

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

ARRANGEMENT OF SECTIONS

SECTIONS

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THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

ACTNO. 6 OF 2007

[10th January, 2007.]

An Act to provide for the prohibition of solemnisation of child marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Prohibition of Child Marriage Act, 2006.

(2) It extends to the whole of India^{1***}; and it applies also to all citizens of India without and beyond India:

Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.

(3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “child” means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

(b) “child marriage” means a marriage to which either of the contracting parties is a child;

(c) “contracting party”, in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(d) “Child Marriage Prohibition Officer” includes the Child Marriage Prohibition Officer appointed under sub-section (1) of section 16;

(e) “district court” means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 (66 of 1984) exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(f) “minor” means a person who, under the provisions of the Majority Act, 1875 (9 of 1875), is to be deemed not to have attained his majority.

3. Child marriages to be voidable at the option of contracting party being a child.—(1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

1. The words “except the State of Jammu and Kashmir” omitted by Act 34 of 2019, s. 95 and the Fifth Schedule (w.e.f. 31-10-2019).

2. 1st November, 2007, vide notification No. S.O. 1850(E), dated 30th October, 2007, see Gazette of India, Extraordinary, Part II, sec. 3(ii).

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

STATE AMENDMENTS

Karnataka

Substitution of section 3.—In the Prohibition of Child Marriage Act, 2006 (Central Act 6 of 2007) (hereinafter referred to as the principal Act), In section 3, after sub-section (1) the following shall be inserted, namely;—

“(1A) Notwithstanding anything contained in sub-section (1) every child marriage solemnized on or after the date of coming into force of the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 shall be void abinitio”.

[Vide Karnataka Act 26 of 2017, s. 2].

4. Provision for maintenance and residence to female contracting party to child marriage.—(1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

5. Custody and maintenance of children of child marriages.—(1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Legitimacy of children born of child marriages.—Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

7. Power of district court to modify orders issued under section 4 or section 5.—The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

8. Court to which petition should be made.—For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the

place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

9. Punishment for male adult marrying a child.—Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

STATE AMENDMENTS

Karnataka

Amendment of section 9.—In section 9 of the principal Act, for the words “be punishable with rigorous imprisonment which may extend to two years”, the words “be punishable with rigorous imprisonment of not less one year which may extend up to two years” shall be substituted.

[Vide Karnataka Act 26 of 2017, s. 3].

10. Punishment for solemnising a child marriage.—Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

STATE AMENDMENTS

Karnataka

Amendment of section 10.—In section 10 of the principal Act, for the words “be punishable with rigorous imprisonment which may extend to two years,” the words “be punishable with rigorous imprisonment of not less than one year which may extend up to two years” shall be substituted.

[Vide Karnataka Act 26 of 2017, s. 4].

11. Punishment for promoting or permitting solemnisation of child marriages.—(1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

STATE AMENDMENTS

Karnataka

Amendment of section 11.—In section 11 of the principal Act, in sub-section (1),—

(a) for the words “be punishable with rigorous imprisonment which may extend to two years”, the words “be punishable with a rigorous imprisonment of not less than one year which may extend up to two years” shall be substituted.

(b) proviso shall be omitted.

[Vide Karnataka Act 26 of 2017, s. 5].

12. Marriage of a minor child to be void in certain circumstances.—Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place; or

(c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes,

such marriage shall be null and void.

13. Power of court to issue injunction prohibiting child marriages.—(1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suomotu* cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as *AkshayaTrutiya*, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

STATE AMENDMENTS

Karnataka

Amendment of section 13.—In section 13 of the principal Act, in sub-section (10), —

(a) for the words “of either description for a term which may extend to two years”, the words “with a minimum term of one year, which may extent up to two years” shall be substituted.

(b) proviso shall be omitted.

[Vide Karnataka Act 26 of 2017, s. 6].

14. Child marriages in contravention of injunction orders to be void.—Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void *ab initio*.

15. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an offence punishable under this Act shall be cognizable and non-bailable.

STATE AMENDMENTS

Karnataka

Insertion of new section 15A.—In the principal Act, after section 15, the following shall be inserted, namely:—

“15A. Police Officer to take cognizance of an offence suo-motto.—Every Police Officer shall take cognizance of an offence committed in his jurisdiction under this Act, suo motto.”

[*Vide* Karnataka Act 26 of 2017, s. 7].

16. Child Marriage Prohibition Officers.—(1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

(2) The State Government may also request 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 organisation 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.

