

**GOVERNMENT OF ODISHA**  
**DEPARTMENT OF WOMEN & CHILD AND MISSION SHAKTI**  
**NOTIFICATION**

The *9th Dec*, 2019

**S.R.O. No. 18231-** In exercise of the powers conferred under section 19 of the Prohibition of Child Marriage Act, 2006, (Act No. 6 of 2007) and in supersession of the Orissa Prohibition of Child Marriage Rules, 2009, the State Government do hereby make the following rules, namely:—

1. **Short title and commencement:**—(1) These rules may be called the Odisha Prohibition of Child Marriage Rules, 2019.

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

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

- (a) "Act" means the Prohibition of Child Marriage Act, 2006; Act 6  
2006
- (b) "Aggrieved Person" means any of the contracting party to a Child Marriage;
- (c) "Child Marriage Prohibition Officer" means a person notified by the State Government under sub-section (1) of Section 16 of the Act for the purpose of carrying out the function as mentioned in the sub-section (3) of the section 16;
- (d) "Child Welfare Committee" means the committee constituted under the provision of Juvenile Justice (Care and Protection of Children) Act 2015;
- (e) "Complaint" means any allegation made orally or in writing by any person;
- (f) "Form" means form appended to these rules;
- (g) "Nodal Officer" means the Collector and District Magistrate;
- (h) "Party" Means aggrieved or contracting party to a Child Marriage;
- (i) "Periodically" means quarterly;
- (j) "Police Officer" means an officer in the State Police under State Government;
- (k) "Section" means a Section of the Act;
- (l) "State Government" means the Government of Odisha ;

(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, functions and power of Child Marriage Prohibition Officer**— It shall be the duty of every Child Marriage Prohibition Officer,—

Memo No 18232 /Dated, 09-12-19  
WCD-WW-MISC-0012-2019

Copy forwarded to the Director, Directorate of Printing , Stationery & publication Odisha, Madhupatna, Cuttack for information and necessary action.

He is requested to publish the Rule in the next publication of Odisha Gazettee and supply 100 copies of the same to this Department for appropriate action at this level.

  
Joint Secretary to Government

Memo No 18233 /Dated, 09-12-19

Copy forwarded to Principal Secretary to Governor / all Departments of Government/ all Heads of Department / all RDCs/ all Collectors for kind information and necessary action.

  
Joint Secretary to Government


Memo No 18234 /Dated, 09-12-19

Copy forwarded to P.S to Hon'ble Chief Minister/ P.S to all Ministers for kind information of Hon'ble Chief Minister and Ministers.

  
Joint Secretary to Government


Memo No 18235 /Dated, 09-12-19

Copy forwarded to P.S to Principal Secretary/ P.S to Director, ICDS&SW, Department of W&CD and MS for kind information of Principal Secretary and Director, ICDS&SW.

  
Joint Secretary to Government

Memo No 18236 /Dated, 09-12-19

Copy forwarded to the Administrative Officer, MVSN, Toshali Bhawan, Satyanagar, Bhubaneswar / Convenor Secretary, OSCW, Toshali Bhawan, Satyanagar, Bhubaneswar/ Secretary, OSSWB, A/64, Nayapalli, Bhubaneswar/ Director, OSCPS, Mission Shakti Bhawan, Gandamunda, Bhubaneswar/ Secretary, OSCPCR/ Member Secretary, OSCCW for information and necessary action.

  
Joint Secretary to Government

Memo No 18237 /Dated, 09-12-19

Copy forwarded to the Under Secretary to Govt., I.T. Section for information and necessary action. He is requested to web-host the Notification in the website of this Department

  
Joint Secretary to Government



(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 like through a letter, telephone, telegram, e-mail, or by any other means to initiate all necessary action;

(b) to visit the home of both the contracting parties and make the parents aware that child marriage is a punishable offence under the law and advise them not to solemnise the marriage;

(c) to file a complaint before a First Class Judicial Magistrate, if parents refuse to concede, seeking an injunction order under section 13 of the Act to prevent a child marriage from taking place;

(d) to complain to the police and get the offenders arrested with the assistance of the Police;

(e) to provide Information about the rights of aggrieved persons and relatives or the person accompanying or other persons under the Act;

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

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

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

(i) to produce the child before the nearest Child Welfare Committee as required under the Juvenile Justice (Care and Protection of Children) Act, 2015, immediately or latest within 24 hours; Act 2  
2016

(j) to furnish the return and statistics to the Chief Child Marriage Prohibition Officer in Form I in the first week of every quarter of the year through the Nodal Officer;

(k) to exercise the power of police officer in urgency to, investigate, stop or prevent the child marriage and submit the report before the competent magistrate in form-III;

(l) to seek the assistance of the panchayat, the local leaders, the teachers, government officials or public servants or a local NGOs to convince the parents against child marriage; and

(m) to provide necessary legal assistance, counselling and support like facilitating provision of shelter homes.

