

The Maharashtra Dowry Prohibition Rules, 2003

MAHARASHTRA

India

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Rule THE-MAHARASHTRA-DOWRY-PROHIBITION-RULES-2003 of 2003

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The Maharashtra Dowry Prohibition Rules, 2003 Published vide Notification No. MIS. 1099/CR-58/D-2, dated 3rd November, 2003 Published in M.G.G., Part 4A, dated 18.12.2003, pp. 409-420 No. MIS. 1099/CR-58/D-II, dated 3rd November, 2003. - In exercise of the powers conferred by sub-section (1) and clauses (a) and (b) of sub-section (2) of section 10 of the Dowry Prohibition Act, 1961 (2 of 1961) and of all other powers enabling it in that behalf, and in supersession of the Maharashtra Dowry Prohibition Rules, 1999, the Government of Maharashtra hereby makes the following rules, for carrying out the purposes of the said Act, as follows, namely :-

1. Short title and extent.

(1) These rules may be called the Maharashtra Dowry Prohibition Rules, 2003. (2) These rules shall extend to the whole of the State of Maharashtra.

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 under sub-section (4) of section 8B of the Act; (c) "Chief Dowry Prohibition Officer" means an officer of the State Government entrusted with the duties and responsibilities under these rules; (d) "District Magistrate" and "Complaints" shall have the same meaning as respectively assigned to them and defined under the Code of Criminal Procedure, 1973 (2 of 1974); (e) "Dowry Prohibition Officer" means a person appointed by the State Government under sub-section (1) of section 8B of the Act; (f) "Police Officer" means an officer in the State Police Department; (g) "Probation Officer" means a District Probation Officer or Additional District Probation Officer or City Probation Officer appointed as such under the Probation of Offenders Act, 1958 (Act 20 of 1958); (h) "Recognised Welfare Institution or Organisation" means an institution or organisation recognised as such under sub-clause (ii) of clause (b) of sub-section (1) of section 7 of the Act; (i) "State Government" means Government of

Maharashtra;(j)Words and expressions used in these rules, but not defined, shall have the meanings, respectively assigned to them in the Act.

3. Appointment, duties and functions of Chief Dowry Prohibition Officer.

(1)The State Government shall designate the Senior Officer of the concerned department as the Chief Dowry Prohibition Officer to administer and co-ordinate the work relating to dowry prohibition throughout the State of Maharashtra.(2)The Chief Dowry Prohibition Officer shall co-ordinate the work of Dowry Prohibition Officers and shall be responsible for creating consciousness and awareness to prevent dowry system among the public and to set out programmes with a view to uproot the evil of dowry system.(3)The Chief Dowry Prohibition Officer shall be responsible for the preparation and submission of an Annual Report on the progress of implementation of the Act and matters related thereto. He shall also prepare Statistic, as may from time to time, be required by the Government.(4)The Chief Dowry Prohibition Officer shall issue instructions to all the Department of the State Government to the following effects, namely :-
(i)Every Government servant shall after his marriage furnish a declaration stating that he has not taken any dowry to Head of Department. The declaration shall be signed by the wife and father and father-in-law, if alive.
(ii)One specified day in a year to be observed as Dowry Prohibition Day.
(iii)Pledge to be administered to the students in schools and colleges and other institutions not to give or take dowry.

4. Appointment and jurisdiction of Dowry Prohibition Officer.

- The State Government may, by notification in the Official Gazette, appoint the Dowry Prohibition Officers and by such notification also specify the area or areas in respect of which they shall exercise their jurisdiction and powers under sub-section (2) of section 8-B of the Act.

5. Additional functions to be performed by Dowry Prohibition Officer.

- Every Dowry Prohibition Officer shall perform the following additional functions, namely
(i)He shall endeavour to create awareness among the public by organising camps, publicity through Information and Broadcasting Department Panchayat Samiti and other media against dowry and to involve local people, for prevention of dowry.
(ii)He shall conduct surprise checks and discrete inquiries to ascertain whether there has been any violation of the provisions of the Act or Rule made thereunder.
(iii)He shall receive complaints for any offence under the Act from the party or person aggrieved or any other person, institution or organisation.
(iv)He shall maintain a register for the purpose of the Act to record all complaints, inquiries and results thereof and other relevant information connected therewith in the prescribed Form No. 1 appended to these rules. He shall also maintain separate files with relevant records for each individual case.
(v)He shall act as the Member-Secretary Convenor of the Advisory Board. He shall maintain regular contact with the members of the Advisory Board for necessary advise and assistance from them. He shall inform the District Magistrate or any other person authorised by the State Government for the purpose, about all the affairs relating to the operation of the Act, as and when necessary.
(vi)He shall keep in his custody all the lists of presents submitted by the parties to any marriage and make entries relating

