

The



Kolkata Gazette

Extraordinary

Published by Authority

AGRAHAYANA 14]

FRIDAY, DECEMBER 5, 2008

[SAKA 1930

PART I- Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

Department of Women & Child Development
and Social Welfare

NOTIFICATION

No. 4163-SW Dt. 11.11.2008.- In exercise of the power conferred by section 19 of the Prohibition of Child Marriage Act, 2006 (6 of 2007), the Governor is pleased hereby to make the following rules, namely:-

Rules

1. **Short title and commencement.** - (1) These rules may be called the West Bengal Prohibition of Child Marriage Rules, 2008.

(2) They shall come into force on the date of their 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 (6 of 2007);

(b) "Child Marriage Prohibition Officer" means the Child Marriage Prohibition Officer appointed under the Act;

(f) "State Government" means the Government of West Bengal in the Department of Women and Child Development and Social Welfare.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act.

3. **Assistance to Child Marriage Prohibition Officer.** - The State Government shall provide all necessary assistance, which shall be necessary for the purposes of the Act, to the Child Marriage Prohibition Officer including the assistance from the police to enable him to discharge his duties efficiently.

4. **Information to Child Marriage Prohibition Officer.** - (1) If any person has reason to believe that -

(a) a child marriage is about to take place, or

(b) there is likelihood of taking place of any child marriage or child marriages,

he may give information of such marriage to the Child Marriage Prohibition Officer orally or in writing.

(2) Every information relating to the child marriage or child marriages, if given orally to the Child Marriage Prohibition Officer, shall be reduce to writing by him or under his direction, and be read over to informant, and every such information, whether given in writing or reduced to writing, as aforesaid, shall be signed by the person given it:

Provided that in case the person giving the information is not desires to disclose his identity, the Child Marriage Prohibition Officer shall request the identity of the

person and shall keep a record of such identity with due regard to confidentiality of such person,

(3) A copy of the information as recorded under sub-rule (2) shall be given, free of cost, to the person giving the information, who shall acknowledge the receipt.

5. Assistance of Child Marriage Prohibition Officer. - An aggrieved person, or child ;n question, or any other person, who seeks to file a petition or complaint under section 3 or section 13 of the Act in the court, may seek the assistance of the Child Marriage Prohibition Officer.

6. Duties of Child Marriage Prohibition Officer. - Save as otherwise provided in sub-section (3) of section 16 of the Act, it shall be duty of the Child Marriage Prohibition Officer -

- (a) to assist contracting party or other concerned person in getting legal aid from the Legal Aid Services Authority concerned;
- (b) to maintain record of information, status of complaint and disposal;
- (c) to sensitize the community against child marriage;
- (d) to advise and counsel aggrieved and concerned persons as and when sought for by them;
- (e) to obtain assistance from the Superintendent of Police of the concerned district or any officer sub-ordinate to him at any stage of proceedings.

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

8. Liaison with police. - The Child Marriage Prohibition Officer shall, in association with the police authority of the concerned district,-

- (a) advise the contracting party, lawful guardian, person solemnizing the child marriage or others attending or participating the child marriage to desist from the child marriage;
- (b) communicate with concerned local authorities at panchayat level to prevent child marriage;
- (c) execute the court order.

By order of the Governor,

R. Tempo

Secy. to the Govt. of West Bengal.