

Delhi Dowry Prohibition Rules, 2000

DELHI

India

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Rule DELHI-DOWRY-PROHIBITION-RULES-2000 of 2000

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(240)/2/DSW/RGO/99/32635-657-Delhi, dated the 6th October, 2000Notification No F. 59

(240)/II/DSW/RGO/99/32635-657-Delhi, dated the 6th October, 2000. - In exercise of the powers conferred by Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961) read with the Government of India, Ministry of Home Affairs Notification No. U-11030/3/98-UTL, dated the 17th September, 1998, the Lieutenant Governor of the National Capital Territory of Delhi hereby makes the following rules, namely:-

1. Short title and commencement.

- (i) These rules may be called the Delhi Dowry Prohibition Rules, 2000.(ii)They extend to the whole of National Capital Territory of Delhi.(iii)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Dowry Prohibition Act, 1961 (28 of 1961);(b)"Advisory Board" means a board constituted in accordance with sub-section (4) of Section 8-B of the Act to advise and assist the dowry prohibition officers;(c)"Department" means the Department of Social Welfare of the Government;(d)"Dowry" has the meaning assigned to it in the Act;(e)"Dowry" prohibition officer" means the officers appointed as such by the Government under Section 8-B of the Act;(f)"Form" means a form appended to these rules ;(g)"Government" means the Lieutenant Governor as referred in Article 239AA of the Constitution ;(h)"Lieutenant Governor" means the Administrator of the National Capital Territory of Delhi appointed by the President under Article 239 of the Constitution ;(i)"police officer" means any member of the Delhi Police;(j)"probation officer" has the meaning assigned to it in the Probation of Offenders Act, 1958 (20 of 1958);(k)"recognized welfare institution or organization" means an institution or organization recognized as such under sub-clause (ii) of clause (b) of sub-section (1) of Section 7 ;(l)"section" means a section of the Act.

3. The additional duties and functions of a Dowry Prohibition Officer.

- (i) Every dowry prohibition officer shall discharge his duties with due care, decorum, privacy and in a manner to uphold the harmony and family relationships. (ii) The dowry prohibition officer's approach shall be primarily preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found not effective or parties willfully failing or non-complying with the orders or directions within the stipulated time. (iii) The dowry prohibition officers shall seek the guidance of the Advisory Board in matters relating to his functioning under the Act. (iv) The dowry prohibition officer shall send quarterly report to the Joint Director (I) of the Department as to the number of complaints received under the Act and the action taken or the nature of settlement of the issue in Form-I. The dowry prohibition officer shall send such details or reports as may be required by the Director of the Department or the Government from time to time under intimation to the 'Dowry Prohibition Cell' which is located at the Head Quarters of the Department and is the co-ordinator and implementing agency of the Act.

4. Procedure for filing complaints.

- (i) A complaint may be filed by any aggrieved person or a parent or other relative of such person or by any recognised welfare institution or organisation, in writing to the dowry prohibition officer, either in person or through a messenger or by post. (ii) Every such complaint received by the dowry prohibition officer shall be serially numbered and duly registered in a register in Form-II. (iii) The dowry prohibition officer shall scrutinise the complaint and if it is found that the nature and the contents of the complaint are such that it is apparently coming within the purview of Section 3 or Section 4 or Section 4A or Section 5 or Section 6, he shall immediately conduct an enquiry to collect such evidence from the parties as to the genuineness of the complaint. (iv) The dowry prohibition officer shall conduct an on-the-spot investigation and may collect evidence, either oral or in writing, from the parties or witnesses in his office or in a place convenient to him without causing much inconvenience or hardship to the parties. (v) The dowry prohibition officer shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing on the complaints in Form III. (vi) The dowry prohibition officer shall fix different dates for hearing of the parties or witnesses if he thinks that the proceedings cannot be concluded in a day or for any other grounds which appear to be valid or reasonable to him. (vii) The dowry prohibition officer shall draw up a calendar for the hearing of petitions and, as far as possible hear and record his finding as to the commission of the offence as soon as the hearing is concluded. (viii) Every petition shall be enquired into and heard and come to a finding within three months from the date of its receipt. Provided that the dowry prohibition officer may, in his discretion, take a further time of one month to come to a finding where he is satisfied that there exists sufficient cause for such extension of time to come to a finding. (ix) Where on the date fixed for hearing of the complaint or petition or on any other date to which such hearing may be adjourned, the complainant or petitioner does not appear the dowry prohibition officer may, in his discretion, either dismiss the complaint or petition for default, or hear and come to a finding as to its merit which shall be recorded in the case file. (x) The dowry prohibition officer shall have the power to decline an adjournment request or petition and limit the time for oral evidence or proceedings. (xi) The dowry prohibition officer may, if sufficient cause is shown during any stage of investigation or hearing or proceedings, grant time to the parties,