(3) It shall be the duty of the Child Marriage Prohibition Officer—

(a) to prevent solemnisation of child marriages by taking such action as he may deem fit;

(b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;

(c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;

(d) to create awareness of the evil which results from child marriages;

(e) to sensitize the community on the issue of child marriages;

(f) to furnish such periodical returns and statistics as the State Government may direct; and

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

(4) 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 a 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.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

17. Child Marriage Prohibition Officers to be public servants.—The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

18. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

19. Power of State Government to make rules.—(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

20. Amendment of Act No. 25 of 1955.—In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely:—

“(a) in the case of contravention of the condition specified in clause (iii) of section 5, with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both”.

21. Repeal and savings.—(1) The Child Marriage Restraint Act, 1929 (19 of 1929) is hereby repealed.

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

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भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड I

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 11th January, 2007/Pausa 21, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 10th January, 2007, and is hereby published for general information:—

THE PROHIBITION OF CHILD MARRIAGE ACT, 2006

No. 6 OF 2007

[10th January, 2007.]

An Act to provide for the prohibition of solemnisation of child marriages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Child Marriage Act, 2006.

(2) It extends to the whole of India except the State of Jammu and Kashmir; and it applies also to all citizens of India without and beyond India:

Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States and any reference in any provision to the commencement of this Act shall be construed in relation to any State as a reference to the coming into force of that provision in that State.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "child" means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age;

(b) "child marriage" means a marriage to which either of the contracting parties is a child;

(c) "contracting party", in relation to a marriage, means either of the parties whose marriage is or is about to be thereby solemnised;

(d) "Child Marriage Prohibition Officer" includes the Child Marriage Prohibition Officer appointed under sub-section (1) of section 16;

(e) "district court" means, in any area for which a Family Court established under section 3 of the Family Courts Act, 1984 exists, such Family Court, and in any area for which there is no Family Court but a city civil court exists, that court and in any other area, the principal civil court of original jurisdiction and includes any other civil court which may be specified by the State Government, by notification in the Official Gazette, as having jurisdiction in respect of the matters dealt with in this Act;

(f) "minor" means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained his majority.

66 of 1984.

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Child marriages to be voidable at the option of contracting party being a child.

3. (1) Every child marriage, whether solemnised before or after the commencement of this Act, shall be voidable at the option of the contracting party who was a child at the time of the marriage:

Provided that a petition for annulling a child marriage by a decree of nullity may be filed in the district court only by a contracting party to the marriage who was a child at the time of the marriage.

(2) If at the time of filing a petition, the petitioner is a minor, the petition may be filed through his or her guardian or next friend along with the Child Marriage Prohibition Officer.

(3) The petition under this section may be filed at any time but before the child filing the petition completes two years of attaining majority.

(4) While granting a decree of nullity under this section, the district court shall make an order directing both the parties to the marriage and their parents or their guardians to return to the other party, his or her parents or guardian, as the case may be, the money, valuables, ornaments and other gifts received on the occasion of the marriage by them from the other side, or an amount equal to the value of such valuables, ornaments, other gifts and money:

Provided that no order under this section shall be passed unless the concerned parties have been given notices to appear before the district court and show cause why such order should not be passed.

Provision for maintenance and residence to female contracting party to child marriage.

4. (1) While granting a decree under section 3, the district court may also make an interim or final order directing the male contracting party to the child marriage, and in case the male contracting party to such marriage is a minor, his parent or guardian to pay maintenance to the female contracting party to the marriage until her remarriage.

(2) The quantum of maintenance payable shall be determined by the district court having regard to the needs of the child, the lifestyle enjoyed by such child during her marriage and the means of income of the paying party.

(3) The amount of maintenance may be directed to be paid monthly or in lump sum.

(4) In case the party making the petition under section 3 is the female contracting party, the district court may also make a suitable order as to her residence until her remarriage.

Custody and maintenance of children of child marriages.

5. (1) Where there are children born of the child marriage, the district court shall make an appropriate order for the custody of such children.

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(2) While making an order for the custody of a child under this section, the welfare and best interests of the child shall be the paramount consideration to be given by the district court.

(3) An order for custody of a child may also include appropriate directions for giving to the other party access to the child in such a manner as may best serve the interests of the child, and such other orders as the district court may, in the interest of the child, deem proper.

(4) The district court may also make an appropriate order for providing maintenance to the child by a party to the marriage or their parents or guardians.

