

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

GOVERNMENT OF GOA

Department of Social Welfare

Directorate of Women & Child Development

Notification

4/2/97-W&CD

The Goa Dowry Prohibition Rules-1998

In exercise of the powers conferred by section 10 read with clause (d) of sub-section (2) of section 8-B of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement.*— These rules may be called the Goa Dowry Prohibition Rules, 1998.

(2) They shall come into force from 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) "Dowry Prohibition Officer" means an Officer appointed by the Government under sub-section (1) of section 8-B of the Act to exercise the powers of the Dowry Prohibition Officer under the provisions of the Act;

(c) "Director" means the Director of Women and Child Development Department of the Government;

(d) "Dowry" shall carry the same meaning as assigned in the Act;

(e) "Government" means the Government of Goa;

(f) "Police Station" and "Complaint" shall have the same meaning respectively, assigned to them under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

(g) "Panchayat" means a village panchayat established under Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(h) "Section" means a section of the Act.

3. *Jurisdiction of the Dowry Prohibition Officer.*— There shall be one Dowry Prohibition Officer in each District of the State of Goa who shall exercise powers under the Act within the jurisdiction of the respective district.

4. *Additional functions to be performed by the Dowry Prohibition Officer.*— The Dowry Prohibition Officer shall in addition to the power and functions specified in sub-section (2) of section 8-B shall perform the following additional functions, namely:—

(i) make endeavour to create an awareness among the Public through the Department of Information and Publicity of the Government, Panchayats and other media against dowry and involve local people in creating awareness for prevention of dowry;

(ii) receive complaint for any offence committed under the Act from any party or person aggrieved or any other persons and make enquiry into such complaint in such manner as provided in rule 6;

(iii) maintain a diary for the purpose of the Act to record all complaints, enquiries and results thereof and other relevant information connected therewith in Form I appended to these rules. He shall also maintain separate files with relevant records for each individual case of complaints;

(iv) act as the convenor of the advisory board appointed under sub-section (4) of section 8-B of the Act. He shall maintain regular contact with the members of the advisory board constituted for the purpose of the Act for necessary advice and assistance from them. He shall inform the District Magistrate or the Sub-Divisional Officer or the Director as the case may be, or any other person authorised by the

Government for the purpose about all the affairs relating to operation of the Act, as and when necessary;

(v) submit to the Director quarterly report or any other report in relation to the Act, as may be required by an order of the Government in this behalf;

(vi) keep in his custody all the lists of presents submitted by the parties to any marriage and make entries relating thereto into a register to be maintained for the purpose. He shall also examine these lists and ensure that observance of the provisions of the Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985, framed under the Act has been followed in making the lists;

(vii) perform such other duties as may be required in this regard by a notification of the Government.

5. Procedure for filing complaints before Dowry Prohibition Officer.— (1) A complaint 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 before a Dowry Prohibition Officer, either in person or through messenger or by post.

(2) Every such complaint received by the Dowry Prohibition Officer shall be serially numbered and duly registered in a Register in Form II appended to these rules.

(3) The Dowry Prohibition Officer shall scrutinise the complaint and if it is found that the nature and the contents of the complaint is such that it apparently falls within the purview of section 3 or 4 or 4A or 5 or 6 of the Act, he shall immediately conduct an enquiry to collect such evidence from the parties as to the genuineness of the complaint.

(4) The Dowry Prohibition Officer shall conduct an on the spot investigation and collect such evidence either oral or 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 parties.

(5) The Dowry Prohibition Officer shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing of the complaint in Form III appended to these Rules.

(6) The Dowry Prohibition Officer shall fix different dates for hearing of the parties or witnesses if he thinks that the proceedings cannot be concluded in a day or for any other grounds appear to be valid or reasonable to him.

(7) The Dowry Prohibition Officer shall draw up a calendar for the hearing of complaints and as far as possible hear and record his finding as to the commission of the offence as soon as the hearing is concluded.

(8) Every complaint shall be enquired into and heard and a finding shall be arrived at within a month from the date of its receipt.

(9) The Dowry Prohibition Officer shall have the power to decline an adjournment request or petition and limit the time for oral evidence or proceedings.

(10) 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 the petitioner does not appear the Dowry Prohibition Officer may in his 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.

(11) The Dowry Prohibition Officer may if sufficient cause is shown during any stage of the investigation or hearing or proceedings, grant time to the parties witnesses or any of them and adjourn the hearing of the complaint.

(12) The Dowry Prohibition Officer may utilise the services of the Chief Probation Officer or the District 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.

(13) On receipt of requisition from the Dowry Prohibition Officer, the Probation Officers shall conduct necessary enquiries, collect information and furnish such details or report on due date as specified by the Dowry Prohibition Officer.

(14) The Dowry Prohibition Officer shall be competent to issue any direction to the parties to every commission of any offence under the Act if he thinks such preventive measures would be effective and useful to maintain harmonious relationship with the spouses and their families.

(15) In all cases investigated under the Act, the proceedings shall be conducted in a home-like atmosphere ensuring the dignity of the parties and without causing much disturbance to the sanctity of family life.

