Child Marriage Prohibition Officer for the efficient discharge of her functions under the Act and these rules.
- (5) The Government may, by notification in the Official Gazette appoint as many persons as may be deemed necessary as Child Marriage Prohibition Officer, preferably one for each district, for the purpose of prohibition of solemnization of child marriages occurring within her jurisdiction.
- (6) The State Govt. shall have the power to remove the Child Marriage Prohibition Officer from her office if she:-
 - (a) is convicted and sentenced to imprisonment for an offence which in the opinion of the State government, involves moral turpitude ;
 - (b) becomes unsound mind and stands so declared by a competent court ;
 - (c) refuses to act or becomes incapable of acting ; or

(d) has in the opinion of the state Govt. so abused the position of Child Marriage Prohibition Officer as to render that person's continuance in office is detrimental to the public interests ;

Provided that no Child Marriage Prohibition Officer shall be removed until she has been given a reasonable opportunity of being heard in the matter.

- (7) The State Government may also appoint a respectable member of the locality with a record of social service or an Officer of the gram Panchayat or Municipality or an Officer of the Government or any public sector undertaking or an office bearer of any non-governmental organization to assist the Child Marriage Prohibition officer and such member, Officer or office bearer, as the case may be, shall be bound to act accordingly
- (8) Duties and functions of Child Marriage Prohibition Officers shall be as defined in section 16(3) of the Act ;
- (9) The State Government may by notification in the Official Gazette, subject to such conditions and limitations, invest the Child Marriage Prohibition Officer with such powers of police Officer as may be specified in the notification and the Child Marriage Prohibition Officer shall exercise such powers subject to such conditions and limitations, as may be specified in the notification. [

4. Information to Child Marriage prohibition Officer:-

- (1) Any person who has reason to believe that an act of Child Marriage has been, or is being or is likely to be solemnized may give information about it to the Child Marriage Prohibition Officer having jurisdiction in the area either orally or in writing.
- (2) In case the information is given to the Child Marriage Prohibition Officer under sub-rule (1) orally, he or she shall cause it to be reduced to in writing and shall ensure the same is signed by the person giving such information and in case the informant is not in a position to furnish written information the Child Marriage Prohibition Officer shall satisfy and keep a record of the identity of the person giving such information.
- (3) The Child Marriage Prohibition Officer shall give a copy of the information recorded immediately to the informant free of cost.

5. Child Marriage incident reports:-

- (1) Upon receipt of a complaint of Child Marriage, the Child Marriage Prohibition Officer shall prepare a Child Marriage incident report and submit the same to Magistrate and forward copies thereof to the police officer in charge of the police station within the local limits of jurisdiction of which the Child Marriage alleged to have been committed has taken place and to the service providers in that area.
- (2) Upon a request of any aggrieved person, the person appointed under sub-rule (9) of Rule 3 may record a child marriage incident report and forward a copy thereof to the Magistrate and the Child Marriage Prohibition Officer having jurisdiction in the area, where the Child Marriage is alleged to have been taken place.

6. In addition to the duties and functions assigned to a Child Marriage Prohibition Officer under clauses (a) to (g) of section 16(3) of the Act, it shall be the duty of every Child Marriage Prohibition Officer:-

- (a) to protect the aggrieved persons from solemnization of child marriage in accordance with the provisions of the Act and these rules ;
- (b) to take all reasonable measures to prevent recurrence of domestic violence against the aggrieved person, in accordance with the provisions of the Act and these rules.

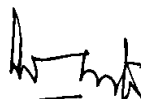
7. Action to be taken in cases of emergency:- If the Child marriage prohibition Officer or any person appointed to assist the Child Marriage Prohibition officer receives reliable information through e-mail or a telephone call or the like either from the aggrieved person or from any person who has reason to believe that an act of solemnization of Child marriage is being or is likely to be committed and in a such an emergency situation, the Child marriage prohibition officer or the person appointed to assist the child marriage Prohibition Officer, as the case may be, shall seek immediate assistance of the police who shall accompany the Child Marriage Prohibition Officer or the person appointed to assist the Child Marriage Prohibition officer, as the case may be, to the place of occurrence and record the child marriage report and present the same to the Magistrate without any delay for seeking appropriate orders under the Act.
8. Certain other duties of the Child Marriage Prohibition officers:- The Child Marriage Prohibition Officer, if directed to do so in writing, by the Magistrate shall:-
- (a) conduct a home visit of the premises of the aggrieved person and make preliminary enquiry if the court requires clarification, in regard to granting ex-part interim relief to the aggrieved person under the Act and pass an order for such home visit;
- (b) After making appropriate enquiry, file a report on the circumstances and parties involved in the episode or any other documents as may be directed by the court.
- (c) to maintain a record and copies of the report and documents forwarded to the court.

Sd/-(Ajit Srivastav)
Secretary
Social Welfare, Women & Child Dev. Deptt.
Govt. of Arunachal Pradesh
Itanagar.

Memo No.WCD-12/2007(PMCA)
Copy to :-

Dated 4th March/2010

1. The Secretary to Governor, Arunachal Pradesh, Itanagar.
2. The Under Secretary to the Govt. of India, Ministry of Women & Child Development, Shastri Bhavan, New Delhi for information.
3. The Principal Secretary to Hon'ble Chief Minister, Arunachal Pradesh, Itanagar.
4. The PS to Speaker/Deputy Speaker, Legislative Assembly, Naharlagun.
5. PS to Hon'ble Minister, Social Welfare, Women & Child Development, Arunachal Pradesh, Itanagar for information.
6. The PS to all Hon'ble Ministers, Arunachal Pradesh, Itanagar
7. PS to Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
8. All Commissioners/Secretaries/joint Secretaries/Deputy Secretaries/Under Secretaries Govt of Arunachal Pradesh
9. All Head of Departments, Govt. of Arunachal Pradesh.
10. The Director, Printing, Govt. of Arunachal Pradesh, Naharlagun for publication of above notification in the next issue of Gazette.
11. All Deputy Commissioners, Govt. of Arunachal Pradesh.
12. All Addl. Deputy Commissioners, Govt. of Arunachal Pradesh
13. All Deputy Directors (ICDS), Divn. Level ICDS Cell, Arunachal Pradesh for information and necessary action.
14. All Child Dev. Project Officers, Arunachal Pradesh for information & necessary action.
15. Office copy/ Spare copy.



(Ajit Srivastav)
Secretary
Social Welfare, Women & Child Dev. Deptt.
Govt. of Arunachal Pradesh
Itanagar