witnesses or any of them and adjourn the hearing of the application.(xii)The dowry prohibition officer may utilise the services of social welfare workers of the advisory board appointed by the Government under sub-section (4) of Section 8-B for collecting information or conducting enquiries or assisting in any stage of enquiries or proceedings relating to a complaint or petition or application under the Act.(xiii)On receipt of requisition from the dowry prohibition officer, the welfare officers shall conduct necessary details or report promptly as requested by the dowry prohibition officer.(xiv)The dowry prohibition officer shall be competent to issue any direction to the parties to prevent commission of any offence under the Act if he thinks such preventive measures would be effective and useful to maintain harmonious relationship with the spouses and their families.(xv)In all cases investigated under the Act, the proceedings shall be conducted in a home-like atmosphere ensuring the dignity of the parties and without causing much disturbance to the sanctity of family life.(xvi)Where any dowry is received by any person other than the women and a complaint is received in respect of non-transfer of such dowry to the woman who is entitled to it in accordance with Section 6 of the Act, the dowry prohibition officer shall issue directions to parties to transfer the same within the stipulated time.

5. Procedure for prosecution of offences.

- (i) In all cases of petitions or complaints investigated by any dowry prohibition officer, when there is a prima facie, finding as to the commission of an offence, the matter shall be transferred to the Deputy Commissioner of Police of that area for prosecuting the offenders.(ii)The dowry prohibition officer shall transfer the petition statements, recorded, enquiry reports and such other connected documents of the proceedings with a brief account or summary as to his findings to the Deputy Commissioner of Police of proper jurisdiction for prosecuting the persons committing the offence. The Advisory Board shall also render assistance to dowry prohibition officers and the police official in respect of cases registered under the Act.(iii)Cases coming under the Act transferred by the dowry prohibition officers for prosecuting the offenders shall be investigated by a police officer not below the rank of Assistant Commissioner of Police.(iv)The Assistant Commissioner of Police while investigating the case shall provide a dignified and respectable treatment to the parties.(v)The Assistant Commissioner of Police shall initiate prosecution of persons committing the offences under the Act, duly investigated by dowry prohibition officers and the proceedings transferred under sub-rule (2) of this rule. He shall also collect such information or evidence as may be necessary for the prosecution.(vi)The dowry prohibition officer while conducting inquiries on complaints received shall be guided by the principles of natural justice and subject to other provisions of the Act and these rules.(vii)A Deputy Commissioner of Police dealing with matters under sub-rule (2) of this rule or any provision under the Act shall adhere to the principles and procedure contained in the Code of Criminal Procedure, 1973 (2 of 1974).

6. Recognition of welfare institution or organisation.

- (i) 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 of not less than three years will be eligible for seeking recognition under sub-clause (ii) of clause (b) of sub-section (1) of Section 7.(a)social welfare including care, protection and training of women;(b)organisations working in the field of

women welfare.(c)any organisation interested in eradicating social evils.(ii)Any welfare institution or organisation eligible under sub-rule (1) of this rule and desiring recognition shall make an application to the Government in Form-IV together with a copy of each of the rules, bye laws, articles of association, lists of its members and office bearers and any report regarding its activities and past record of social or community service.(iii)The Government may, after making such enquiry by the Joint Director (I) of the Department or by a senior officer of the Department, and after considering the report as to the nature and past record of service of the organisation or institution which has presented the application in this regard, grant recognition for a period of five years which can be renewed after submitting a renewal application or refuse recognition. Provided that before refusing the recognition the Government shall give the organisation or institution an opportunity of making its representation.(iv)An application for renewal or recognition shall be submitted in Form-V in the manner prescribed in sub-rule (2) of this rule which shall be processed as per the procedure laid down in sub-rule (3) above and recognition shall be granted /renewed in cases where the working of the institution or organisation is reported to be fairly satisfactory.(v)The Government may withdraw the recognition granted to an institution or organisation if the working of the institution/organisation is found or reported to be unsatisfactory by the Joint Director (I) of the Department or otherwise.

