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LA GAZETTE DE L'ETAT DE PONDICHERRY
THE GAZETTE OF PONDICHERRY
PART-II

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GOVERNMENT OF PONDICHERRY
WELFARE SECRETARIAT

(G. O. Ms. No. 29/98-Wel. (SW-IV), dated 27th October 1998)

NOTIFICATION

The Lieutenant-Governor of Pondicherry is pleased to notify the Pondicherry Dowry Prohibition Rules, 1998 as appended to this order.

N. SUMATHI,
Under Secretary to Government.

NOTIFICATION

In exercise of the powers conferred by section 10 of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961), the Lieutenant-Governor of Pondicherry hereby makes the following Rules for carrying out the purposes of the said Act, namely:—

1. Short title and commencement.—(1) These rules may be called the Pondicherry Dowry Prohibition Rules, 1998.

(2) They shall come into force at once.

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 8-B of the Act to advise and assist the Dowry Prohibition Officers;

(c) "Chief Dowry Prohibition Officer" means an Officer of the Department of Women and Child Development, Government of Pondicherry who is entrusted with the duties and responsibilities under these rules;

(d) "Criminal Procedure Code" means the Code of Criminal Procedure, 1973 (Act 2 of 1974);

(e) "Department" means, the Department of Women and Child Development, Pondicherry;

(f) "Dowry Prohibition Officer" means the Officers appointed as such by the Union Territory Government under section 8-B of the Act;

(g) "Form" means a form appended to these rules;

(h) "Police Officer" means an Officer in the Union territory Police Department;

(i) "Probation Officer" means a District Probation Officer or Additional District Probation Officer or City Prohibition Officer appointed as such under the Probation of Offenders Act, 1958 (Central Act 20 of 1958);

(j) "Recognised Welfare Institution or Organisation" means the Institution or Organisation recognised as such under sub-clause (ii) of clause (b) of sub-section (1) of section 7 of the Act;

(k) "Section" means a section of the Act;

(l) "Union territory Government" means the Government of Pondicherry;

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(m) The words and expressions used in these rules but not defined shall have the meanings respectively assigned to them in the Act.

3. *The duties and functions of Dowry Prohibition Officer.—*

2-B
2-C
(1) All Dowry Prohibition Officer shall discharge their duties with due care, decorum, privacy and in a manner to uphold the maritalties and family relationships.

(2) The Dowry Prohibition Officers approach shall be primarily preventive and remedial and prosecution shall be recommended or resorted to only if all other measures and directions are found not effective or parties wilfully failing or non-complying with the orders or directions within the stipulated time.

(3) The Dowry Prohibition Officers shall seek the guidance of Advisory Board in matters relating to their functioning under the Act.

(4) 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. 1 appended to these rules. The Dowry Prohibition Officers shall send such details or reports as may be required by Chief Dowry Prohibition Officer or the Government from time to time.

4. *Method of Appointment, duties and functions of Chief Dowry Prohibition Officer.—*(1) The Union Territory Government, shall designate the Senior Officer of the Department of Women and Child Development as the Chief Dowry Prohibition Officer to administer and co-ordinate the work relating to dowry prohibition throughout the Union territory of Pondicherry.

(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 be required by the Government.

- Complaints Registered*
2. **Procedure for filing complaints.** — (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 to Dowry Prohibition Officer either in person or through a 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 No. 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 is apparently coming within the purview of section 3 or 4 or 4A or 5 or 6 of the Act, he shall be 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 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.
- Notice*
- (5) The Dowry Prohibition Officer shall intimate or serve notices to the parties and witnesses of the date, time and place of hearing on the complaints in Form III appended to these rules.
- (6) The Dowry Prohibition Officer shall fix different dates from 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 petitions 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 petition shall be enquired into and hear and come to a finding within a month from the date of its receipt:
- Provided that the Dowry Prohibition Officer may, in his discretion take a further time of one month to come to a finding where he is satisfied that there exists sufficient cause for such extension of time to come to a finding.

(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 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.

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

(12) The Dowry Prohibition Officers may utilise the services of District Probation Officers or Family Counsellors under the Voluntary Action Bureau of State Social Welfare Advisory Board 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.

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

(14) The Dowry Prohibition Officer is 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 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.

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

(2) The Dowry Prohibition Officers shall transfer the 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 Superintendent of Police of that jurisdiction for prosecuting the persons committing the offence. The Advisory Board shall also render assistance to Dowry Prohibition Officers and Superintendent of Police in respect of cases registered under the Act.

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

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

(5) The Superintendent of Police shall initiate prosecution of persons committing the offences under the Act duly investigated by Dowry Prohibition Officer and the proceedings transferred under sub-rule (2) of rule 6. He shall also collect such information or evidence as may be necessary for the prosecution.

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

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

7. *Recognition of Welfare Institution or Organisation.*—

(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:—

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

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

(3) The Union Territory Government may after making such enquiry by the Director, Department of Women and Child Development or by a Senior Officer of the Department of Women and Child Development 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 or refuse recognition. ✓

Provided that before refusing the recognition, the Government shall give the Organisation or Institution an opportunity of making its representation.

