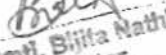


Tripura Gazette, Extraordinary Issue, December 5, 2007 A. D.

No.F. 34(340)-DSWE/LA/2004  
GOVERNMENT OF TRIPURA  
EDUCATION (SOCIAL WELFARE & SOCIAL EDUCATION) DEPARTMENT

  
(Smt. Bijita Nath)  
Minister,  
Education (SW & SE)  
and OBC Welfare Department,  
Government of Tripura.

Dated, Agartala, the 27 November, 2007

NOTIFICATION

In exercise of the powers conferred by Sub-Section (I) of Section 19 of the Prohibition of Child Marriage Act, 2006 (No.6 of 2007), the State Government hereby makes the following rules, namely: -

1. **Short Title and Commencement.** - (1) These rules may be called the Tripura Prohibition of Child Marriage Rules, 2007.  
(2) They shall come into force on the date of their publication in the Official Gazette.
  
2. **Definition.** -- In these rules, unless the context otherwise requires, -
  - (a) " the Act" means The Prohibition of Child Marriage Act, 2006 (No. 6 of 2007);
  - (b) "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;
  - (c) "child marriage" means a marriage to which either of the contracting parties is a child;
  - (d) "contracting party" in relation to a marriage, means either of the parties whose marriage is or about to be thereby solemnized;
  - (e) "Child Marriage Prohibition Officer" includes the Child Marriage Prohibition Officer appointed under sub-section (I) of section 16;
  - (f) "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 the Act;

- (c) "Form" means form annexed to these rules;
- (d) "minor" means a person who, under the provisions of the Majority Act, 1875 is to be deemed not to have attained majority;
- (e) The "state government" means the Government of Tripura;

**3 Method of Appointment, duties, functions and powers of the Child Marriage Prohibition Officers, - (1)**

The State Government shall appoint Child Marriage Prohibition Officers in every Sub-division in the state allotting specified area of jurisdiction. The appointment of Child Marriage Prohibition Officers specifying their jurisdiction with the details of duties, functions, powers including the powers of Police Officers conferred of them under section 16 (4) of the Act, shall be notified in the official gazette and every such appointment shall take effect from the date of its notification.

(2) No person below the rank of Sub-Divisional Magistrate or holding equivalent post under the state government shall be appointed or entrusted with the duties of a Child Marriage Prohibition Officer.

(3) All Child Marriage Prohibition Officers shall discharge their duties with due care, decorum and in a manner to uphold the objects of the Act.

(4) The Child Marriage Prohibition Officers approach shall be primarily preventive for which they shall make constant endeavor to create awareness of the evil which results from child marriages and to sensitize the community on the issue of child marriage.

(5) Every Child Marriage Prohibition Officer shall hold at least one awareness camp every two months within the area of his jurisdiction to sensitize the community on the issue of child marriage until otherwise directed by the state government by notification in official gazette, and the Sub-Divisional Medical Officer or any other Medical Officer nominated by him shall remain present in such camp as a resource person.

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(6) The Child Marriage Prohibition Officers shall send a report in Form 1 to the Director, Social Welfare & Social Education Department of the State Government once every two months as to the number of awareness camps held by him during the month, the number of child marriage contracted, number of petitions filed by him in court under section 3 of the Act for decree of nullity of the child marriage, number of applications/ complaints filed by him in court for prosecution under the Act, number of child marriages prevented and number of child marriages declared by court to be null and void.

(7) The Director Social Welfare and Social Education Department shall consolidate the reports received under the preceding rule and publish an annual bulletin for general information

(8) The Sub-Divisional Police Officer of the concerned Sub Division shall assist every Child Marriage Prohibition Officer in the discharge of his duties and functions and in the exercise of his powers.

4. **Procedure for investigation and prosecution of offences.** – (1) On receipt of the information that a child marriage in contravention of this Act has been arranged or about to be solemnized, the Child Marriage Prohibition Officer shall immediately file an application to the Sub-Divisional Judicial Magistrate or the Chief Judicial Magistrate, as the case may be, for injunction for prevention of such marriage. Such applications may also be made by any person having personal knowledge or reason to believe and a non-governmental organization having reasonable information relating to the likelihood of or solemnization of child marriage or marriages.

(2) The Child Marriage Prohibition Officer, on receipt of information about the solemnization of child marriage shall conduct an on the spot investigation and collect evidence, either oral or in writing, from the contracting party or witnesses or he can

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fix up a date and hear the contracting party and witnesses in his office or in a place convenient to him without causing any hardship to the contracting party or witnesses.

(3) The Child Marriage Prohibition Officer may fix different dates for hearing and recording evidence.

(4) The witnesses detained by the Child Marriage Prohibition Officer in his office for the purpose of investigation shall be entitled to travelling and diet expenses at the rate admissible to witnesses appearing in court.

(5) The Child Marriage Prohibition Officer, may, for the purpose of investigation intimate or serve notices to the contracting party and witnesses in Form 2 of the date, time and place of recording evidence and hearing.

(6) Any person disobeying the notice for appearing as a witness when called upon to do so by order in writing delivered or tendered to him, shall be deemed to have committed an offence punishable under section 187 of the Indian Penal Code (45 of 1860).

(7) A report in all cases investigated by the Child Marriage Prohibition Officer, when there is a prima facie finding as to the commission of an offence, alongwith the statement recorded, all other connected documents of the proceedings and a brief account of his findings shall be submitted to the competent Judicial Magistrate for prosecuting the offenders. This report shall be deemed to be a report under section 173 of Code of Criminal Procedure, 1973 (Act 2 of 1974).

**5. Limitation and Conditions subject to which a Child Marriage Prohibition Officer may exercise the powers of Police Officer :**

(1) Save and except the provisions of Chapters V of the Code of Criminal Procedure, namely, the power of arrest of a person without warrant, the Child Marriage Prohibition Officers shall have the powers of a police officer under the said Code for the purpose of investigation and submission of report before the competent Judicial Magistrate.

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(2) Whenever the Child Marriage Prohibition Officer has reasonable grounds for believing that an offence punishable under this Act has been or is being or is about to be committed within his jurisdiction and that the search of any premises with warrant cannot be made without undue delay, he may, after sending the grounds of his belief to the District Magistrate search such premises without a warrant.

(3) Before making a search under sub-section (2), the Child Marriage Prohibition Officer shall call upon two or more residents of the locality in which the place to be searched is situated, to attend and witness the search, and may issue an order in writing

(4) If any person, without reasonable cause, refuses or neglects, to attend and witness a search under this rule, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence punishable under Section 187 of the Indian Penal Code (45 of 1860).

5. Declaration of Child Marriage Prohibition Officer as public servant.

Every Child Marriage Prohibition Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860

6. Protection of Action taken in good faith.

No suit or legal proceeding shall lie against the Child Marriage Prohibition Officer, and any police officer or a person assisting him in respect of anything which is in good faith done or intended to be done in pursuance of the Act or the Rules.

7. Interpretation.

If any question arises relating to the interpretation of these rules, the same shall be referred to the state government.

By order of the Governor,

Sajal Dan Gupta 23/11/07  
Under Secretary to the  
Government of Tripura.