7. The Constitution, Powers and Duties of the Advisory Board.

- (i) A person to be appointed or nominated to the advisory board shall be a respectable and educated citizen of India engaged in public activity or social work ordinarily residing within the jurisdiction of the dowry prohibition officer, concerned. The Government may appoint one of the members to be the Chairman of the Advisory Board.(ii)A person shall be disqualified for being appointed as a member if he(a)has been convicted by a criminal Court for any offence involving moral turpitude,(b)is an undischarged insolvent,(c)is of unsound mind.(iii)The term of office of the Chairman and members of the Board shall be five years unless otherwise decided by the Government.(iv)The Advisory Board shall meet at least, once in three months. However, meeting may be held earlier occasion demands.(v)The quorum for the meeting shall be three.(vi)The Chairman shall preside over the meeting of the Advisory Board. In the absence of the Chairman, one of the members as may be decided by them shall preside over the meeting.(vii)The Chairman or any member may resign his Chairmanship or membership, as the case may be, decided by them shall preside over the meeting.(viii)The Government may remove the Chairman or any of the members of the Advisory Board if it is satisfied that he has acted in contravention of the provisions of the Act or the rules made thereunder.(ix)Any casual vacancy in the Advisory Board arising out of the death or resignation or removal of the Chairman or any member shall be filled by the Government in accordance with sub-rule (2) of this rule.(x)The Advisory Board shall advise the dowry prohibition officer and the Deputy Commissioner of Police in respect of matters relating to the Act or the effective implementation thereof with constructive suggestions and active assistance. Form-I(See sub-rule (4) of rule 3)Quarterly Progress Report Regarding the Implementation of Dowry Prohibition Act, 1961

S.No.	Details of Petition/	From whom	Nature of complaints/	Date of registration	Action taken	Nature of settlement	Dated, initials	Remarks
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Complaints		name and petition		of issue		of the officer		
1	2	3	4	5	6	7	8	9

Form-II(See sub-rule (2) of rule 4)Register of Complaints/Petitions

S.No.	List of complaints	Name and Address of petitioner	Name, Address of the Victim and Relation with Petitioner	Date of Marriage Fixed or Held	Date of Receipt of Petition/ Complaint	Date of Hearing	Nature of Disposal	Initials of Officer	Remarks
1	2	3	4	5	6	7	8	9	10

Form-III(See sub-rule (5) of rule 4)Notice of Appear Before Dowry Prohibition Officer(Name of person against whom complaint has been received and address)Whereas your attendance is necessary to collect information and gather evidence to a complaint of (State shortly the alleged offence) you are hereby required to appear in person before the Dowry Prohibition Officer on the day/of....at (time) in the Dowry Prohibition Office at (place).SignatureDowry Prohibition OfficerDated this....day of.....20 (office seal)Form-IV(See sub-rule (2) of rule 6)Form of Application for Recognition of Welfare Institution/organisation

1. Name of the welfare Institution/Organisation.**2. Registration No.****3. Full Address.****4. Aims and Objectives.****5. Name and Address of the Head of the Institution.****6. Brief Account of its activities.****7. Justification for granting recognition.****8. Has any such application been made previously, if so, its results together with its date, Month and year.****9. Any other particulars.**

Enclosures:

1.

2.

3.

Place:Date :Signature of the Head of the Welfare Institution or OrganisationForm-V(See sub-rule (4) of rule 6)Form of Application for Renewal of Certificate of Recognition

1. Name of the Welfare Institution/Organisation.

2. Full Address.

3. Brief account of the achievements during the last this year.

4. Name and address of Head of Institution/Organisation.

5. Certificate No., Date and date of expiry.

6. Any other particulars.

Signature of the Head of theWelfare Institution or Organisation.Place :Date :