(4) An application for renewal or recognition shall be submitted in Form-V appended to these rules in the manner prescribed in sub rule (2) of Rule 7 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 Union Territory 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 Chief Dowry Prohibition Officer of the Department of Women and Child Development or otherwise. ✓

8. *The Constitution, powers and duties of the Advisory Board—*

- (1) A person to be appointed or nominated to the Board shall be a respectable and educated citizen of India engaged in public activity or social work ordinarily residing within the jurisdiction of the Dowry Prohibition Officer, concerned. The Government may appoint one of the members to be the Chairman of the Advisory Board.
- (2) A person shall be disqualified for being appointed as a member if he,—
 - (a) has been convicted by a criminal court for any offence involving moral turpitude.
 - (b) is an undischarged insolvent.
 - (c) is of un-sound mind.
- (3) The terms of office of the Chairman and Members of the Board shall be five years unless otherwise decided by the Government of Pondicherry.
- (4) The Advisory Board shall meet at least once in three months. However meetings may be held earlier if occasion demands.
- (5) The quorum for the meeting shall be three.
- (6) The Chairman shall preside over the meetings of the Advisory Board, in the absence of the Chairman, one of the Members as may be decided by them shall preside over the meeting.
- (7) The Chairman or any Member may resign his Chairmanship or Membership as the case may be, but shall continue in office until his/her resignation is accepted by the Government of Pondicherry.
- (8) The Government may remove the Chairman or any of the Members of the Advisory Board if it is satisfied that she has acted in contravention of the purposes of the Dowry Prohibition Act, 1961 or the Rules made thereunder.
- (9) Any casual vacancy in the Advisory Board arising out of the death or resignation or removal of the Chairman or any Member shall be filled by the Government in accordance with sub-rule (2) of rule 8.

(10) The Advisory Board shall advise the Dowry Prohibition Officer and the Superintendent of Police in respect of matters relating to the Act on the effective implementation thereof with constructive suggestions and active assistance.

FORM—I

[See rule 3, sub-rule (4)]

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
(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-II

[See rule 5, sub-rule (2)]

✓ REGISTER OF COMPLAINTS/PETITIONS

Sl. 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-III

[See rule 5, sub-rule (5)]

✓ NOTICE TO APPEAR BEFORE DOWRY PROHIBITION OFFICER

(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

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appear in person before the Dowry Prohibition Officer on the ... day of ... at ... (time) in the Office of the Dowry Prohibition Officer at ... (place).

Date this ... day of ... 19 ... Signature: Dowry Prohibition Officer (Office seal)

FORM-IV

[See rule 7, 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
5. Brief account of its activities
6. Justification for granting recognition
7. Has any such application has been made previously, if so its results together with its date, month and year
8. Any other particulars

Enclosures:

- 1.
2.
3.

Signature of the Head of the Welfare Institution/Organisation.

Place:
Date:

FORM-V

(See rule 7, 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
the last five years
4. Name and address of Head of Institution/
Organisation
5. Certificate No. date and date of expiry
6. Any other particulars

Signature of the Head of Welfare
Institution or Organisation.

Place :

Date :

(By order of the Lieutenant-Governor)

N. SUMATHI
Under Secretary to Government.

Department of Women and Child Development (The Dowry Prohibition Act, 1961
Central Act 28 of 1961) - Appointment of Dowry Prohibition Officers
Notification - Issued.

WELFARE SECRETARIAT

G.O.No. 50/98-Wel(SW-IV)

Pondicherry, dt. the 27/10/98

Read: (1) G.O.No. 45/95-Wel(SW-II) dated 15.11.95 of Welfare
Secretariat, Pondicherry.

(2) I.D.No. 4452/DWCD/OD(WD)/A10/98/1442 dated 9.9.98 of
Programme Officer, Department of Women and Child
Development, Pondicherry.

ORDER:

The following notification shall be published in an extra-ordinary
Issue of the Official Gazette.

NOTIFICATION

In exercise of the Powers conferred by sub-section (1) of Section 3-B
of the Dowry Prohibition Act, 1961 (Central Act 28 of 1961) and in
supersession of the order (1) read above save as respects things done or
omitted to be done before such supersession, the Lieutenant Governor,
Pondicherry is pleased to appoint the Officers mentioned under column (1) of
the Table below as Dowry Prohibition Officers for the areas mentioned under
column (3) of the said Table, in respect of which they shall exercise their
jurisdiction and Powers under the said Act, namely:-

TABLE

Sl. No. (1)	Designation of Officer (2)	Area (3)
1.	Director, Department of Women & Child Development, Pondicherry	Whole of the Union Territory of Pondicherry
2.	Deputy Director (Women's Development), Department of Women & Child Development, Pondicherry.	Pondicherry Region.
3.	Child Development Project Officer, Department of Women & Child Development, Karaikal.	Karaikal Region.

(2)

(3)

- 4. Regional Executive Officer, Mahe. Mahe region.
- 5. Regional Executive Officer, Yanam. Yanam region.

/BY ORDER OF THE LIEUTENANT-GOVERNOR /

N. Sumathi

(N.SUMATHI)
UNDER SECRETARY TO GOVERNMENT

To

The Director of Stationery and Printing, Pondicherry.
- with a request to kindly arrange for the Publication of the above notification in an extraordinary issue of the Official Gazette. 100 copies of the notification as Published may kindly be sent to this Department for reference and record.

Copy to:

- 1. The Director, Department of Women & Child Development, Pondicherry.
- 2. All Dowry Prohibition Officers through the Director, Department of Women & Child Development, Pondicherry.
- 3. All members of the Advisory Boards of the four regions of the Union Territory of Pondicherry through the Director, Department of Women & Child Development, Pondicherry.
- 4. Central Record Branch, Pondicherry.

N. Sumathi
27/10/80

(N.SUMATHI)
UNDER SECRETARY TO GOVERNMENT