6. Notwithstanding that a child marriage has been annulled by a decree of nullity under section 3, every child begotten or conceived of such marriage before the decree is made, whether born before or after the commencement of this Act, shall be deemed to be a legitimate child for all purposes.

Legitimacy of children born of child marriages.

7. The district court shall have the power to add to, modify or revoke any order made under section 4 or section 5 and if there is any change in the circumstances at any time during the pendency of the petition and even after the final disposal of the petition.

Power of district court to modify orders issued under section 4 or section 5.

8. For the purpose of grant of reliefs under sections 3, 4 and 5, the district court having jurisdiction shall include the district court having jurisdiction over the place where the defendant or the child resides, or where the marriage was solemnised or where the parties last resided together or the petitioner is residing on the date of presentation of the petition.

Court to which petition should be made.

9. Whoever, being a male adult above eighteen years of age, contracts a child marriage shall be punishable with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees or with both.

Punishment for male adult marrying a child.

10. Whoever performs, conducts, directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage.

Punishment for solemnising a child marriage.

11. (1) Where a child contracts a child marriage, any person having charge of the child, whether as parent or guardian or any other person or in any other capacity, lawful or unlawful, including any member of an organisation or association of persons who does any act to promote the marriage or permits it to be solemnised, or negligently fails to prevent it from being solemnised, including attending or participating in a child marriage, shall be punishable with rigorous imprisonment which may extend to two years and shall also be liable to fine which may extend up to one lakh rupees:

Punishment for promoting or permitting solemnisation of child marriages.

Provided that no woman shall be punishable with imprisonment.

(2) For the purposes of this section, it shall be presumed, unless and until the contrary is proved, that where a minor child has contracted a marriage, the person having charge of such minor child has negligently failed to prevent the marriage from being solemnised.

12. Where a child, being a minor—

(a) is taken or enticed out of the keeping of the lawful guardian; or

(b) by force compelled, or by any deceitful means induced to go from any place;

or

(c) is sold for the purpose of marriage; and made to go through a form of marriage or if the minor is married after which the minor is sold or trafficked or used for immoral purposes,

Marriage of a minor child to be void in certain circumstances.

such marriage shall be null and void.

Power of court to issue injunction prohibiting child marriages.

13. (1) Notwithstanding anything to the contrary contained in this Act, if, on an application of the Child Marriage Prohibition Officer or on receipt of information through a complaint or otherwise from any person, a Judicial Magistrate of the first class or a Metropolitan Magistrate is satisfied that a child marriage in contravention of this Act has been arranged or is about to be solemnised, such Magistrate shall issue an injunction against any person including a member of an organisation or an association of persons prohibiting such marriage.

(2) A complaint under sub-section (1) may be made by any person having personal knowledge or reason to believe, and a non-governmental organisation having reasonable information, relating to the likelihood of taking place of solemnisation of a child marriage or child marriages.

(3) The Court of the Judicial Magistrate of the first class or the Metropolitan Magistrate may also take *suo motu* cognizance on the basis of any reliable report or information.

(4) For the purposes of preventing solemnisation of mass child marriages on certain days such as *Akshaya Trutiya*, the District Magistrate shall be deemed to be the Child Marriage Prohibition Officer with all powers as are conferred on a Child Marriage Prohibition Officer by or under this Act.

(5) The District Magistrate shall also have additional powers to stop or prevent solemnisation of child marriages and for this purpose, he may take all appropriate measures and use the minimum force required.

(6) No injunction under sub-section (1) shall be issued against any person or member of any organisation or association of persons unless the Court has previously given notice to such person, members of the organisation or association of persons, as the case may be, and has offered him or them an opportunity to show cause against the issue of the injunction:

Provided that in the case of any urgency, the Court shall have the power to issue an interim injunction without giving any notice under this section.

(7) An injunction issued under sub-section (1) may be confirmed or vacated after giving notice and hearing the party against whom the injunction was issued.

(8) The Court may either on its own motion or on the application of any person aggrieved, rescind or alter an injunction issued under sub-section (1).

(9) Where an application is received under sub-section (1), the Court shall afford the applicant an early opportunity of appearing before it either in person or by an advocate and if the Court, after hearing the applicant rejects the application wholly or in part, it shall record in writing its reasons for so doing.

(10) Whoever knowing that an injunction has been issued under sub-section (1) against him disobeys such injunction shall be punishable with imprisonment of either description for a term which may extend to two years or with fine which may extend to one lakh rupees or with both:

Provided that no woman shall be punishable with imprisonment.

