

The Orissa Dowry Prohibition Rules, 2000

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Rule THE-ORISSA-DOWRY-PROHIBITION-RULES-2000 of 2000

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The Orissa Dowry Prohibition Rules, 2000 Published vide Notification No. S.R.O. No.410/2000, dated 5th June 2000, Orissa Gazette Extraordinary No. 856 Dated 8.6.2000 S.R.O. No.410/2000. - In exercise of the powers conferred by Section 10 of the Dowry Prohibition Act, 1961 (28 of 1961), the State Government do hereby make the following Rules to carry out the purposes of the said Act, namely:

1. Short title and commencement.

(1) These Rules may be called the Orissa Dowry Prohibition Rules, 2000. (2) They shall come in to force on the date of their publication in the Orissa Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) 'Act' means the Dowry Prohibition Act, 1961; (b) 'Commission' means the State Commission for Women constituted under the Orissa State Commission for Women Act, 1993 (Orissa Act 19 of 1994); (c) 'Complaint', 'District', 'District Magistrate' and 'Public Prosecutor' shall have the same meaning as respectively assigned to them under the Code of Criminal Procedure, 1973 (Act 2 of 1974); (d) 'Director' means the Director of Social Welfare, Orissa, an Officer appointed as such by the Government; (e) 'Dowry Prohibition Officer' means an Officer appointed as such by the State Government under Section 8-B; (f) 'Family Counselling Centre' means those institutions or organisations which are recognised by the Government by notification or otherwise for the purpose; (g) 'Form' means form appended to these Rules; (h) 'Government' means the Government of Orissa; (i) 'Section' means a section of the Act; (j) 'Superintendent of Police' means the District Superintendent of Police and shall include any Additional District Superintendent of Police or other person appointed by general or special orders of the Government to perform all or any of the duties of a District Superintendent of Police under the Police Act, 1861 in any district; and (k) 'Voluntary Organisation' means any institution or organisation registered under the Societies Registration Act (Act XXI of 1860) and recognised as

such by the Government.(2)All other words and expressions used but not defined in these Rules shall have the same meaning as respectively assigned to them in the Act, the Code of Criminal Procedure, 1973, the Indian Penal Code, 1860 and the Indian Evidence Act, 1872.

3. Additional functions of Dowry Prohibition Officer.

- The Additional function to be performed by the Dowry Prohibition Officer shall be as follows :- (a)He shall create awareness among the public against dowry by holding camps and by other suitable means with the assistance of other Departments of Government and Voluntary organisations; (b)He shall settle disputes relating to dowry by counselling or otherwise with the assistance of the Family Counselling Centres or other persons/institutions as selected by him; (c)He shall take steps necessary for expeditious investigations of such cases by police agency; (d)He shall send the evidence collected by him relating to the offences under the Act to the concerned police officer investigating the case who may take such evidence into consideration; (e)He shall advise the Public Prosecutor or Assistant Public Prosecutor, as the case may be, relating to any case under the Act during trial; (f)He shall submit quarterly reports to the District Magistrate or Superintendent of Police or the Director or the Commission, as the case may be, relating to the number of complaints received, action taken and settlement made, if any, in Form-A; (g)He shall maintain separate files with relevant records for each individual case of complaint; and (h)He may also refer any case to the Advisory Board constituted under Rule 7 of these rules for their advice/assistance.

4. Procedure for filing complaint.

- The Dowry Prohibition Officer, - (i) shall entertain complaints of any offence under the Act from any person aggrieved or parents or other relatives of the victim in person or by post. He may also take suo motu action on his own information or otherwise of such offences; (ii) shall serially number and duly register the complaints so received in a Register in Form-B; (iii) shall examine the complaint, take up preliminary enquiry to collect such evidence as to the genuineness of the complaints; (iv) shall give notice to the parties and witnesses intimating them the date, time and place of hearing of the complaint in order to collect evidence; (v) shall hear the parties and witnesses and record their evidence in a summary manner; and (vi) may utilise the services of other Officers for collecting secret information or assisting him in the enquiry relating to a complaint.

5. Limitation on the exercise of power of Dowry Prohibition Officer.

- Dowry Prohibition Officer shall exercise same power as exercised by the Sub-divisional Magistrate under the Code of Criminal Procedure, 1973 for the purpose of summoning witnesses, ensuring attendance and production of document during the enquiry.