(16) Where any dowry is received by any person other than the woman in connection with whose marriage it is given 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, the Dowry Prohibition Officer shall issue directions to parties to transfer the same to the said woman within the stipulated time.

(17) The Dowry Prohibition Officer, while conducting enquiries on complaints received, shall be guided by the principles of natural justice and to other provisions of the Act and the rules.

6. Procedure for prosecution of offences.— (1) In all cases of petitions or complaints investigated by the Dowry Prohibition Officers when there is a prima facie finding as to the commission of an offence, the matter shall be transferred to the Deputy Superintendent of Police of that area for prosecuting the offenders.

(2) The Dowry Prohibition Officers shall transfer the complaint or petition, statements recorded, enquiry reports and such other connected documents of the proceedings with a brief account or summary as to his findings to the Deputy Superintendent of Police of that jurisdiction for prosecuting the persons committing the offence. The advisory board shall also render assistance to the Dowry Prohibition Officers and the Deputy Superintendents of Police in respect of cases registered under the Act.

(3) Cases coming under the Act transferred by the Dowry Prohibition Officers for prosecuting the offenders shall be investigated by a police officer not below the rank of a Deputy Superintendent of Police.

(4) The Deputy Superintendent of Police, while investigating case, shall provide a dignified and respectable treatment to the parties.

(5) The Deputy Superintendent of Police shall initiate prosecution of persons committing offences under the Act duly investigated by the Dowry Prohibition Officers and the proceedings transferred under sub-rule (2). He shall also collect such information or evidence as may be necessary for the prosecution.

(6) A Deputy Superintendent of Police or any Police Officer dealing with matters under sub-rule (2) or any provision under the Act shall adhere to the principles and procedure contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

7. *Powers and duties of the advisory board.*— (1) The Government may appoint one of the members of the advisory board constituted under sub-section (4) of section 8-B of the Act to be its Chairman and the Dowry Prohibition Officer having jurisdiction over the respective District, as its convenor.

(2) The term of office of the Chairman and the members of the advisory board shall be 5 years, unless, otherwise decided by the Government.

(3) The advisory board shall meet at least once in two months. However, meeting may be held earlier if occasion demands.

(4) Three members present shall form a quorum for the meetings of the advisory board.

(5) The Chairman shall preside over the meeting of the advisory board and in the absence of the Chairman, one of the members as may be decided by them, shall preside over the meeting.

(6) The Chairman or any member may resign from his chairmanship or membership, as the case may be, but, shall continue in office until his resignation is accepted by the Government.

(7) The membership of any member shall cease in case such member remains absent for 3 consecutive meetings of the advisory board without sufficient reasons or for any other reasons to be assigned by the Government.

(8) The Government may appoint a new member for the remaining period of the term, to fill up the casual vacancy, if any, arising.

(9) The convenor shall send a copy of the proceedings of each meeting of the advisory board, within a fortnight from the date of the meeting, to the Director with a copy to the Secretary (Women and Child Development) for information and necessary action.

8. *Declaration of the Dowry Prohibition Officers 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 (Central Act 45 of 1860).

9. *Complaint by recognised Welfare Institution or Organisation.*— (1) A Welfare Institution or Organisation primarily devoted to any of the following kinds of work and which has rendered remarkable service in the field for a period of not less than three years shall be eligible for making complaint under sub-clause (ii) of clause (b) of sub-section (1) of section 7 of the Act:-

(i) Social Welfare including care, protection and training of women;

(ii) Organisation of Women of a State or of all India level or prominent Mahila Mandals or Women's Organisation;

(iii) Social Defence including care and protection of Destitute, rescue women and children;

(iv) Any Organisation of lawyers interested in eradicating social evils.

(2) Any welfare institution or organisation eligible under sub-rule (1) and desiring recognition shall make an application to the Government in Form IV appended 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 records of Social or community service.

(3) The Government, may after making such enquiry through the Director and or by a senior officer of the Women and Child Development Department and after considering the report as to the nature and past record of service of the 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 recognition shall be submitted in Form V appended to these Rules in the manner specified in sub-rule (2) 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 organisation is reported to be fairly satisfactory.

(5) The Government may withdraw the recognition granted to an Institution or organisation if the working of the institution/organisation is found or reported to be unsatisfactory by the Director or otherwise.

By order and in the name of the Governor of Goa.

Philomena Fernandes, Ex-Officio Jt. Secretary (W&CD).

Panaji, 8th February, 1999.

FORM III

[See rule 5 (5)]

Notice to appear before Dowry Prohibition Officer

To,

(Name of person against whom complaint has been received or of witness)

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 Sub-Divisional Officer/Additional Collector/Collector at (Place).

Signature

Dated this Sub-Divisional Officer/Additional
Day of 19 Collector/Dowry Prohibition
Officer/Collector.

(Office Seal)

FORM IV

[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/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 the Welfare Institution/Organisation.

FORM V

[See rule 9 (4)]

Form of Application for renewal 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 number, date and date of expiry:
- (6) Any other particulars:

Place:—

Date:—

Signature of the Head of the the Institution or Organisation.