

Bihar State Dowry Prohibition Rules, 2003

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Rule BIHAR-STATE-DOWRY-PROHIBITION-RULES-2003 of 2003

- Published on 13 November 2003
- Commenced on 13 November 2003
- [This is the version of this document from 13 November 2003.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar State Dowry Prohibition Rules, 2003Published vide Notification No. 10/S.K.D. 30-01/98-1090, dated 13th November, 2003 in the Bihar Gazette (Extraordinary) dated 18.11.2003No. 10/S.K.D. 30-01/98-1090, the 13th November, 2003. - In exercise of the powers conferred by Section 10 of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961), the State Government of Bihar hereby make the following Rules for carrying out the purpose of the said Act:-

1. Short title and commencement.

(1)These rules may be called the Bihar State Dowry Prohibition Rules, 2003.(2)They shall come into force on the date of their publication in the Official Gazette.

2. Definition.

- 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 constituted in accordance with Sub-Section (4) of Section 8B of the Act to advise and assist Dowry Prohibition Officers;(c)"Chief Dowry Prohibition Officer" means an officer of the State Government entrusted with the duties and responsibilities under these rules;(d)"Dowry Prohibition Officer" means an Officer appointed as such by the State Government under Section 8B of the Act;(e)"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 (Central Act 20 of 1958)(f)"Police officer" means an Officer in the State Police Department;(g)"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;(h)"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);(i)The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. Jurisdiction of Dowry Prohibition Officer.

- The area in respect of which the Dowry Prohibition Officer has to exercise jurisdiction and power under sub-section (1) of Section 8(b) of the Act shall be the areas specified for the purpose by a notification of the State Government in the Official Gazette.

4. Procedure for filling complaints.

- A complaint may be filed by any aggrieved person/or a parent or other relative of or such person or by any Recognised Welfare Institution/Organisation in writing to Dowry Prohibition Officer, either in person or through a messenger or by post.

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

- (i) He shall endeavour to create awareness among the public by organising camps, publicity through Information & 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 discreet enquiries to ascertain whether there has been any violation of the provisions of the Act/Rules; (iii) He shall receive complaints for any offence under the Act, from the party or person aggrieved or any other persons/organisation. (iv) He shall maintain a register for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information collected therewith in the prescribed Form No-I. 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 advice and assistance from them. He shall inform the District Magistrate or any other person authorized by the State Government for the purpose, about all the affairs relating to 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 relationships; (viii) 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 ineffective or parties fail to comply with the orders or directions within the stipulated time. (ix) Every such complaint received by the Dowry Prohibition Officer shall be serially numbered and duly registered in a Register in Form No. II annexed to these rules; (x) The Dowry Prohibition Officer shall scrutinize the complaint and if it is found that the nature and the contents of the complaint is such apparently coming within the purview of Section 3 or 4 or 4A or 5 or 6 of the Act, he will immediately conduct an enquiry to collect such evidence from the parties as to the genuineness of the complaint. (xi) The Dowry Prohibition Officers shall send quarterly report to the Chief Dowry Prohibition Officer as to the number of complaints received under the Act and the action taken or the nature of settlement of the issue in Form No-II annexed to these rules. The Dowry Prohibition Officer shall send such details or reports as may be required by Chief Dowry Prohibition Officer or the Government from time to time. (xii) The Dowry Prohibition Officer shall

conduct an, on the spot investigation and can collect such evidence either oral or in writing from the parties or 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)The Dowry Prohibition Officer shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing of the complaints in Form III annexed to 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 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 its 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.(xvi)The Dowry Prohibition Officer may utilize the services of District Probation Officer or Additional District Probation Officer 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, petition or application under the Dowry Prohibition Act.(xvii)On receipt of requisition from the Dowry Prohibition Officer, the Probation Officers 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 person 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 parties to transfer the same within the stipulated time.(xix)He shall specifically make it clear that marriages performed within his jurisdiction are likely to be visited by him or his staff along with police officers to see that the provisions of the Act are not contravened.(xx)The Dowry Prohibition Officer shall make necessary enquiries regarding non-observance of the provision of the Act in respect of the marriages held or proposed to be held within his jurisdiction.(xxi)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.(xxii)The Dowry Prohibition Officer 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 the Dowry Prohibition Officer.(xxiii)He shall render assistance to the police in investigating the complaint filed under the Act and the Court in the trial of the case.(xxiv)He shall seek the guidance of Advisory Board in matters relating to their functioning under the Act.(xxv)The Dowry Prohibition Officer (Member Secretary/Convenor of the Advisory Board) 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 copy to the State Government for information and necessary action.(xxvi)He shall also perform such other duties as may be assigned in this regard by the State Government.

6. Method of appointment, duties and functions of Chief D.P.O.

(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.(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 Dowry Prohibition Act and related matters and of such statistics as may from time to time to be required by Government.(4)The Chief Dowry Prohibition Officer shall issue instruction to all the Departments of the State Government to the following effects:(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, father and father-in-law.(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.

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

- The parties to any marriage or any of the parents or 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.

8. Procedure for prosecution of officers.

- In all cases of complaints investigated by Dowry Prohibition Officers when 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 (Act 2 of 1974).

9. Recognition of Welfare Institutions.

- 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 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 of the Act.(a)Social Welfare including care, protection and training of women;(b)Organisation of Women of a State wide or All India character, Prominent Mahila Samajs or Women's Organisations;(c)Social Defence including care and protection of destitute, rescue women and children.(d)Any organization of lawyers interested in eradicating social evils.

2. Any welfare institutions or organization eligible under sub-rule (1) and desiring recognition shall make an application to the State Government in Form IV annexed to these rules together with a copy of each of the Rules, Bye Laws, Articles of Association, lists of its members and office bearers and a report regarding its activities and past record of Social or Community Service.

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 service of the organization 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.

4. An application for renewal or recognition shall be submitted in Form V annexed to these Rules in the manner prescribed in sub-rule (2) of Rule 9 which shall be processed as per the procedure laid down in sub-rule (3) and recognition shall be granted/renewed in cases where the working of the institution or organization is reported to be fairly satisfactory.

5. The State Government may withdraw the recognition granted to an institution or organization if the working of the institution/organization is found or reported to be unsatisfactory by the Chief Dowry Prohibition Officer or otherwise.

10. Limitation and conditions subject to which a DPO may exercise Powers of Police Officer.

- 1. Save and except the provisions of Chapter V of the Code of Criminal Procedure, 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 and 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 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).

11. Declaration of D.P.O. 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, 1860.

12. Protection of action taken in good faith.

- No suit or other legal proceeding shall lie against the Government, Chief Dowry Prohibition Officer, Dowry Prohibition Officer and any Police officer or person assisting to him, 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.

13. Interpretation.

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

Sl. 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 5 sub-rule (ix)]Quarterly Progress report Regarding the Implementation of Dowry Prohibition Act, 1961

Sl. No.	Details of petition/ complaints received.	From whom Name and address.	Nature of Complaints/ petition.	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 Officer.

Form-III[See Rule 5 sub-rule (xii)]Notice to appear before Dowry Prohibition Officer

To (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).Dowry Prohibition Officer(Office Seal)Dated the..... day of.....
200.....Form-IV[See Rule 9 sub-rule (2)]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 result together
with its date, month and year.**

8. Any other particulars:

Enclosures:-(1)(2)(3)Place:Date:Signature of the Head of the Welfare
Institution/OrganisationForm-V[See Rule 9 sub-rule (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 Head of the Institution/Organisation.

5. Certificate No., date and date of expiry

6. Any other particulars

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