

Bihar Prohibition of Child Marriage Rules, 2010

BIHAR

India

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Rule BIHAR-PROHIBITION-OF-CHILD-MARRIAGE-RULES-2010 of 2010

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Bihar Prohibition of Child Marriage Rules, 2010Published vide vf/klwpuk lao 10@cky fookg&03@2007&1024, dated 08.05.2010Last Updated 1st February, 2020vf/klwpuk lao 10@cky fookg&03@2007&1024. - In exercise of the power conferred by Section 19 of the Prohibition of Child Marriage Act, 2006 (No. 6 of 2007) the State Government of Bihar makes the following Rules, namely: -

1. Short title, extent and commencement.

(1)These Rules may be called the Bihar Prohibition of Child Marriage Rules, 2010.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force on the date of its publication in the Official Gazette.

2. Definition.

- In these Rules, unless the context otherwise requires: -(1)"Act" means the Prohibition of Child Marriage Act, 2006 (6 of 2007).(2)"Court" means the district court as defined in the Act.(3)"Aggrieved Person" means any of the contracting party to a child marriage.(4)"Child Welfare Committee" means the committee constituted under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000.(5)"Form" means a form appended to these Rules.(6)"Child Marriage Prohibition Officer" means a person notified by the Government of Bihar under sub-section (1) of Section 16 of the Act the purpose of carrying out the functions as mentioned in the sub-section (3) of the Section 16.(7)The Words used in these Rules but not defined shall have the same meaning as defined in the Act.

3.

(1)The petitioner under the provision of sub-section (1) of Section 3 for annulling a child marriage by a decree of nullity may be filed before the court exercising jurisdiction in that area (ii) The court while exercising jurisdiction under the Act shall have all the powers and shall be governed by the provision of Civil Procedure Code, 1908 (No. 5 of 1908).(2)Any sum or articles including armaments ordered to be returned by the court, shall be returned in the presence of Presiding Officer of the Court.(3)Any order for return of any sum or article shall be executable as a decree under the Civil Procedure Code, 1908 (No. 5 of 1908).

4.

(1)Any order for return of any sum or article under sub-rule (1) of Section 4 of the Act for payment of maintenance in lump-sum to the female contracting party of the marriage shall be paid within 30 days from the date of passing order, in the presence of Presiding Officer of the Court. If the amount of maintenance is payable monthly the concerned party or guardian shall pay the same to the female contracting party of the marriage by 15th day of each calendar month.(2)When the male contracting party to the marriage or his guardian where the male contracting party is minor fails to obey the order of the court passed under subsection (1) of Section 4 of the Act then the aggrieved party may file an application for execution in the district court. The district court shall make an order in accordance with provisions of Chapter IX of the Code of Criminal Procedure, 1973 (No. 2 of 1974).

5.

A copy of any order passed by the court under sub-section (1) of Section 5 of the Act shall be sent to the Child Welfare Committee whose duty shall be to ensure from time to time that the child is getting proper care and protection from authorized custodian.

6.

In cases where the contracting parties or any other party is minor the court shall in appropriate cases refer then to Child Welfare Committee for protecting the Best interest of the Child.

7.

An order passed under sub-section (4) of Section 5 shall be executable in the manner provided hereinbefore under sub-rule (2) of Rule 4.

8.

A copy of an order passed under Section 7 of the Act shall be given to both the contracting parties and their guardian and also to the Child Marriage Prohibition Officer.

9.

(1) Information regarding of solemnization of child marriage in any area may be given by any person orally or in writing or by post or by electronic mode to the Child Marriage Prohibition Officer, Block Development Officer, Police Station or Sarpanch of the Gram Panchayat. (2) The officials other than the Child Marriage Prohibition Officer, on receiving the information of likelihood of solemnization of child marriage, shall furnish such information to Child Marriage Prohibition Officer along with this report, who shall then take an appropriate action under the provisions of the Act. (3) District Magistrate may pass an order under sub-section (5) of Section 13 of the Act directing all or any Police Stations to keep vigil at religious and public places and also to take appropriate action to check and prevent the solemnization of child marriages, specially during special occasions when mass child marriages are solemnized.

