



112

The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn No. NE-313 (MZ) 2006-2008

Rs. 2/- per issue

VOL - XXXIX Aizawl, Friday, 13.8.2010, Sravana 22, S.E 1932, Issue No. 292

NOTIFICATION

No.B.1201/7/04-SWD, the 27th July, 2010. In exercise of the powers conferred by sub-section (1) of Section 19 of the Prohibition of Child Marriage Act, 2006 (Act No.6 of 2007), the Governor of Mizoram is pleased to make the Mizoram Prohibition of Child Marriage Rules, 2010, namely :-

1. **Short title, extent and commencement :**
 - (1) These Rules may be called the Mizoram Prohibition of Child Marriage Rules, 2010.
 - (2) It shall have the like extent as the Act.
 - (3) It shall come into force from the date of its publication in the Official Gazette.

2. **Definitions:** In these rules, unless the context otherwise requires:
 - (a) "Act" means the Prohibition of Child Marriage Act, 2006 (Act No.6 of 2007);
 - (b) "Advisory Body" means an Advisory Body constituted under Rule 4 ;
 - (c) "Concerned Government Department", for the purpose of these Rules, means the Department of Social Welfare, Government of Mizoram.
 - (d) "Competent Court" means a Civil Court and in any other area where there is no Civil Court, any other Court which may be specified by the Government of Mizoram as having jurisdiction in respect of the matter dealt with in this Act;
 - (e) "Section" means Section of the Act.
 - (f) Words and expressions used herein 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:**
 - (1) **Appointment of the Child Marriage Prohibition Officer :** In every district where there is District Social Welfare Officer, such District Social Welfare Officer, or in any other district where there is no District Social Welfare Officer, Child Development Project Officer (CDPO), as the Government may, by Notification, appoint, shall act the Child Marriage Prohibition Officer.

(2) **Power and Function of the Child Marriage Prohibition Officer:**

- (i) For the purpose of ensuring effective implementation on the Act, every Child Marriage Prohibition Officer shall be vested with such powers as that of the Officer-in-charge of a Police Station.
 - (ii) Every Child Marriage Prohibition Officer shall take cognizance suo moto or look into specific complaints regarding violations of the provisions of the Act and initiate prosecution before the competent Court.
 - (iii) It shall be the duty of the Child Marriage Prohibition Officer to collect evidence and assist the court for the effective prosecution of persons contravening the provisions of the Act.
 - (iv) The approach of the Child Marriage Prohibition Officer shall be primarily prevention of child marriage and he shall discharge his duties with due care, decorum, privacy and in such a manner to uphold the dignity and harmony of the child and the family relationship.
 - (v) In performance of his duties under the Act, the Child Marriage Prohibition Officer shall, except in case of emergency, consult an Advisory Body constituted here under in Rule 4. However, he shall take such decision as may be appropriate in accordance with the provisions of the Act.
- (3) The Child Marriage Prohibition Officer in collaboration with the concerned Government Department shall organize legal awareness camp in every district and sensitize the community about the provision of the Act and its harmful effects on the issue of child marriage.
- (4) Every Child Marriage Prohibition Officers shall as specified in schedule 1, furnish a periodical return with statistics to the concerned Government Department at least once every year.
- (5) The Child Marriage Prohibition Officer shall hold office for such period until he/she is transferred to another post, or he /she retires from Government services, whichever is earlier.

4. **Constitution of Advisory Body :**

- (1) The Government may constitute an Advisory Body to be associated with each Child Marriage Prohibition Officer for the purpose of advising and assisting him in the performance of his duties and discharge of his functions under this Act.
- (2) The Advisory Body shall consist of not more than five members from amongst prominent citizens like Office Bearer(s) of the Young Mizo Association (YMA), or of the Mizo Hmeichhe Insuikhawm Pawl (MHIP), or of the Mizo Upa Pawl (MUP) or of the Mizoram Kohhran Hruaitu Committee (MKHC), or such respectable members of the locality with a record of social service, having knowledge of, or practical experience in, matters relating to rights belonging to the children, and at least two members shall be woman activists/workers known in the area within the jurisdiction of the Child Marriage Prohibition Officer.

5. **Information to the Child Marriage Prohibition Officer**

- (1) Any person who has reason to believe that an act of child marriage has been, or is likely to be solemnized, may give information about it, orally or in writing to the Child Marriage Prohibition Officer of the Police station of the concerned area. The officials other than the Child Marriage Prohibition Officer on receiving such information, shall furnish the same to the Child Marriage Prohibition Officer along with a report.

- (2) In case the information is given orally to the Child Marriage Prohibition Officer under such rule (1), he shall cause it to be reduced in writing and shall ensure that the same is signed by the person giving such information in case the informant is not in a position to furnish written information, or the information is given by post, through e-mail, telephonic call or the like, the Child Marriage Prohibition Officer will satisfy and keep a record of identity of the person giving such information.
- (3) On receiving such information, the Child Marriage Prohibition Officer shall take necessary action to prevent the child marriage from being solemnized and shall report the same to the Magistrate without delay for seeking appropriate order under the provisions of the Act.
6. **Disposal of Cases :** Every complaint/Prosecution/case under this Act shall be disposed of by the competent Court within ninety days from its receipt:

B.Sairengpuli,
Secretary to the Govt. of Mizoram,
Social Welfare Department.

Scheduled - 1
(See Rule 3 (4))

Periodical Report regarding the statistics of the incidence of Child Marriage.

Sl. No.	Name of the District	No. of complaint/ information received	Place & Date of Child Marriage performed	Name of person/ organization/ church who perform Child Marriage	No. of Child Marriage identified	No. of cases registered in court	Remark/ Status
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)