thereto in a Register to be maintained for the purpose. He shall also examine these lists and ensure compliance of the provisions of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.(vii)He shall discharge his duties with due care, decorum, privacy and in a manner to uphold the dignity and harmony of family relationship.(viii)His approach shall be primarily preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found ineffective or parties fail to comply with the orders or directions within the stipulated period.(ix)Every such complaint received by the Dowry Prohibition Officer shall be serially numbered and duly registered in a Register in Form No. II appended to these rules.(x)He shall scrutinise the complaint and if it is found that the nature and the contents of the complaint is prima facie coming within the purview of sections 3, 4, 4A, 5 or 6 of the Act, he shall immediately conduct an inquiry to collect such evidence from the parties as to the genuineness of the complaint.(xi)He shall send quarterly report to the Chief Dowry Prohibition Officer as to the number of complaints received by him under the Act and the action taken or the nature of settlement of the issue in Form No. II appended to these rules.(xii)He shall conduct an, on the spot investigation and can collect such evidence either oral or in writing from the parties of witnesses or he can fix up a hearing of the parties and witnesses in his office or in a place convenient to him without causing much inconvenience or hardship to the parties.(xiii)He shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing of the complaints in Form No. III appended with these rules.(xiv)Every petition shall be enquired into and heard and come to a finding within a month from the date of its receipt.(xv)Where on the date fixed for hearing of the complaint or application or on any other date to which such hearing is adjourned, the complainant or the applicant does not appear, the Dowry Prohibition Officer, may in his discretion either dismiss the complaint or application for default or hear and come to a finding as to its merit, which shall be recorded in the case file.(xvi)He may utilize the services of District Probation Officers or Additional District Probation Officers or City Probation Officers of the area for collecting information or conducting enquiries or assisting in any stage of enquiries or proceedings relating to a complaint or application made under the Act.(xvii)On receipt of requisition from the Dowry Prohibition Officer, the Probation Officer shall conduct necessary enquiries, collect information and furnish such details or report promptly as requested by him.(xviii)Where any dowry is received by any persons other than the woman 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 the parties to transfer the same within the stipulated time.(xix)He is empowered to make necessary inquiries regarding non-observance of the provisions of the Act in respect of the marriages held or proposed to be held within his jurisdiction; and may visit the marriages by specifically informing to the concerned persons that he is likely to visit the marriage ceremony along with his staff and police officers to see that the parties are not contravening the provisions of the Act.(xx)He shall ascertain and confirm by suitable means in respect of as many number of marriages as are held within his jurisdiction as to whether the provisions of the Act are being followed and are not being contravened.(xxi)He shall while making enquiries under the Act or when he attends any marriage for the purposes of making enquiries, take the assistance of any police officer or other officers to assist him in the performance of his functions and it shall be the duty of the Police Officer to render all assistance required by him.(xxii)He shall render assistance to the police in investigating the complaint filed under the Act and the Court in the trial of the case.(xxiii)He shall seek the guidance of Advisory Board in matters relating to his functioning under the Act.(xxiv)The Dowry

Prohibition Officer in the capacity of Member-Secretary/Convenor of the Advisory Board 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 with a copy to the State Government for information and necessary action.(xxv)He shall also perform such other duties as may be assigned in this regard by the State Government.

6. Procedure for filing complaint.

- A complaint under the Act 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.

7. Report of enquiry to appropriate police station.

- Upon completion of the inquiry on the information or the complaint from the complainant received by the Dowry Prohibition Officer under rule 5(iii) he shall forward the report of his inquiry to the appropriate police station having jurisdiction.

8. Submission of list of presents received by parties to marriage.

- The parties to any marriage or any of the parents or either of them shall furnish to the concerned Dowry Prohibition Officer within three months 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 :Provided that, where the bride or bridegroom received no presents they shall furnish a NIL Return to the Dowry Prohibition Officer.

9. Procedure for prosecution of offenders.

- In all cases of complaints investigated by the Dowry Prohibition Officer there is a prima facie finding as to the commission, of an offence, the report shall be submitted to the competent Magistrate 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 the Code of Criminal Procedure, 1973 (2 of 1974).

10. Recognition of Welfare Institutions and Organisations.

(1)A Welfare Institution or Organisation primarily devoted to any of the following kinds of work, and has rendered remarkable service in that field for a period not less than three years will be eligible to seek recognition under sub-clause (ii) of clause (b) of sub-section (1) of section 7 of the Act, namely(a)Social Welfare including care, protection and training of women;(b)Organisation of Women of a State wide or All India character, Prominent Mahila-Samaj's or Women's Organisation;(c)Social Defence including care and protection of Destitute, Rescued women and children: and(d)Any organisation of lawyers' interested in eradicating social evils.(2)Any Welfare

Institutions or Organisation eligible under sub-rule (1) and desiring the recognition shall make an application to the State Government in Form No. IV appended to these rules, together with a copy of each of their Rules, By-laws, Articles of Association, lists of its members and office-bearers and a report regarding its activities and past record of social or community services rendered by them.(3)The State Government may, after making such enquiry by a Senior Officer of the concerned Department and after considering the report as to the nature and past record of services of the Organisation or Institution which has presented the application in this regard, grant recognition for a period of five years. The recognition once granted can be renewed after the expiry of the period of five years if the work of the Institution or Organisation is reported to be fair and satisfactory.(4)An application for renewal or recognition shall be submitted in Form No. IV appended to these rules 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).(5)The State Government may withdraw the recognition granted to an Institution or Organisation if the working of the Institution or Organisation is found or reported to be unsatisfactory by the Dowry Prohibition Officer or otherwise.