Child marriages in contravention of injunction orders to be void

14. Any child marriage solemnised in contravention of an injunction order issued under section 13, whether interim or final, shall be void *ab initio*.

Offences to be cognizable and non-bailable.

15. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be cognizable and non-bailable. 2 of 1974.

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16. (1) The State Government shall, by notification in the Official Gazette, appoint for the whole State, or such part thereof as may be specified in that notification, an officer or officers to be known as the Child Marriage Prohibition Officer having jurisdiction over the area or areas specified in the notification.

Child Marriage
Prohibition
Officers.

(2) The State Government may also request 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 organisation 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.

(3) It shall be the duty of the Child Marriage Prohibition Officer—

(a) to prevent solemnisation of child marriages by taking such action as he may deem fit;

(b) to collect evidence for the effective prosecution of persons contravening the provisions of this Act;

(c) to advise either individual cases or counsel the residents of the locality generally not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages;

(d) to create awareness of the evil which results from child marriages;

(e) to sensitize the community on the issue of child marriages;

(f) to furnish such periodical returns and statistics as the State Government may direct; and

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

(4) 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 a 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.

(5) The Child Marriage Prohibition Officer shall have the power to move the Court for an order under sections 4, 5 and 13 and along with the child under section 3.

17. The Child Marriage Prohibition Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Child Marriage
Prohibition
Officers to be
public servants.

18. No suit, prosecution or other legal proceedings shall lie against the Child Marriage Prohibition Officer in respect of anything in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of
action taken in
good faith.

19. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power of State
Government
to make rules.

(2) Every rule made under this Act shall, as soon as may be after it is made, be laid before the State Legislature.

20. In the Hindu Marriage Act, 1955, in section 18, for clause (a), the following clause shall be substituted, namely:—

Amendment
of Act No. 25
of 1955.

"(a) in the case of contravention of the condition specified in clause (iii) of section 5, with rigorous imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both".

Repeal and
savings.

21. (1) The Child Marriage Restraint Act, 1929 is hereby repealed.

19 of 1929.

(2) Notwithstanding such repeal, all cases and other proceedings pending or continued under the said Act at the commencement of this Act shall be continued and disposed of in accordance with the provisions of the repealed Act, as if this Act had not been passed.

K. N. CHATURVEDI,
Secy. to the Govt. of India.

श्रेणी : I
SERIES : I

4167

Daman 20th February, 2009, 1 Phalguna, 1930 (Saka)

सं. : 01
No.

सरकारी राजपत्र

OFFICIAL GAZETTE



सत्यमेव जयते
भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

U.T. ADMINISTRATION OF DAMAN & DIU
DEPARTMENT OF SOCIAL WELFARE,
DAMAN.

No. SW/615/(Child Marriage)/2008-09/727 Dated the 18/2/2009.

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) read with the Govt. of India, Ministry of Home Affairs, Notification No. 743 F. No. 11018/3/2008-UTL dated : 30/05/2008, the Administrator, U.T. of Daman and Diu, hereby makes the following rules, namely :-

1. **Short title and commencement** – (1) These rules may be called as the Union Territory of Daman and Diu Prohibition of Child Marriage Rules, 2008.
(2) These rules shall come into force on the date of their publication in the official Gazette of U.T. of Daman and Diu.
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) "Complaint" means any allegation made orally or in writing by any person to the Prohibition Officer;
 - (c) "Section" means a form appended to these rules.
 - (d) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

