



Government of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, Jammu/Srinagar

Notification,
Jammu, the 28th August, 2023

S.O 448 . - In exercise of the powers conferred by Section 19 of the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007) read with notification S.O 1274(E) dated 30.05.2008 issued by Ministry of Home Affairs, GOI, the Government of Jammu and Kashmir hereby makes the following rules; namely:-

1. **Short title and commencement.**- (1) These rules may be called the Jammu and Kashmir Prohibition of Child Marriage Rules, 2023.
(2) These rules shall come into force from the date of publication in the official Gazette.

2. **Definition:** (1) In these rules, unless the context otherwise requires:

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

(b) "Government" means the Government of Jammu and Kashmir:

(2) 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. **Child Marriage Prohibition Officer:** The following officers of the various Departments of the Government shall act as Child Marriage Prohibition Officer in terms of Section 16(1) of the Act within their respective jurisdiction :

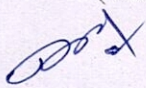
- (a) Chief Medical Officer.
- (b) Chief Education Officer.
- (c) Assistant Commissioner (Panchayat).
- (d) Block Medical Officer.
- (e) Block Development Officer.
- (f) Assistant Labour Commissioner.
- (g) District Social Welfare Officer.
- (h) Child Development Protection Officer.
- (i) Tehsildar.
- (j) Naib Tehsildar.
- (k) Zonal Education Officer.

4. **Duties and Functions of Child Marriage Prohibition Officer:** In addition to the duties and functions assigned to the Child Marriage Prohibition Officer under 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 solemnization of any child marriage that may be received through any mode of communication including written or oral i.e. through a letter, telephone, telegram, e-mail etc. or by any other means and forthwith initiate all necessary action;
- (b) produce the child whose marriage is expected to be solemnized or child victim of child Marriage before the Child Welfare Committee constituted under the Juvenile Justice (Care and Protection of Children) Act, 2016 and Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Rules, 2021.
- (c) to furnish quarterly return and statistics to the District Magistrate concerned and the Directorates of Social Welfare Jammu/ Kashmir in Form I;
- (d) to file petition before a Judicial Magistrate First class/ Metropolitan Magistrate for obtaining information prohibiting a Child Marriage.
- (e) to file petition for annulling a child marriage in District Court in case any of the contracting party to the marriage is a minor;
- (f) to file petition before the District Court for maintenance and residence to the female contracting party of the Marriage until her remarriage;
- (g) to file petition before the District Court for the custody and maintenance of children of the child marriage.
- (h) to file petition under Section 3(2) of the Act along with the child.

5. **Filing of the case:** Any person in the best interest of the child may also file a petition through Child Marriage Prohibition Officer.
6. **Power of Child Marriage Prohibition Officer:** In terms of Section 16 (4) of the Act, the Child Marriage Prohibition Officer are invested with the powers of Police Officer as prescribed in Section 156, 160, 161, 165 and 175 of Criminal Procedure Code subject to the condition that such powers are exercised by the said officer herself/ himself within her/ his jurisdiction for taking cognizance of offences prescribed under the Act.
7. **Panchayat Core Committee:** The District Magistrate shall ensure that in every Panchayat, a Committee comprising of the following persons is constituted to assist the Child Marriage Prohibition Officer in obtaining information about such child marriages, in prevention of such ceremonies and in annulling of such marriages :

| | |
|----------------------------------------------------------------------------------------------|-------------|
| Sarpanch: | Chairperson |
| Supervisor, Mission Poshan (Social Welfare): | Convener |
| Village Level Worker/ Secretary Panchayat: | Member |
| Head Master of the nearest school/Senior Teacher: (where there is no Head Master) | Member |



One Women Ward Member:

Member

(If more than one Women Ward Member, the Senior most by age)

8. **Duty of Local Priest:** It shall be the duty of local priests of any religion bestowed with the solemnization of marriages, to inform the Child Marriage Prohibition Officer of her/his area about the likelihood of such Child Marriages and shall refrain from solemnizing such marriages with a view to prevent such instances of child marriage.
9. **Information about Child Marriage.** – (1) Any person who has reason to believe that a child marriage has been, or is being, or is likely to be solemnized, may give information through letter, e-mail, telephone call or in any other manner, to the Child Marriage Prohibition Officer, Childline services, the Special Juvenile Police Unit, the Child Welfare Police Officer, the Child Welfare Committee having jurisdiction in the area.
10. **Award:** The Government may declare suitable awards for such persons on whose initiatives/ information the incident(s) of Child Marriages have been prevented. The District Magistrates shall also felicitate such persons on suitable occasions of National importance:

Provided that the identity of the person would be kept confidential if he/she so desires, keeping his safety and interest in consideration.

