

Gujarat Dowry Prohibition Rules, 1999

CONTENTS

1. Short title and commencement
2. Definitions
3. Procedure for filing complaints
4. Additional functions to be performed by the Dowry Prohibition Officer
5. Limitation and conditions subject to which a Dowry Prohibition Officer may exercise powers of Police Officer
6. Submission of a list presents by parties to the marriage
7. Constitution of Advisory Board
8. Recognition of Welfare Institution or Organisation

Gujarat Dowry Prohibition Rules, 1999

Gujarat Dowry Prohibition Rules, 1999

1. Short title and commencement :-

(1) These rules shall be called the Gujarat Dowry Prohibition Rules, 1999.

(2) They shall come into force at once.

2. Definitions :-

In these rules, unless the contexts otherwise requires:

(a) "Act" means the Dowry Prohibition Act, 1961 (28 of 1961).

(b) "Director of Social Defence" means an officer appointed as such by the State Government.

(c) "Police Officer" means a Police Officer as defined in the Bombay Police Act, 1951.

(d) "Form" means a form annexed to these rules.

3. Procedure for filing complaints :-

(1) On receipt of the complaint from the person aggrieved by the offence or a parent or any other relative of such person or by any recognised Welfare Institution or Organisation in writing, the Dowry Prohibition Officer shall scrutinize the nature and the contents of

the complaint which is apparently coming within the purview of Secs. 3 or 4 or 5 or 6 of the Act. The Dowry Prohibition Officer shall conduct an investigation and collect the evidence either oral or in writing from the parties or witnesses.

(2) The Dowry Prohibition Officer shall issue notices to the parties and witnesses mentioning therein the date, time and place of hearing of the complaints. He shall fix hearing at a place convenient to him without causing much inconvenience or hardship to the parties.

(3) The Dowry Prohibition Officer may issue any direction to the parties to in respect of commission of any offence under the Act if he thinks such preventive measures would be effective and useful to maintain harmonious relationships with the spouses and their families.

(4) The Dowry Prohibition Officer can suo motu initiate action under sub-rule (1) to (3) if any such incident comes to his notice by way of news published in a news paper or by any other means.

4. Additional functions to be performed by the Dowry Prohibition Officer :-

The Dowry Prohibition Officer shall perform and exercise the following additional functions under sub-sec. (2) of Sec. 8-B of the Act, namely:

(a) He shall make endeavors to create an awareness among the public, publicity through Information and Broadcasting Department, Panchayat Samiti and other media against dowry and to involve local people for prevention of dowry;

(b) He shall receive complaint for any offence under the Act, from the party or person aggrieved or any other persons and make inquiry into such complaint without delay. If he satisfies that the complaint is genuine, he shall with the sanction of District Magistrate or the Sub-divisional Officer or Director of Social Defence, as the case may be or any other officer authorized in this behalf, forthwith report the matter to the Metropolitan Magistrate or, as the case may be, a Judicial Magistrate First Class to bring the offender to justice.

(c) He shall maintain a diary in Form 1 for the purpose of recording complaints, inquiries and results thereof, and other relative information connected therewith. He shall also maintain separate

files with relevant records for each individual case of complaint.

(d) He shall act as the Convenor of the Advisory Board. He shall maintain regular contact with the members of the Advisory Board for necessary advice and assistance from them. He shall inform as and when necessary, the District Magistrate or the sub-divisional officer or the Director of Social Defence, as the case may be, or any other officer authorised by the State Government about the affairs relating to operation of the Act.

(e) He shall submit to the District Magistrate or the Sub-Divisional Officer or as the case may be the Director of Social Defence, quarterly report in Form-2 or any other report in relation to the Act, as may be required by an order of the State Government in that behalf;

(f) He shall keep in his custody all the lists of the presents submitted by the parties to the marriage under Rule 6 and make entries relating thereto into a register to be maintained for the purpose. He shall also examine this list and ensure the observance of the provisions of the Act.

(g) He shall perform such other duties as may be required in this regard by notification of the Government.

5. Limitation and conditions subject to which a Dowry Prohibition Officer may exercise powers of Police Officer :-

The Dowry Prohibition Officer shall have the powers of a Police Officer under the Code of Criminal Procedure, 1973 for the purpose of inquiry and report of the fact of offence before a court except the powers contained in Chapters V, VI, VII and XII of the Code that is the power of arrest of a person, Power to compel appearance, Power of search and power to Investigate.

6. Submission of a list presents by parties to the marriage :-

The parties to any marriage or any of the parents of either of them shall furnish to the concerned Dowry Prohibition Officer within one month from the date of marriage, a copy of the list of presents prepared in accordance with the Dowry Prohibition (Maintenance of list of Presents to the Bride and Bridegroom) Rules, 1985 framed under the Act.

7. Constitution of Advisory Board :-

- (a) Advisory Board shall be consisting of five Social Welfare Workers from the area of each Dowry Prohibition Officer out of whom atleast two shall be women.
- (b) The members of the Advisory Board shall hold office during the pleasure of the State Government.
- (c) One of the members shall be appointed as a Chairperson by the State Government.
- (d) The Dowry Prohibition Officer shall act as a Convenor of the Advisory Board.
- (e) The Convenor shall, with the consent of the Chairperson call for meeting of Board as frequently as may be necessary but at least one in every three months.
- (f) The membership of any member of the Advisory Board shall cease in case of such member remaining absent at three consecutive meetings of the Board without sufficient reasons or for any other reason to be assigned by the Government. To fill up the resultant vacancy a new members shall be appointed by the State Government for the remaining period of the term.
- (g) Three members including the Chairperson shall constitute the quorum to transact the business of the meeting of the Board.
- (h) The Convenor shall send a copy of the proceeding of each meeting of the Advisory Board within a fortnight from the date of meeting to the District Magistrate or the sub-Divisional Officer or the Director of Social Defence, Gujarat State with a copy to the State Government for information and necessary action.

8. Recognition of Welfare Institution or Organisation :-

- (1) A welfare institution or organisation primarily devoted to any of the following kinds of work and has rendered remarkable service in the field for a period for not less than five years may be eligible for seeking recognition under sub-clause (ii) of clause (b) of sub-sec. (1) of Sec. 7 of the Act, namely
 - (a) Social Defence programmes including care, protection and training of women.
 - (b) Any registered organization of women carrying out activities of women's development or empowerment of women or prevention of atrocities against women of a Statewide or all India character or

prominent Mahila Samaj or Women's organization.

(c) Any registered organization of social workers interested in eradicating social evils.

(2) Any welfare institution or organization eligible under sub-rule (1) and desiring recognition shall make an application to the Director of Social Defence alongwith a copy of Registration of trust or Articles of Association, lists of members and office bearers and a report regarding its activities and past record of social or community service and three years' audited financial reports.

(3) The State Government may, after making such enquiry by the Director of Social Defence or by a senior officer authorised by the Director of Social Defence and after considering the report as to the nature and past record of service of the organisation or institution for a period of five years.

(4) Any recognised organization or institution desires to renew shall make an application in the manner laid down sub-rule (2) and after following procedure laid down sub-rule (3), the recognition of such organization or institution shall be renewed for a further period of five years.

(5) The State Government may withdraw the recognition granted to an institution or organization if the working of the institution or organization is found or reported to be unsatisfactory by the Dowry Prohibition Officer or Director of Social Defence.