**4. Action of Child Marriage Prohibition Officer in case of emergency.**—If the Child Marriage Prohibition Officer receives a reliable information by any means, that a child marriage is about to be solemnized and there is no scope to move the Court for obtaining an injunction, he shall bring the matter to the notice of the District Magistrate and the District Magistrate shall, stop or prevent the



solemnization of such marriage by exercising the power conferred under sub-section (5) of section 13 of the Act.

#### **5. 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 Department of Women and Child Development and Mission Shakti 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 Nodal Officers and 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 to State Government 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) The Chief Child Marriage Prohibition Officer to take necessary disciplinary action against such officers who are not complying with their responsibilities.

(5) 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 Nodal Officers and Child Marriage Prohibition Officers so far as the implementation of the act and rules and other government orders issued from time to time;

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

(c) to cause an annual status report from the Nodal officers on Child Marriage prohibition activities in the district;

(d) to formulate schemes and programmes for creating awareness, sensitizing the community and organise training programmes for the functionaries of the concerned departments as decided by the Department of Women & Child and Mission Shakti;

(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;

(g) to cause publication and circulation of the Act and Rules in Odia and English; and



(h) to establish necessary co-ordination with other departments.

**6. Duties and function of the Nodal Officer.—**(1) The District Collector of the district shall be the Nodal Officer of the district level for the purpose of implementation of the Act.

(2) The Nodal Officer 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.

(3) The Nodal Officer shall frame and implement annual district action plan to prevent child marriage and shall intimate the Chief Child Marriage Prohibition Officer.

(4) The Nodal Officer shall ensure the co-ordination between the implementation mechanisms set out in the Prohibition of Child Marriage Act 2006 and the juvenile justice system as prescribed under this act.

(5) The Nodal Officer shall involve Panchayats and Municipal bodies for creating awareness, reporting the child marriage and filing of complaints.

(6) The Nodal Officer has to submit an Annual Report and consolidated information of the district on a quarterly basis to the Chief Child Marriage Prohibition Officer in Form II after due vetting of information from the Police and Child protection officers and any such other agencies involved.

**7. Procedure for conducting enquiry.—**(1) a complain or information to the Child Marriage Prohibition Officer may be filed by any person in any form - written, phone, e-mail, etc.

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

(3) For the conduct of enquiry under sub-rule(2), he shall have the powers of a Police Officer under the Code of Criminal Procedure,1973, for the conduct of enquiry under sub-rule(2), 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.

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

**8. Production of Document.—**It is the duty of the accused to furnish relevant documents to the satisfaction of the Court to prove that none of the parties in the marriage is a child as defined in Clause (a) of Section 2 of the Act.

**9. Retention of Power of Odisha State Commission for Protection of Child Rights.—** The Odisha State Commission for Protection of Child Rights shall have the power to monitor the child welfare measures and also for the implementation of laws that are meant to protect the rights of children whenever the Commission feels necessary.

**FORM-I****[See rule 3(j)]****QUARTERLY REPORT OF THE BLOCK**

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

Name of the Block.....

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:

(Seal)  
Officer

Signature of the Child Marriage Prohibition

(With Date)



**FORM-II****[See rule 6(6)]****QUARTERLY REPORT OF THE DISTRICT**

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

Name of the District .....

- 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:

(Seal)

Signature of the Nodal Officer  
(With Date)



**FORM-III****[See Rule 7(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 the employer, if any :
- h. Any other relevant Information :

4. Short Summary on the circumstances of the Child Marriage.
5. Any other information.

(Seal)

Signature of the Child Marriage

Prohibition Officer

(With Date)

**FORM-IV****[See Rule 7(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

(Seal)

Child Marriage Prohibition Officer  
(With date)

List of enclosures:

1. Age certificate if any:
2. Copy of Complaint if any:
3. ....

\*[ Add separate sheet if required]

By order of the Governor

  
9/12/19  
Principal Secretary to Govt.