

The Punjab Dowry Prohibition Rules, 2004

PUNJAB

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Rule THE-PUNJAB-DOWRY-PROHIBITION-RULES-2004 of 2004

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The Punjab Dowry Prohibition Rules, 2004 Punjab Government, Department of Social Security and Development of Women and Children, Notification, dated 13th August, 2004 No. G.S.R. 50/C.A.28/61/Section 10/2004. - In exercise of the powers conferred by Section 10 of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules to prohibit the giving or taking of dowry, namely, -

1. Short title and commencement.

(1) These rules may be called the Punjab Dowry Prohibition Rules, 2004. (2) They shall come into force on and with effect from the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a) "Act" means the Dowry Prohibition Act, 1961 (Central Act 28 of 1961); (b) "Advisory Board" means a Board appointed by the State Government under sub-section (4) of Section 8B to advise and assist the Dowry Prohibition Officers; (c) "Director" means the Director of the Department of Social Security and Development of Women and Children, Punjab; (d) "District Magistrate" and "Complaints" shall have the same meaning as respectively assigned to them in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974); (e) "Dowry Prohibition Officer" means an officer appointed as such by the State Government under sub-section (1) of Section 8B; (f) "Form" means a form appended to these rule; (g) "Police officer" shall have the same meaning as assigned in the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974); (h) "Probation Officer" means an officer defined and appointed as such under the Probation of Offenders Act, 1958 (Central Act 20 of 1958); (i) "Recognised Welfare Institution or Organisation" means an institution or organisation recognized as such under sub-clause (ii) of clause (b) of sub-section (1) of Section 7; (j) "section" means a section of the Act; (k) "State Government" means the Government of the State of Punjab in the Department of Social Security

and Development of Women and Children; and (l) the words and expressions used in these rules, but not defined, shall have the same meaning as assigned to them in this Act.

3. Additional functions to be performed by the Dowry Prohibition Officer.

- Apart from the functions conferred under clauses (a), (b) and (c) of sub-section (2) of Section 8-B, the Dowry Prohibition Officer shall perform the following additional functions, namely :-(a) He shall endeavour to create awareness not to give and take dowry among the public by various means. (b) He shall maintain a register for the purpose of the Act to record all complaints, enquiries and the results thereof and other relevant information connected therewith in Form No. I and shall also maintain separate files containing relevant records of each individual case. (c) He shall act as a Member Secretary-cum-Convener of the Advisory Board and shall maintain regular contact with the members of the Advisory Board. He shall send a copy of the proceedings of each meeting of the Advisory Board, within a fortnight from the date of meeting to the District Magistrate with a copy to the State Government for information and necessary action. (d) He shall discharge his duties with due care, decorum, privacy and in a manner to uphold the dignity and harmony of family relationships. (e) The approach of the Dowry Prohibition Officer shall primarily be suggestive, preventive and remedial nature and he will recommend prosecution only as a last resort when all other measures prove to be ineffective. (f) He shall scrutinize the complaint and if it is found that the nature and the contents of the complaint apparently fall within the purview of Sections 3 or 4 or 4A or 5 or 6 he shall immediately conduct an enquiry to collect such evidence from the parties as to the genuineness of the complaint. In case the complaint is found to be genuine, then he shall conduct investigation and collect such evidence, either orally or in writing from the parties or witnesses or he can fix up a hearing of the parties and witnesses in his office or at a place convenient to him without causing inconvenience or hardship to the parties. (g) He shall send quarterly reports to the Director, in Form-II and intimate the parties and witnesses of the date, time and place of hearing of the complaint in Form-III. Every complaint shall be enquired into within a period of one month from the date of its receipt. (h) For the purpose of inquiring any complaint, the Dowry Prohibition Officer may seek the help and services of the Probation Officer of the area concerned in order to collect any relevant information. The Probation Officer shall provide necessary information as and when the same is required by the Dowry Prohibition Officer. (i) The Dowry Prohibition Officer may also seek assistance from any Police Officer while discharging his functions and duties under these rules.

4. Limitations and Conditions on the functions of Dowry Prohibition Officer.

- The powers of a Police Officer conferred under sub-section (3) of Section 8-B upon the Dowry Prohibition Officer, shall be exercised by him subject to the limitations and conditions as specified in clauses (d) and (e) of rule 3 of these rules.

5. Procedure for Prosecution of Offenders.

- In all cases of complaints investigated by the Dowry Prohibition Officer, when there is a prima facie finding as to the commission of an offence, the report shall be submitted to the Judicial Magistrate of the First Class having jurisdiction for prosecuting the offenders alongwith the

statement recorded, all other connected documents of the proceedings and a brief account of his findings. This report shall be deemed to be a report under Section 173 of Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

6. Protection of action taken in good faith.

- No suit or other legal proceeding shall lie against the State Government, Advisory Board, Dowry Prohibition Officer, Police Officer, Probation Officer or any person rendering assistance, in respect of anything, which is done in good faith in pursuance of the Act or the rules made thereunder.

7. Repeal and Savings.

- The Punjab Dowry Prohibition Rules, 1999, are hereby repealed :Provided that such repeal shall not affect -(a)The previous operation of the rules so repealed or anything duly done or suffered thereunder; or(b)any obligation or liability accrued or incurred under the rules so repealed; or(c)any legal proceedings or remedy in respect of any obligation or liability as aforesaid; or(d)any such legal proceedings or remedy may be continued to enforced, as if these rules had not been made.

8. Interpretation.

- If any question arises relating to the interpretation of these rules, the same shall be decided by the State Government.

Form - I[See rule 3(b)]Register of Complaints

Serial No.	List of Complaints	Name and address of petitioner	Relationship with the married couple	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 - II[See rule 3(g)]Quarterly Progress Report

Serial No.	Details of complaints received	From whom Name and address	Nature of Complaints	Date of Registration	Action taken	Nature of settlement of issue	Dated initials of the officers	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Dowry Prohibition OfficerForm - III[See rule 3 (g)]Intimation to Appear Before Dowry Prohibition OfficerTo(Name of person against whom complaint has been received and address)No.

_____ Dated :Whereas your attendance is necessary to collect information and further evidence to a complaint of _____ (state shortly the alleged offence). You are, therefore, required to appear in person before the Dowry Prohibition Officer on _____ at _____

_____ (time) in the office of the _____ (Place),.Dated the _____ day of
_____ 200_____, Dowry Prohibition Officer,(Office Seal)