

The Dowry Prohibition Act, 1961

(Central Act 28 of 1961)

Framing of Rules 1998 on Dowry Prohibition Act

THE ANDHRA PRADESH DOWRY

PROHIBITION RULES, 1998

(G.O. Ms. No. 72, Women's Development Child Welfare and Disabled Welfare (PROG), 17th November, 1998).

In Exercise of the powers conferred by sub-section (1) of Section 10 of the Dowry Prohibition Act 1961 (Central Act 28 of 1961) the Government of Andhra Pradesh, Hyderabad makes the following rules namely:

1. Short Title Extent: (1). These rules may be called the Dowry Prohibition Rules, 1998.

2. Definition:

(1) In these rules unless the context otherwise requires:-

(a). "Act" means the Dowry Prohibition Act, 1961.

(b). "Stridhan" means the presents made or given to the newly wedded bride which are part of Stridhan, and this stridhan does not come under the Purview of the Dowry Prohibition Act, 1961.

(2). The words and expressions used in those rules but not defined, shall have the same meaning assigned to them in the Dowry Prohibition Act, 1961.

3. List of presents to be maintained:- A list of presents given to the bride shall be maintained by the bride and a list of presents given to the bridegroom shall be maintained by the Bride Groom.

(1). The list shall be prepared within six months after the marriage.

(2). (a) Each item or present shall possess description approximate value and name of the person from whom the present is received and his relation to Bride or Bridegroom and with signs or thumb impressions of the Bride or Bridegroom.

(b) The price of each present shall not exceed Rs. 200/- and the presents of both the Bride and Bridegroom shall not exceed 150 (75 each). Over and above the said number of gifts received shall be handed over to a charitable home or a home run by government.

(3). Whenever a marriage is registered a column may be provided in the Register to confirm whether they have taken any dowry or not.

(4). Every Government servant shall after his marriage furnish a declaration stating that he had not taken any dowry, to the Dowry Prohibition Officer/Dowry Prohibition Committee through his controlling Officer. The said declaration shall be signed by witness also like father-in-law father, bride and Dowry Prohibition Officer.

(5). If any case is referred to the Dowry Prohibition Officer or Dowry Prohibition Committee, they are empowered to file the issue before the court on behalf of aggrieved person and some the person on his or her behalf.

4. Bar of Certain acts:

(1). No person shall;

- (a) give or abet the giving or taking dowry;
- (b) demand any dowry directly or indirectly from the parents or guardians of a bridegroom;
- (c) incur marriage expenditure, the aggregate value thereof exceeds Rs. 15,000/-
- (d) display the gifts given to bride or bridegroom in the form of each, ornaments, clothes or articles.
- (e) Take or carry in excess of 25 members of the marriage party exclusive of minors and 11 members of the Band;
- (f) Serve more than 2 principals meals;
- (g) Deny conjugal rights on the ground that dowry has not been given or the dowry given in insufficient.

(2). Any person who violates the items (a) to (f) shall be punishable with imprisonment for a term which may extend to six months or with fine of Rs. 5,000/- or with both.

(3). If any person attempts to violate item (g) he shall be punishable with imprisonment not exceeding one year or with fine of Rs. 10,000/- or with both.

5. Complaint:-

- (a). Every complaint under these rules, shall be made by the aggrieved party itself or any other persons on behalf of aggrieved party.
- (b). The place of trial or enquiry shall be from the place where the complainant is residing.
- (c). Any complaint shall be made either on the demand of dowry or accepting dowry within a period of one year.

6. Any agreement of transaction before or after marriage is treated as un-law-full and who violates the same are punishable with imprisonment not exceeding six months or with fine of Rs. 5,000/- or with both.

7. Transfers and filling of Stridhans: Where a complaint is filed by the wife for an offence under section 6 of the Act, the husband shall not transfer any of his assets till the issue is finalized.

(a). The property given to the women as Stridhan as transferable to all girl children equally after the death of the women.

(b). No stridhan property shall be sold without the consent of the wife (the owner) and also the counter signature of her father (if living) or eldest child from her father's side.