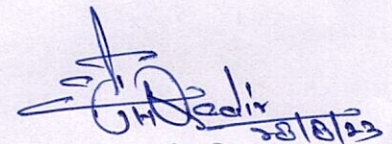
Sd/-
Sheetal Nanda, IAS
Commissioner/ Secretary to Government,
Social Welfare Department.

No:-SWD-ICPS/37/2022

Dated:- 28-08-2023

Copy to the:-

1. Ld. Advocate General, J&K.
2. Additional Chief Secretary, H&ME Department.
3. Director General of Police, J&K.
4. All Principal Secretaries to the Government.
5. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.
6. Principal Resident Commissioner, J&K Government, New Delhi.
7. Chief Electoral Officer, J&K.
8. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
9. All Commissioner/Secretaries to the Government.
10. Divisional Commissioner, Kashmir/Jammu.
11. Chairperson, J&K Special Tribunal.
12. All Deputy Commissioners.
13. Director General, IMPARD, J&K.
14. Director Information, J&K.
15. All Heads of Departments/Managing Directors/Secretary, Advisory Boards.
16. Secretary, J&K PSC/Socially & Educationally Backward Classes Commission /SSB.
17. Director, Estates, J&K.
18. Director, Archives, Archaeology & Museums, J&K Jammu.
19. Secretary, J&K Legislative Assembly.
20. General Manager, Government Press, Jammu/Srinagar.
21. Private Secretary to the Chief Secretary, J&K.
22. Private Secretary to the Additional Chief Secretary, J&K.
23. Private Secretary to Commissioner/Secretary to Government.
24. I/c Website, Social Welfare Department/Stock file.


Under Secretary to the Government
Social Welfare Department

FORM - I

(See rule -3)

Child Marriage Incident Report**1. Details of the complainant / Party to the child marriage:**

1. Name of the complainant /Party to the child marriage:
2. Age:
3. Present Address:
4. Phone Number, If any:

2. Details of respondents:

| S. No. | Name | Address | Tel. No. |
|--------|------|---------|----------|
| | | | |
| | | | |

3. Details of Marriage:

| S. No. | Date, Place and Time of Child Marriage | Performer (Priest/ Relative) |
|--------|----------------------------------------|------------------------------------|
| | | |
| | | |

4. List of documents attached:

| Name of document | Details |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Birth Certificate/ School Certificate/ Matriculate Certificate | |
| Doctor's Certificate for age verification (where Birth Certificate/ School Certificate/ Matriculate Certificate is not available as proof of age). | |
| List of money, Ornaments, valuables, gifts given at the time of marriage | |

5. Order that need to be obtained under the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007):

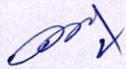
| S. No. | Orders | Yes/No |
|--------|------------------------------------------|--------|
| 1. | Prohibitory injunction under Section 13. | |
| 2. | Annulment order under Section 3. | |
| 3. | Residence order under Section 4(4). | |
| 4. | Maintenance order under Section 4(1). | |
| 5. | Custody order under Section 5. | |
| 6. | Restriction order under Section 3(4). | |
| 7. | Any other Order. | |

6. Assistance needed:

| S. No. | Assistance available | Yes/No |
|--------|------------------------------------------------|--------|
| 1. | Counsellor | |
| 2. | Police Assistance | |
| 3. | Assistance for initiating Criminal Proceedings | |
| 4. | Shelter home | |
| 5. | Medical Facilities | |
| 6. | Legal Aid | |

Place

Date



.....

(Signature of CMPO)

Name.....

Address.....