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Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, J&K

Public Notice

Subject: Inviting suggestions/comments to the “Jammu and Kashmir Prohibition of Child Marriage Rules, 2023” for the UT of Jammu & Kashmir.

The Social Welfare Department has prepared the draft “Jammu and Kashmir Prohibition of Child Marriage Rules, 2023” for prohibition of Child Marriage in the Union Territory of Jammu & Kashmir under The Prohibition of Child Marriage Act, 2006 (Centre Act 6 of 2007. The said draft has been uploaded in the Departmental website i.e. www.jksocialwelfare.nic.in for seeking comments/suggestions from all the stakeholders.

Interested individuals /organizations /Government/statutory bodies etc. / all other interested stakeholders may provide their suggestions/comments to the Social Welfare Department on email id socialwelfare.ciss@gmail.com within 15 days from the issuance of this notice beyond which no suggestions shall be entertained.

No: SWD-ICPS/37/2022

Dated: 17 -01-2023


17.01.2023

(Manoj Kumar) JKAS
Under Secretary to the Government
Social Welfare Department

Government of Jammu and Kashmir
SOCIAL WELFARE DEPARTMENT
Civil Secretariat, J&K.

**DRAFT JAMMU AND KASHMIR PROHIBITION OF CHILD MARRIAGE
RULES, 2023.**

In exercise of the powers conferred by sub-section (1) of Section 19 of the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007), the Lieutenant Governor of J&K hereby makes the following Rules, namely:

1. **Short title:** These rules may be called the Jammu and Kashmir Prohibition of Child Marriage Rules, 2023.
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. Zonal Education Officer.
 - d. Block Medical Officer.
 - e. Block Development Officer.
 - f. Assistant Labour Commissioner.
 - g. Assistant Commissioner (Panchayat).
 - h. District Social Welfare Officer.
 - i. Child Development Protection Officer.
 - j. Tehsildar.
 - k. Naib Tehsildar.
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. to furnish quarterly return and statistics to the District Magistrate concerned and the Directorates of Social Welfare Jammu/ Kashmir in Form I;
 - c. to file petition before a Judicial Magistrate First class/ Metropolitan Magistrate for obtaining information prohibiting a Child Marriage.
 - d. to file petition for annulling a child marriage in District Court in case any of the contracting party to the marriage is a minor;
 - e. to file petition before the District Court for maintenance and residence to the female contracting party of the Marriage until her remarriage;
 - f. to file petition before the District Court for the custody and maintenance of children of the child marriage.
 - g. 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/SeniorTeacher:Member
(where there is no Head Master)

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. **Award :** The Government of Jammu and Kashmir may declare suitable awards for such persons on whose initiatives/ information the incident(s) of Child Marriages are prevented. The District Magistrates shall also felicitate such persons on suitable occasions of National importance.

Sheetal Nanda, IAS
Commissioner/ Secretary to 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.
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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	
Doctor's Certificate for age verification	
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

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(Signature of CMPO)

Name.....

Address.....