Contd./—

3. **Qualifications and experience of Child Marriage Prohibition Officer** - (1) The Child Marriage Prohibition Officers appointed by the UT of Daman & Diu shall be an officer of the Government and preference shall be given to a woman officer.
- (2) The Tenure of a Child Marriage Prohibition Officer shall be a minimum period of three years.
- (3) The Administration of Daman & Diu shall provide assistance as necessary to the Child Marriage Prohibition Officer for the efficient discharge of his/her functions under the Act and these rules.
4. **Information to 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 committed, may give information through letter, e-mail or a telephone call or in any other form, to the Child Marriage Prohibition Officer having jurisdiction in the area, in the prescribed form.
- (2) In case the information is given to the Child Marriage Prohibition Officer under sub rule (1) orally, he/she shall cause it to be reduced to writing and shall ensure that the same is signed by the person giving such information.
- (3) The Child Marriage Prohibition Officer shall give a copy of the information recorded by him immediately to the informant, free of cost.
5. **Child Marriage Report :-** (1) Upon receipt of a complaint of a child marriage, the Child Marriage Prohibition Officer shall prepare a child marriage report in Form-I and submit the same to the Judicial Magistrate, First Class and forward a copy thereof to the police officer, in charge of the police station within the local limit of jurisdiction in the area where child marriage is alleged to have taken place.
- (2) Upon receipt of an information of a child marriage, any individual authorized in terms of sub-section (2) of section 16 may record child marriage report and forward a copy thereof to the Judicial Magistrate, First Class and to the Child Marriage Prohibition officer having jurisdiction in the area where child marriage is alleged to have taken place.
6. **Duties and functions of Child Marriage Prohibition Officer :-** The duties and function to be discharged and performed by a Child Marriage Prohibition Officer shall be as under :-
- (a) To assist the complainant in making a complaint under the Act, if the complainant so desires.
- (b) To Provide information to the contracting parties regarding the rights and offence being committed.
- (c) To assist the person in making the application in terms of sub-section (1) of section 13 or any other provision of the Act or there rules.

SERIES - I No. : 01
DATED : 20TH FEBRUARY, 2009.

- (d) To provide legal aid to the complainant through State Legal Aid Service Authority.
- (e) To inform the person authorized under sub-section (2) of section (16) that their services may be required in the proceedings under the Act.
- (f) To maintain copies of the records and documents forwarded under sub-section (3) of section 16 and in pursuance of the powers conferred upon him/her under sub-section (4) of section 16.
- (g) To provide all possible assistance to the complainant to ensure that he/she is not victimized or pressurized as a consequence of reporting the incidence of child marriage.
- (h) To liaise between the complainant or persons, police and authorized persons in the manner provided under the Act and these rules.
- (i) To take all reasonable measures to prevent recurrence of child marriage against the aggrieved person, in accordance with the provisions of the Act and these rules.
- (j) The Child Marriage Prohibition Officer shall assist the Court in the enforcement of orders in the proceedings under the Act including orders under section 4 and 5.
- (k) The Child Marriage Prohibition officer shall also perform such other duties as may be assigned to him/her by the Administration of Daman & Diu in giving effect to the provisions of the Act and these rules, from time to time.

7. Action to be taken in case of emergency : If the Child Marriage Prohibition Officer or a person authorized under sub-section (2) of section 16 of the Act received reliable information through e-mail or a telephone call or the like, either from the aggrieved person or from any persons who has reason to believe that an act of child marriage is being or is likely to be committed, in such an emergent situation, the Child Marriage Prohibition Officer or the person authorized, as the case may be, shall seek immediate assistance of the police and shall proceed to the place of occurrence and record the child marriage report and present the same to the court without any delay.

8. Means of service of notices :- (1) The notices for appearance in respect of the proceedings under the Act shall contain the names of the persons alleged to have committed or caused child marriage, the nature of child marriage and such other details as may facilitate the identification of persons concerned.

(2) The service of notices shall be made in the following manner, namely :-

- a) The notices in respect of the proceeding under the Act shall be served by the Child Marriage Prohibition Officer or any other person as directed by him to serve the Notice, on his/her behalf, at the address where the respondent is stated to be ordinarily residing in India or where the respondent is stated to be gainfully employed, as the case may be.

Contd./--

SERIES - I No. : 01
DATED : 20TH FEBRUARY, 2009.

- b) The notice shall be delivered to any person in charge of such place at the moment and in case of such delivery not being possible, it shall be pasted at a conspicuous place on the residential/business premises of such person.
- (3) On the date fixed for appearance of the respondent, on a statement or a report of the person authorized to serve the notice under the Act to the effect that notice has been served, appropriate order shall be passed by the court on any pending application for interim relief, after hearing the complainant or the respondent, or both.
- 9. Disposal of records :-** The records or documents in respect of a case of child marriage shall be kept in a safe place for a period of seven years and thereafter, be destroyed, by the Administration of UT of Daman & Diu.
- 10. Repeal and savings :** Since the Child Marriage Restraint Act, 1929 stands repealed; the rules framed thereunder also stand repealed immediately on the publication of these rules.

By order and in the name of the
Administrator, UT of Daman and Diu

Sd/-

(Ajay Kumar)
Deputy Secretary (Social Welfare)

C/165

SERIES - I No. : 01
DATED : 20TH FEBRUARY, 2009.