6. Submission of list of presents by parties to the marriage.

- Parties to any marriage or any of the parents of either party to any marriage shall furnish a list of presents maintained under the Dowry Prohibition (Maintenance of Lists of Presents to the Bride

and Bridegroom) Rules, 1985, framed under the Act, if so required by the Dowry Prohibition Officer.

7. Constitution and functions of Advisory Board.

(1)The Government on recommendation of the District Magistrate shall appoint an Advisory Board consisting of five social welfare workers, out of whom at least two shall be women from the area under the jurisdiction of the concerned Dowry Prohibition Officer. There shall be proper representation from the weaker sections of the society and legal profession in the Advisory Board.(2)Three members including the Chairperson, shall constitute the quorum to transact the business of the meeting of the Board.(3)(i)The Board shall be appointed by the Government from the area in respect of which such Board shall be formed.(ii)The tenure of such Board shall normally be three years,and members of the Board can be renominated for a maximum of two consecutive terms.(iii)The Government shall, however, have the right to supersede such Board at any time without assigning any reason thereof.(4)(a)There shall be a Chairperson for each Advisory Board who shall be nominated from among the members or, as the case may be, elected by the members.(b)The Dowry Prohibition Officer shall act as Convenor of the Board or he may direct any subordinate officer of his choice to act as such in his place.(5)The Convenor shall, with the consent of the Chairperson, call for meetings of the Board.(6)The functions of the Advisory Board shall primarily include the following, namely :-(a)to discuss the quarterly reports of the Dowry Prohibition Officer;(b)to render advice and assistance to the Dowry Prohibition Officer as and when necessary; and(c)to discuss any other matter relating to dowry problem and to convey its opinion to the Dowry Prohibition Officer.(7)The Convenor shall send a copy of the proceedings of each meeting of the Advisory Board within a fortnight from the date of meeting to,-(i)the District Magistrate;(ii)the Sub-divisional Magistrate; and(iii)the Director.

8. Termination of membership of the Advisory Board and filling up any vacancy.

(1)The membership of any member of the Advisory Board shall cease in case of such member(i)remaining absent at three consecutive meetings of the Board without sufficient reasons, or(ii)for any other reasons to be assigned by Government.(2)To fill up the resultant vacancy, a new member may be nominated by the District Magistrate for the remaining period of the term of the Board.

9. Declaration of the Dowry Prohibition Officer as public servant.

- Every Dowry Prohibition Officer shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

10. Repeal and saving.

- Any rules, regulations or orders corresponding to these rules and in force immediately before the commencement of these Rules, are hereby repealed;Provided that any order made, or action taken

under the rules, regulations or orders so repealed shall be deemed to have been made or taken under these rules.

11. Interpretation.

- If any question arises relating to the interpretation of these rules, the same shall be referred to the Government for decision. Form-A[See Rule 3 (f)]Quarterly Statement of receipt and disposal of complaints under the Dowry Prohibition Act

Number of complaints/ information received during the quarter	Number of cases dropped after preliminary enquiry	Number of cases taken up for hearing	Number of cases settled out of Court during preliminary enquiry or hearing	Number of cases pending for enquiry/ hearing (figures must relate to cases received during the current quarter)
(1)	(2)	(3)	(4)	(5)
Consolidated number of case pending for enquiry/hearing till the end of this quarter. (The pendency relating to previous shall not be added with the figures relating to the current quarter)			Number of cases referred to the Advisory Board for advice/ assistance and the number of cases in which opinion received by DPO	Number of camps held during the quarter
(6)			(7)	(8)
				Remarks (9)

Form-B[See Rule 4 (ii)]Register of Complaints of offences received under the Dowry Prohibition Act

Sl. No. for the year	Date of complaint/ information received	Name of the complainant or informant and relationship with bride (If complaint/ informant is other than bride)	Names and addresses of opposite parties against whom complaint/ information is laid and their relationship with bride	Result of preliminary enquiry	Names of witnesses examined from both sides during hearing
(1)	(2)	(3)	(4)	(5)	(6)
Nature of documents relied on by both side	Result of final hearing and action taken, if any	Whether the case is under investigation by police and, if so, the P.S. Case No./ GR Case No./ Sec. of law/ Name and Designation of	Date of sending the evidence collected during enquiry to the police officer conducting investigation of the case	If PP/ APP were advised during trial of the case and, if so, the nature of advise imparted to	Whether advise/ assistance of the Advisory Board was sought for in any matter concerning the case and, if so, the nature of advise/ assistance sought for

		IO		them	by DPO and the opinion of Advisory Board on such matter
(7)	(8)	(9)	(10)	(11)	(12)