10. Duties of Child Marriage Prohibition Officer.

- In addition to the duties mentioned in clauses (a) to (f) of sub-section (3) of Section 16 of the Act, the Child Marriage Prohibition Officer shall discharge the following functions and duties, namely:

- (1) To provide the information about the rights of aggrieved persons and his relatives or the person accompanying him or other person under the Act;
- (2) To provide legal aid to the aggrieved person through the State Legal Aid Services Authority;
- (3) To inform the aggrieved person about the shelter homes and if required, arrange for their shelter in shelter homes for the purpose of safety of the aggrieved person during the pendency of the proceedings of the Court or otherwise;
- (4) To Assist the aggrieved person in filing an application in the Court regarding the offenses committed under the Act;
- (5) To keep vigilance in the area under his jurisdiction for eliminating the possibility of solemnization of child marriage;
- (6) To inform the police authorities including the special police officers appointed under the Immoral Traffic (Prevention) Act, 1956 (104 of 1956), if he comes to know of the solemnization of any child marriage wherein the child being a minor, is:
 - (i) Taken or enticed out of the keeping of the lawful guardian; or
 - (ii) Compelled by force; or
 - (iii) Induced by any deceitful means to go from any places; or
 - (iv) Sold for the purpose of marriage, and made to go through a form of marriage; or
 - (v) Married and after which is sold or is trafficked or used for immoral purpose;
- (7) To-
 - (i) Organise awareness drives and campaigns;
 - (ii) Organise visits to educational institutions; and
 - (iii) Hold meetings for the residents of the locality; For the purpose of creating awareness of the evils result from child marriage and for sensitizing the community on the issue of child marriages;
- (8) To maintain a record and copies of the relevant documents submitted to the District Court, Judicial Magistrate of the First Class or Metropolitan Magistrate, as the case may be;
- (9) To assist, if requested by either or both the parties to the child marriage, in preparing a list of money, valuables ornaments and gifts received on occasion of the marriage by them from the other side for placing it before the District Court during the proceeding of annulment of child marriage.

11. Child Marriage Incident Report.

(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 or a telephone call or in any other form, to the Child Marriage Prohibition Officer having jurisdiction in the area. (2) Upon receipt of

information that a child marriage has been, or is being, or is likely to be solemnized, the Child Marriage Prohibition Officer shall prepare a child marriage incident report in Form-I and submit the same to the court and forward copies thereof to the police officer in-charge of the police station within the local limits of whose jurisdiction the child marriage alleged to have been, or is being, or is likely to be, solemnized.(3)Notwithstanding anything contained in these, the Child Marriage Prohibition Officer shall not refuse to record information regarding child marriage on the ground that the child marriage alleged to have been, or is being, or is likely to be, solemnized outside the area of his Jurisdiction. He shall record and immediately forward such information to the concerned Child Marriage Prohibition Officer. The concerned Child Marriage Prohibition Officer to whom such information is forwarded shall record the information in Form I.(4)The Child Marriage Prohibition Officer shall furnish, free of cost, to the Complainant, the copy of Child Marriage Incident Report. Form I (Rule 11) Child Marriage Incident Report Marriage Record Register S No.....Date:.....(A){||-| Village/Ward No. and Name| Gram Panchayat/ Block/ Municipal Body| Sub-Division| District|-| 1| 2| 3| 4|-||||}

- 1. Name/age of the male child of the child marriage.**
- 2. Name of the Father of the Male Child of the child marriage.**
- 3. Name of the Mother of the Male Child of the Child Marriage.**
- 4. Address/telephone no. of the Male child of the child marriage.**
- 5. Name/age of the Girl Child of the Child Marriage.**
- 6. Name of the Father of the Girl Child of the child marriage.**
- 7. Name of the Mother of the Girl Child of the child marriage.**
- 8. Address/telephone no. of the Girl Child of the child marriage.**
- 9. Date of Child Marriage.**
- 10. Place of Child Marriage.**
- 11. Name of the Police Station where complaint was registered.**
- 12. F.I.R. No.**

(B)Orders that need to be obtained under the Prohibition of Child Marriage Act, 2006.

SI. No. Orders

Yes/No. Any order

- | | | | |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 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 | Any other order | | |

It is hereby that the child marriage of Sri..... (male contracting party)

S/o.....Resident.....of.....and Smt..... (female contracting pary) D/o
Sri.....resident of..... .. solemnized at.....on is recorded in
the Child Marriage Record Register in the office.

Child Marriage Prohibition Officer

(Seal)