SERIES - I No. : 01
DATED : 20TH FEBRUARY, 2009.

FORM I

(See Rule 5)

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 respondent :

3. Details of Marriage :

Sr. No.	Date, Place and Time of Child Marriage	Performer				Remarks
		Priest	Relatives	Friends	Others	

4. List of documents attached :

Name of document	Date	Any other details
Birth Certificate		
Doctor's certificate for age verification		
List of money, ornaments, valuables, gifts given at the time of marriage		
Any other document		

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

Sr. No.	Orders	Yes/No	Any other
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		

Contd./-

SERIES - I No. : 01
DATED : 20TH FEBRUARY, 2009.

6. Assistance needed :

Sr. No.	Assistance available	Yes/No	Nature of Assistance
1	Counsellor		
2	Police Assistance		
3	Assistance for initiating Criminal Proceedings		
4	Shelter home		
5	Medical facilities		
6	Legal Aid		

Place :

Date :

(Complainant)

Name :

Address :

असाधारण
EXTRAORDINARY

Daman 18th September, 2009, 27 Bhadra 1931 (Saka)

सं. : 40
No.

सरकारी राजपत्र
OFFICIAL GAZETTE



सत्यमेव जयते
भारत सरकार
Government of India

संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित

PUBLISHED BY AUTHORITY

No. SW/615/09-10/376
Administration of Daman & Diu,
Deptt. of Social Welfare,
Collectorate, Dholar,
Daman .

Dated : 17/09/2009

NOTIFICATION

In exercise of the powers conferred by Sub-Section (1) of Section 16 of The Prohibition of Child Marriage Act, 2006 (No. 6 of 2007), read with the Govt. of India, Ministry of Home Affairs, Notification No. S.O. 1274(E) (F. No. 11018/3/2008/UTL) dated 30/5/2008 and Rule 3 of the Union Territory of Daman & Diu Prohibition of Child Marriage Rules, 2008, Administrator of UT of Daman & Diu is pleased to appoint Mrs. Abhilasha Aggarwal, Superintendent of Fisheries, U.T. of Daman & Diu as Child Marriage Prohibition Officer for the U.T. of Daman & Diu with immediate effect.

The tenure of Smt. Abhilasha Aggarwal, Child Marriage Prohibition Officer shall be for a period of three years.

By Order and in the name of the
Administrator, U.T. of Daman & Diu

Sd/-
(N. S. Meena)
Dy. Secretary (Social Welfare)
Daman.

No.SW/615/2009-2010/ 378
UT Administration of Daman and Diu,
Social Welfare Department.
Collectorate, Dolar,
Moti Daman.

Dated: 18/09/2009

C I R C U L A R

Sub: Regarding prohibition of Child Marriatge.

The Govt.of India, with a view to prohibit of solemnization of Child Marriage and for matters connected their with or incidents their to, enacted a Law titled, "The prohibition of Child marriatge Act, 2006". This Act has already been brought in to force and applies to all the citizens of India. Under this Act, child marriage have been prohibited. The child has been defined as a person who, if male, has not Completed twenty One years of age, and in Case of Female, has not completed eighteen years of age. This Act, provides that every child marriage, shall be voidable at the option of the contracting parties, who was a child at the time of the marriage.

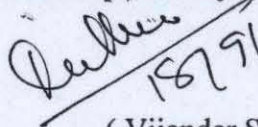
The child marriage is a stigma on the society. The child marriage stops proper development and growth of both the male and female contracting parties. They also do not have a clear vision and goal and deciding - power due to immaturity.

In order to eradicate this evil, there is need to generate Public awareness, so that the people at large are educated about the demerits of child marriage as well as the prohibition contained in the Act.

It is therefore, requested that a systematic effort should be made in organising awareness programmes / campaigns to educate people as well as sensitize them through the print and electronic Media on the scourge of Child Marriage to eliminate this evil practice.

Your are therefore, requested to organise awareness programme / campaigns regarding educating people on the scourge of child marriage.

A Compliance report be submitted to this office every month psitively.


18/9/09
(Vijender Singh)
Director (Social Welfare)

To,
The All concerned Daman /Diu.

Copy for kind information to:

- 1) The P.S. to the Hon'ble Administrator, Secretariat, Daman.
- 2) P.A. to Secretary (Social Welfare), Secretariat, Daman.

CP173

No.SW/615/2009-2010/ 379
UT Administration of Daman and Diu,
Social Welfare Department.
Collectorate, Dolar,
Moti Daman.