11. Limitation and conditions subjects to which a Dowry Prohibition Officer may exercise powers of police officers.

(1)Save and except the provisions of Chapter V of the Code of Criminal Procedure, 1973, namely, the power of arrest of a person without warrant, the Dowry Prohibition Officer shall have the powers of a police officer under the said Code for the purpose of investigation and submission of report before the competent Magistrate.(2)Whenever the Dowry 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-rule (2), the Dowry Prohibition Officer shall call upon two or more residents of the same locality in which the place to be searched is situated, to attend and witness the search, and may issue an order in writing to them or any of them to do so.(4)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 under section 187 of the Indian Penal Code, 1860 (45 of 1860).

12. Terms and conditions of Advisory Board.

(1)The tenure of Advisory Board appointed under sub-section (4) of section 8B, shall normally be three years, and members thereof shall be eligible for reappointment.(2)The State Government shall, however, have the right to supersede such Board without assigning any reason therefor.(3)There shall be a Chairperson for each Advisory Board who shall be elected by the members of such Board, and the Dowry Prohibition Officer having jurisdiction over that area, shall act as the Convenor of the Advisory Board.(4)The Convenor shall, with the approval of the Chairperson call for the meeting of the Board, at least once in every three months.(5)Any member of the Advisory Board shall cease to be a member, if such member,-(a)remaining absent at three consecutive meeting of the Board without sufficient reasons; or(b)he is removed for other reasons to

be assigned by the State Government.(6)Every vacancy may be fill up by appointment of a new member, who shall hold office so long as the person in whose place he is appointed would have held it if the vacancy would have not occurred.(7)Three members, including the Chairperson, shall constitute the quorum to transact the business of the meeting of the Board.(8)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 State Government for information and necessary action.

13. Dowry Prohibition Officer to be public servant.

- Every Dowry Prohibition Officer (including Chief Dowry Prohibition Officer) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 1860 (45 of 1860).

14. Protection of action taken in good faith.

- No suit or other legal proceeding shall be against the Government, Chief Dowry Prohibition Officer, Dowry Prohibition Officer, any Police Officer or person assisting to him and Probation Officer in respect of anything which is in good faith done or intended to be done in pursuance of the Act or the Rules made thereunder.

15. Interpretation.

- If any question arises relating to the interpretation of these Rules, the same shall be referred to the Government for decision.

Form I(See rule 5(iv))Register of Complaints/Petitions

Sr. No.	List of Complaints	Name and address of petitioner	Relationship with the married couple	Date of Marriage fixed or held
(1)	(2)	(3)	(4)	(5)

Date of receipt of petition/complaint	Date of hearing	Nature of disposal	Initials of Officer	Remarks
(6)	(7)	(8)	(9)	(10)

Form II[See rule 5(ix) and (xi)]Quarterly Progress Report Regarding the Implementation of Dowry Prohibition Act, 1961

Sr. No.	Details of petition/complaints received	From whom name and address	Nature of complaints/petition	Date of Registration
(1)	(2)	(3)	(4)	(5)

Action taken	Nature of settlement of issue	Dated initials of the officers	Remarks
(6)	(7)	(8)	(9)

Dowry Prohibition Officer.Form III[See rule 5(xiii)]Notice to Appear Before Dowry Prohibition

OfficerTo,(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 Office of the(place).Dated the day of..... 200Dowry Prohibition Officer.(Office Seal).Form IV[See rule 10(2) and (4)]Form of Application for Recognition of Welfare Institution/Organisation

1. Name of the Welfare Institution/Organisation :

2. Full Address :

3. Aims and Objectives :

4. Name and Address of the Head of the Institution/Organisation :

5. Brief Account of its activities :

6. Justification for granting recognition :

7. Has any such application been made previously, if so its results together with its date, month and year :

8. Any other particulars :

Enclosures :(1)(2)(3)Place :Date :Signature of the Head of theWelfare Institution/Organisation.Form V[See rule 10(4)]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 last five years :

4. Name and Address of the Head of the Institution/Organisation :

5. Certificate No., Date from which registration is granted and Date of Expiry of Recognition :

6. Any other particulars :

Place :Date :Signature of the Head of the Welfare Institution/Organisation.Notification[No. Sankirna-1097/CR-64/D-II, dated 13th May, 1998] [Published in M.G.G., Part 4A, dated 28.1.1999, p. 122]. - In exercise of the powers conferred by section 8B of the Dowry Prohibition Act, 1961. the Government of Maharashtra hereby appoints/nominates the following police officer as Dowry Prohibition Officer to exercise the powers conferred on and to perform functions assigned to it under the said Act :-

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| (1) Deputy Inspector General of Police (Attrocities Against Women). | Dowry Prohibition Officer (State Level). |
| (2) District Police Superintendents/ Police Commissioner (Member of District Vigilance Committee). | Dowry Prohibition Officer (District Level). |
| (3) Police Inspector/Police Sub-Inspector (Working on Women's Vigilance Committee). | Dowry Prohibition Officer (Police Station Level). |