(c). The income earned by Stridhan shall be the income of women.

8. Maintenance Allowance:

(1). Upon conviction of a person for an offence under section 3 or section 4 of the Act, the court trying the offence shall on a claim made by his wife in that behalf, within two months from the date of the order of conviction, and after giving reasonable, opportunity to the party who is being heard, order for monthly allowance for the maintenance of his wife at such rate as the court deem fit.

(2). The monthly allowance shall be fixed basing on the position or status of the parties and same shall fulfill the reasonable wants of the wife. While filing, the entire property of the wife as on the date of finalization of the case and the income derived from it shall also be taken into consideration.

9. (a). Settlement of Dowry Taken:-

In the event of death of the client before or during rail, the claim shall automatically transferred equally to all the living children of the client. In case of there are no children to the client, the claim shall be transferred to her living father and mother or to any other individuals as nominated by them.

(b). As a result of divorce between husband wife, the dowry paid prior to the implementation of the Act can be recovered.

(c). During trial of the case if any damage is caused or sale of wife's property is made they shall be payable by the husband whenever proved by the wife within the specified time by the Court. If the fails to do so an amount equivalent to the property may be recovered from him as if it were a fine imposed by Court.

10. Time for settlement of disputes: - Any offence under section 3 and section 4 or any dispute under section 6 of the Act shall be filed before expiry of one year and the same shall be finalized within two years from the date of filing.

11. Powers and functions of Dowry Prohibition Officers:

(1). The Government shall have power to appoint either Revenue Divisional Officer or Sub-Collector as Dowry Prohibition Officers and confer the following powers namely;

- (a). Power to Register cases.
- (b). Power to examine the witnesses.
- (c). Power to investigate cognisable officers.
- (d). Power to arrest if prima-facie case is made out.
- (e). Power to send the accused to remand within 24 hours.
- (f). Power to search and seize, if any incriminating material concerning the offence is forthcoming.

12. Appointment of Advisory Board:-

- (1) The Government shall appoint an advisory board under chairmanship of collector to assist the Dowry Prohibition Officers and to monitor the cases at district level with specified guidelines for the functioning of the District Level Committee or Advisory Committee. The Government convene a State Level Committee for effective functioning of the District Level Committee and for obtaining effective results.
- (2). While dealing with the case the Advisory Committee shall take the assistance of Family Counselling Centre which is under the control of Women Development and Child Welfare Department. The Officers of the Family Counselling Centers shall file a case with due consent of the Dowry Prohibition Officer or with due consent of Advisory Committee. The case referred by the Family Counselling Centre shall be disposed off within 3 sitting treating it as a preliminary court.

13. Formation of Village Team and its Functions: Whenever a marriage is celebrated in the local village the village Sarpanch, Village Assistant Officer (VAO) and the women members after forming into a group shall attend marriage and after due enquiry inform to the Mandal Revenue Officer whether the marriage is in violation of the provisions of the or not. Even any dowry harassment, dowry death is noticed by the village team, they shall refer the same in writing to Mandal Revenue Officer and see that suitable action is taken on the guilty. The Mandal Revenue Officer shall register the case in a separate number register and take suitable action for redressal of the case. The entire process shall take place within three days of such reports. He shall furnish monthly report to Joint Collector or Revenue Divisional Officer concerned so as to enable them to review the same at District Level Advisory Boards once in every quarter. In case of metropolitan cities like Hyderabad, Vijayawada, Visakhapatnam, a hotline telephone services shall be provided to receive such complaints without any delay and for taking immediate action. Any case on dowry harassment shall be taken up within on month's time and disposed off within three months.

14. Settlement of case

- (1). All civil cases under the Act shall be dealt with by the Dowry Prohibition Officers and the criminal cases shall be dealt with by police department. The Advisory Committee shall provide clear instructions in this regard and total civil and criminal cases

recorded month wise/case wise shall be reviewed and disposed off if it can be cleared in initial stages by Family Counselling Center

- (2). Whenever a case his involvement of other State persons or other countrymen then the Advisory Committee shall pass a resolution to handover such civil cases also to police personal and they shall act as per rules in force.