Dated: 18/09/2009

To,
The Chief Executive Officer,
District Panchayat Daman and Diu,
Daman.

Sub: Regarding prohibition of Child Marriage.

Sir,

I am directed to enclose herewith a copy of the Prohibition of child Marriage Act, 2006 published in Govt.of India Official Gazette dated January 11,2007 and Union Territory of Daman and Diu Prohibition of child Marriage Rules, 2008 as published in the Official Gazette U.T. Administration of Daman and Diu on 18/2/2009 regarding the scourge of child marriage and need to generate Public awareness, so that the people at large are educated above the demerits of child marriage as well as prohibition contained in the said Act and Rules.

It is therefore, requested that a systematic effort should be made in organising awareness programmes / campaigns to educate people as well as sensitize them through the print and electronic Media on the scourge of Child Marriage to eliminate this evil practice.

Your are therefore, requested to organise awareness programme / campaigns regarding educating people on the scourge of child marriage.

A copy of the Act and circular should be displayed on the notice board of all the public dealing offices, all village Panchayats of Daman and Diu and also organise meetings with Sarpanch of all village Panchayats, Daman and Diu for educating people in the meeting.

The aforesaid Act & Rules and the Circular shall be strictly followed by all village Panchayats Daman and Diu.

Action taken report be submitted to this office immediately.

Vijender Singh
18/9/09
(Vijender Singh)
Director (Social Welfare)

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Copy for kind information to:

- 1) The P.S. to the Hon'ble Administrator, Secretariat, Daman.
- 2) P.A. to Secretary (Social Welfare), Secretariat, Daman.

C/132

No.SW/615/2009-2010/379
UT Administration of Daman and Diu,
Social Welfare Department.
Collectorate, Dolar,
Moti Daman.

Dated: 18 /09/2009

To,
1) The Block Development Officer,
Daman.
2) The Block Development Officer
Diu.

Sub: Regarding prohibition of Child Marriage.

Sir,

I am directed to enclose herewith a copy of the Prohibition of child Marriage Act, 2006 published in Govt.of India Official Gazette dated January 11,2007 and Union Territory of Daman and Diu Prohibition of child Marriage Rules, 2008 as published in the Official Gazette U.T. Administration of Daman and Diu on 18/2/2009 regarding the scourge of child marriage and need to generate Public awareness, so that the people at large are educated above the demerits of child marriage as well as prohibition contained in the said Act and Rules.

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Your are therefore, requested to organise awareness programme / campaigns regarding educating people on the scourge of child marriage.

A copy of the Act and circular should be displayed on the notice board of all the public dealing offices, all village Panchayats of Daman and Diu and also organise meetings with Sarpanch of all village Panchayats, Daman and Diu for educating people in the meeting.

The aforesaid Act & Rules and the Circular shall be strictly followed by all village Panchayats Daman and Diu.

Action taken report be submitted to this office immediately.

Vijender Singh
18/9/09
(Vijender Singh)
Director (Social Welfare)
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Copy for kind information to:

- 1) The P.S. to the Hon'ble Administrator, Secretariat, Daman.
- 2) P.A. to Secretary (Social Welfare), Secretariat, Daman.

No.SW/615/2009-2010/ 379 CP 171
UT Administration of Daman and Diu,
Social Welfare Department.
Collectorate, Dallar,
Moti Daman.

Dated: 18/09/2009

- To,
- 1) The Chief Officer,
Daman Municipal Council,
Daman.
 - 2) The Chief Officer,
Diu Municipal Council,
Diu.

Sub: Regarding prohibition of Child Marriage.

Sir,

I am directed to enclose herewith a copy of the Prohibition of child Marriage Act, 2006 published in Govt.of India Official Gazette dated January 11,2007 and Union Territory of Daman and Diu Prohibition of child Marriage Rules, 2008 as published in the Official Gazette U.T. Administration of Daman and Diu on 18/2/2009 regarding the scourge of child marriage and need to generate Public awareness, so that the people at large are educated above the demerits of child marriage as well as prohibition contained in the said Act & Rules.

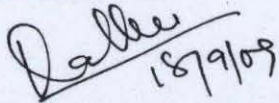
It is therefore, requested that a systematic effort should be made in organising awareness programmes / campaigns to educate people as well as sensitize them through the print and electronic Media on the scourge of Child Marriage to eliminate this evil practice.

Your are therefore, requested to organise awareness programme / campaigns regarding educating people on the scourge of child marriage.

