

The M.P. Dowry Prohibition Rules, 2004

MADHYA PRADESH

India

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Rule THE-M-P-DOWRY-PROHIBITION-RULES-2004 of 2004

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The M.P. Dowry Prohibition Rules, 2004 Published vide Notification No. F-10-9-2003-L-2., in M.P. Rajpatra dated 25-6-2004 at p. 450(6) Notification No. F-10-9-2003-L-2. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 10 read with clause (d) of sub-section (2) of Section 8-B of the Dowry Prohibition Act, 1961 (No. 28 of 1961), and in rescission of the Madhya Pradesh Dowry Prohibition Rules, 1999, published in the "Madhya Pradesh Gazette" (Extraordinary), dated 16th March, 1999, the State Government hereby make the following Rules for carrying out the purposes of the said Act, namely:-

1. Short title and commencement.

- (i) These rules may be called The Madhya Pradesh Dowry Prohibition Rules, 2004. (ii) They shall come into force on 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 (No. 28 of 1961);(b)"Advisory board" means an advisory board constituted in accordance with sub-section (4) of Section 8-B 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 8-B of the Act;(e)"Probation Officer" means a Probation Officer appointed under the Probation of Offenders Act, 1958 (No. 20 of 1958);(f)"Police Officer" means an officer in the State Police Department;(g)"Recognised Welfare Institution or Organization" means an institution or organization recognised as such under explanation to subsection (1) of Section 7 of the Act;(h)"District Magistrate" and "complaint" 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 same meanings as 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 area specified for the purpose by a notification of the State Government in the Official Gazette.

4. Procedure for filing complaints.

- A complaint may be filed by any aggrieved person or parents or other relative of such person or by any recognised welfare institution or organization 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.

- The Dowry Prohibition Officer shall perform the following additional functions, namely:-(i)He shall endeavor to create awareness among the public by organizing camps, publicity through Public Relation 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 or the rules made thereunder;(iii)He shall receive complaints for any offence under the Act from any of the parties to a marriage or person aggrieved or any other person or organization;(iv)He shall maintain a register for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information connected therewith in the prescribed Form-1. He shall also maintain separate files with relevant records for each individual case;(v)He shall act as the Member Secretary/Convenor of the 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 any of the parties to a 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)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 time;(ix)Every such complaint received by him shall be serially numbered and duly registered in a register if Form No. 2 annexed to these rules;(x)He 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 complaint;(xi)He 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. 2 annexed to these rules. He shall send such details or reports, as may be required by Chief Dowry Prohibition Officer or the State Government from time to time;(xii)He 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)He shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing of the complaints in Form 3 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 descretion, 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)He may utilize the services of Probation Officer 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 Act;(xvii)On receipt of requisition from the Dowry Prohibition Officer, the Probation Officer shall conduct necessary enquiries, collect information and furnish such details, and report promptly as requested by him;(xviii)Where any dowry is received by any person other than the woman and 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, he 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 alongwith police officers to see that the provisions of the Act are not contravened;(xx)He shall make necessary enquiries regarding non-observance of the provisions of the Act in respect of the marriage 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)While making enquiries under the Act or attending any marriage for the purposes of making enquiries he may 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;(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 his functioning under the Act;(xxv)He 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; and(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 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.(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 related matters and of such statistics, as may, from time to time, be required by State Government.(4)The Chief

Dowry Prohibition Officer shall issue instructions to all the Departments of the State Government of the following effect-(i)Every Government Servant shall after his marriage furnish a declaration stating that he has not taken any dowry to Head of the 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; and(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 any of the parties to a marriage.

- Any of the parties to a 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 Lists of Presents to the Bride and Bridegroom) Rules, 1985.

8. Procedure for prosecution of offenders.

- 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 Code of Criminal Procedure, 1973 (No. 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 shall be eligible for seeking recognition under explanation to sub-section (1) of Section 7 of the Act, namely-(i)Social Welfare including care, protection and training of Women;(ii)Society or Organisation of Women at State level or all India level;(iii)Social Defence including care and protection oi destitutes, rescue women and children; and(iv)Any Organisation of Lawyers interested in eradicating social evils.(2)Any Welfare Institution or Organization eligible under sub-rule (1) and desiring recognition shall make an application to the State Government in Form 4 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 report regarding its activities and past record of social or community service.(3)The State Government may, after making enquiry by a senior officer of the concerned department and after considering the report as to the nature and past record of service of such 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.(4)An application for renewal of certificate of recognition shall be submitted in Form 5 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 or organization is found or reported to be unsatisfactory by the Chief Dowry Prohibition Officer or otherwise.

10. Limitation and Conditions subject to which a Dowry Prohibition Officer may exercise powers of Police Officer.

(1) Save and except the provisions of Chapter-V of the Code of Criminal Procedure, 1973 (2 of 1974), 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) Wherever the Dowry Prohibition Officer has reasonable ground to believe that an offence punishable under the 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 locality where 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 sub-rule (3) 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 (No. 45 of 1860).

11. Dowry Prohibition Officer to be a 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 (No. 45 of 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 him and Probation Officer in respect of anything which is done in good faith or intended to be done in pursuance of the Act or the rules made thereunder.

13. Interpretation.

- In any question arising relating to the interpretation of these rules, it shall be referred to the State Government for decision.

14. Repeal and Savings.

(1) The Madhya Pradesh Dowry Prohibition Rules, 1999 are hereby repealed. (2) Notwithstanding the repeal of the said rules, anything done or any action taken under the said rules, shall be deemed to have been done or taken under the corresponding provisions of these rules. Form 1 [See Rule 5 (iv)] Register of Complaints/petitions

Remarks

S. No.	List of Complaints	Name and address of petitioner/ complainant	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	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Form 2[See Rule 5 (ix) and (xi)]Quarterly Progress Report Regarding the Implementation of Dowry Prohibition Act, 1961

S. 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 OfficerForm 3[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)Date the..... day of 200.....Dowry Prohibition Officer(Office Seal)Form 4[See Rule 9(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/Organization
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 the Welfare Institution/Organisation

Form 5[See Rule 9(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/Organization
5. Certificate No., date and date of expiry
6. Any other particular

Place:Date: Signature of the Head of the Welfare Institution/Organisation