A copy of the Act and circular should be displayed on the notice board of all the public dealing offices, all in Municipality area of Daman and Diu and also organise meetings with Councilers Daman and Diu for educating people in the meeting.

The aforesaid Act & Rules and the Circular shall be strictly followed by Municipality area of Daman and Diu.

Action taken report be submitted to this office immediately.


(Vijender Singh)
Director (Social Welfare)

Copy for kind information to:

- 1) The P.S. to the Hon'ble Administrator, Secretariat, Daman.
- 2) P.A. to Secretary (Social Welfare), Secretariat, Daman.

9163

No.SW/615/2009-2010/378
UT Administration of Daman and Diu,
Social Welfare Department.
Collectorate, Dolar,
Moti Daman.

Dated: 18 /09/2009

C I R C U L A R

Sub: Regarding prohibition of Child Marriage.

The Govt.of India, with a view to prohibit of solemnization of Child Marriage and for matters connected their with or incidents their to, enacted a Law titled, "The prohibition of Child marriage Act, 2006" . This Act has already been brought in to force and applies to all the citizens of India. Under this Act, child marriage have been prohibited. The child has been defined as a person who, if male, has not Completed twenty One years of age, and in Case of Female, has not completed eighteen years of age. This Act, provides that every child marriage, shall be voidable at the option of the contracting parties, who was a child at the time of the marriage.

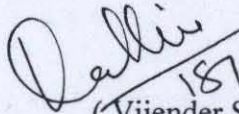
The child marriage is a stigma on the society. The child marriage stops proper development and growth of both the male and female contracting parties. They also do not have a clear vision and goal and deciding - power due to immaturity.

In order to eradicate this evil, there is need to generate Public awareness, so that the people at large are educated about the demerits of child marriage as well as the prohibition contained in the Act.

It is therefore, requested that a systematic effort should be made in organising awareness programmes / campaigns to educate people as well as sensitize them through the print and electronic Media on the scourge of Child Marriage to eliminate this evil practice.

Your are therefore, requested to organise awareness programme / campaigns regarding educating people on the scourge of child marriage.

A Compliance report be submitted to this office every month positively.


18/9/09
(Vijender Singh)
Director (Social Welfare)

To,
The All concerned Daman /Diu.

Copy for kind information to:

- 1) The P.S. to the Hon'ble Administrator, Secretariat, Daman.
- 2) P.A. to Secretary (Social Welfare), Secretariat, Daman.

No.SW/615/09-10/ 376
Administration of Daman & Diu,
Deptt. of Social Welfare,
Collectorate, Dholar,
Daman.

4160

Dated 17/9/2009.

NOTIFICATION

In exercise of the powers conferred by Sub-Section (1) of Section 16 of The Prohibition of Child Marriage Act, 2006(No.6 of 2007), read with the Govt. of India, Ministry of Home Affairs' Notification no. S.O. 1274(E) (F.No.11018/3/2008/UTL) dated 30/5/2008 and Rule 3 of the Union Territory of Daman & Diu Prohibition of Child Marriage Rules, 2008, Administrator of UT of Daman & Diu is pleased to appoint Mrs. Abhilasha Aggarwal, Superintendent of Fisheries, U.T. of Daman & Diu as Child Marriage Prohibition Officer for the U.T. of Daman & Diu, with immediate effect.

The tenure of Smt. Abhilasha Aggarwal, Child Marriage Prohibition Officer shall be for a period of three years.

By order and in the name of the
Administrator, U.T. of Daman & Diu


(N.S. Meena)

Dy. Secretary(Social Welfare),
Daman.

Copy to :-

- 1) The Development Commissioner, Secretariat, Daman.
- 2) The Secretary(Finance) & Secretary (Social Welfare), Secretariat, Daman.
- 3) The Law Secretary, Secretariat, Daman.
- 4) The Collector, Daman/Diu.
- 5) The P.S. to Administrator, Secretariat, Daman.
- 6) The Mamlatdar, Daman/Diu.
- 7) The Block Development Officer, Daman/Diu.
- 8) The Enquiry Officer, City Survey, Daman/Diu.
- 9) The C.E.O., District Panchayat, Daman,
- 10) The Chief Officer, Municipal Council, Daman/Diu.
- 11) The Asstt. Director(OL), Daman for translation into Hindi.
- 12) The Dy. Director, Govt. Printing Press, Daman with a request to publish the Notification in Extra-Ordinary Official Gazette.